JAMAICA HANSARD

Parliamentary Proceedings

of the

HONOURABLE HOUSE OF REPRESENTATIVES

Session 2014 – 2015 VOL. 40 #2

SEPTEMBER 9, 2014 – DECEMBER 9, 2014

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JAMAICA HANSARD

PROCEEDINGS
of the
HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2014 – 2015 VOL. 40 No. 2

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THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2014 – 2015

TUESDAY, September 9, 2014

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.10 p.m.

PRESENT

THE SPEAKER

HON. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern, Speaker of the House.

MEMBERS OF THE CABINET

THE HONOURABLES:

HON. PHILLIP FEANNY PAULWELL, (PNP), Eastern Kingston & Port Royal, Minister of Science, Technology, Energy and Mining and Leader of the House

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, ON, (PNP), St. Andrew, South Western, Prime Minister and Minister of Defence

HON. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western, Minister of Water, Land, Environment and Climate Change

HON. PETER MURCOTT BUNTING, (PNP), Manchester, Central, Minister of National Security

HON. LISA RENÉ SHANTI HANNA, (PNP), St. Ann, South Eastern, Minister of Youth and Culture

HON. HORACE WASHINGTON DALLEY, (PNP), Clarendon, Northern, Minister without Portfolio in the Ministry of Finance and Planning with responsibility for the Public Service

HON. NATALIE GAYE NEITA-HEADLEY, (PNP), St. Catherine, East Central, Minister without Portfolio in the Office of the Prime Minister with responsibility for Sports and Deputy Leader of the House

HON. EVON PATRICK CULLITON ATKINSON, QC, (PNP), Trelawny Northern, Attorney General

MINISTERS OF STATE

HON. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern, Minister of State in the Office of the Prime Minister

HON. JULIAN JAY ROBINSON, (PNP), St. Andrew, South Eastern, Minister of State in the Ministry of Science, Technology, Energy and Mining

HON. IAN DAVE HAYLES, (PNP), Hanover, Western, Minister of State in the Ministry of Agriculture and Fisheries

HON. ARNALDO ALPHONSO BROWN, (PNP), St. Catherine, East Central, Minister of State in the Ministry of Foreign Affairs and Foreign Trade

OTHER MEMBERS

DR. LYNVALE GEORGE BLOOMFIELD, (PNP), Portland, Eastern

MR. HUGH CARL BUCHANAN, (PNP), St. Elizabeth, South Western

MR. PAUL LENNOX BUCHANAN, (PNP), St. Andrew, West Rural

DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western

MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central

MRS. MARISA COLLEEN DALRYMPLE-PHILIBERT, (JLP), Trelawny, Southern

DR. WINSTON LLOYD GREEN, (PNP), St. Mary, South Eastern

MR. WILLIAM JAMES CHARLES HUTCHINSON, CD, (JLP), St. Elizabeth, North Western

MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern

MR. FITZ ARTHUR JACKSON, (PNP), St. Catherine, Southern

MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern

MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern

MR. MIKAEL ASHER PHILLIPS, (PNP), Manchester, North Western

MR. RAYMOND FRANKLYN PRYCE, (PNP), St. Elizabeth, North Eastern

MR. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western

MR. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central

MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western

MR. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western

MR. CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western

DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central

PRAYERS

Prayers were offered by Dr. Lynvale George Bloomfield.

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

Before we get down to today's business, let us welcome the former Member and Speaker of this House, Honourable Carl Marshall. (Applause)

House Leader.

Mr. PAULWELL: Mr. Speaker, I would normally be rising to welcome back Members after the summer recess. As you know, when we broke for the summer recess, we had sixty three Members, and it is unprecedented in our Parliament certainly, for those of us who are around now, for a Member to pass on in this way. And today, we want to formally bring to the House attention the sad passing of our former Minister, but more importantly, colleague Member of Parliament for Central

Westmoreland, Roger Clarke. Mr. Speaker, it is indeed appropriate that as we meet for the first time since his passing, that the Parliament and its Members do pay tribute to a tremendous Member.

(HON ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western, Minister of Industry, Investment and Commerce, arrived and took his seat.)

I should alert the Parliament to the fact that his wife, who unfortunately couldn't be with us today, and other Members of the family, will be watching us from their homes and at this time, Mr. Speaker, we will proceed into receiving tributes. We, of course, will ask Members to be as brief as possible and I will certainly lead by example by being the last one to speak before we hand over to the Speaker at the end of the tributes.

(HON. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern, Minister of State in the Ministry of Local Government and Community Development, entered and took his seat.)

So at this time Mr. Speaker, we invite the Prime Minister to pay her tribute.

(Applause)

The PRIME MINISTER: Mr. Speaker, Honourable Members of this Honourable House, there are just some moments that occur in our lives for which we are never quite prepared.

(MR. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western entered and took his seat.)

For me, the untimely passing of the Honourable Roger Clarke was one such moment. It is only natural for us to be sad, even devastated at the realization that the Honourable Roger Clarke is with us no more, at least in the flesh, and in life. I also want to recognize the fact that our Clerk of the House lost her mom as well, during the period. And we would like to pass on to her and Members of the family our sympathies, and to be strengthened by the fact that you are now here to carry on where she left off.

(MR. CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, entered and took his seat.)

I know that Roger is with us in spirit and will always be in our hearts and certainly in our memories. It is easy for Roger to remain in our memories, simply because our recollections of him are so memorable. We remember his good humour, his sharp wit, his charm, his big laugh and his ready mischievous smile. He brought substance as well as colour to every occasion and conversation. He was a gentle giant of a man possessing one of the biggest and warmest hearts I have ever known.

In remembering Roger Harold Clifford Clarke, it would be unnatural to think of him in only a solemn and sober manner. While his

contributions to this House were always informative, insightful, and even ground-breaking, I hardly think that *solemn* is a word that could ever describe the Member from Westmoreland Central, and before that St. Elizabeth Northeast. In terms of his colourful and memorable quips in this House and beyond, the writing was on the wall from the first day he entered this Chamber.

Hansard recalled that on Tuesday September 24, 1991, the proceedings of this Honourable House commenced at 2:33 p.m. with the customary prayer and roll call. Roger Clarke's name had not been called because up to that point, he was not a Member. At 2:55, the then acting House Leader Honourable Karl Rattrav rose. He informed the Speaker that, consequent on by-election of September 16 in the constituency of St. Elizabeth, North East, Mr. Roger Harold Clifford Clarke had been duly elected as Member of Parliament for that constituency.

After taking the Oath of Office, the new Member was warmly welcomed by, among other persons, the House Leader and then Deputy Speaker. Mr. Calvin Lvn and one Donald Barrington Buchanan, Member of St. Elizabeth Southwest for the Government's side. Dr. Neville Gallimore, Member for St. Ann South West, also welcomed the new Member of Parliament on behalf of the Opposition. After warmly welcoming Roger whom he described as his friend, Dr. Gallimore said, *"I may not be fully honest if I say I wish him a very long stay in this House, but I wish him a very active and enjoyable period in here.*"

In his reply, to welcome the Member, Clarke spoke in this Chamber for the very first time and set the foundation for what was to become, prophetically, on the part of Neville Gallimore, a very active, and as it turned out, a very long stay here. From that first day, Roger Clarke also signalled that he would become, so to speak, the life of the Parliament, contributing at all times, colour and levity to the deliberations of this Honourable House.

In referencing the long stay remark of the Opposition Member, Roger Clarke noted *"I would just like to tell the Member for South West St. Ann that he is going to be tired to see my face, if he's lucky to be here for a long time."*

History recalls that Dr. Gallimore was indeed lucky to serve one more term in Parliament seeing marginal victory in his constituency in the 1993 Election of only three votes. Roger went on to handsomely win elections to this House: in '93, a margin of 4,462 votes; in 1997, a margin of 5,819 votes; in 2002, a margin of 3,323 votes; in 2007, this time in Central Westmoreland, with a margin of 1,808 voted, and in 2011, again in Central Westmoreland, a margin of 3,042 votes.

So, what kind of MP was Roger Clarke? His maiden utterance in this House, at his swearing-in, gives us a glimpse of the quality of service that was to come. He said and I quote:

> "*I fully recognize the great responsibility that is on my shoulders, especially at this time when politicians are coming under so much pressure, but I intend to try to do my best to enhance the position of politicians*

in Jamaica. I intend to serve all the people of the constituency of North East St. Elizabeth. I am mindful of the record of the Member of Parliament who was before me. He set the example for me, an example of honesty and integrity and I hope that I will bring those tenets to whatever I hope to do as Member of Parliament."

Roger Clarke lived up to those objectives and distinguished himself as an outstanding parliamentarian, a representative of the people who was as sincere as he was humble. A Minister of Government *par excellence* and a one of a kind politician.

We continue to mourn the passing of one of Jamaica's favourite sons. As we do so we also recall with pride and gratitude the life of a most loyal and prolific warrior and champion for the poor, the underprivileged and the dispossessed in Jamaica. We remember the life and service of an important pillar of the Government of Jamaica. His selfless service to the people reminds me that Roger never asked what this country could do for him. Roger was always eager to know what he could do for Jamaica and for the Jamaican people.

Roger was trained in management and brought his immense theoretical knowledge and unrivalled practical understanding of this professional field of the art of governance of his chosen vocation of representational politics. As a Minister of Government we will recall his signal contribution to the numerous policies and programmes of the Ministry of Local Government and Works, as well as the Ministry of Agriculture and Fisheries, and we can recall now agro-parks, sugar, housing, the sugar industry, transformation, banana, diversification on banana, farmers support, the revamping and revitalization of commodity boards, billions of dollars of investment in irrigation, agro-processing initiatives, even planning and building sports and recreation facilities into the resettlement programme from barracks to homes in the sugar belts. These are only a few of his accomplishments.

Mr. Speaker, Roger Clarke brought the real life day-to-day experience of a farmer to his job as Minister of Agriculture. His practical understanding as a parish councillor informed his work, leading and implementing policy as the Minister of Local Government.

(MISS JOYCE DENISE DALEY, (PNP), St. Catherine, Eastern, entered and took her seat.)

Being jovial and full of good spirits literally and figuratively did not prevent Member Clarke from dealing incisively and intelligently with a broad range of serious matters pertaining to governance and nation building. This was seen clearly in his contributions in this House and elsewhere.

It is somewhat ironic but not surprising that, following his entry into this Honourable House on September 24, 1991, **Hansard** records Roger Clarke's first intervention following a ministerial update on drought conditions by the then Minister of Public Utilities and Transport, the Honourable Robert Pickersgill. This was October 16, 1991, exactly one month - one month after Roger's

election. I quote **Hansard** and what Roger Clarke said then.

(MR. RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, entered and took his seat.)
(HON. DAMION ORANDY CRAWFORD, (PNP), St. Andrew, East Rural, Minister of State in the Ministry of Tourism and Entertainment, entered and took his seat.)
(DR. DONALD KEITH DUNCAN, (PNP), Hanover, Eastern, entered and took his seat.)
(MR. KEITH ANTHONY WALFORD, (PNP), St. Ann, South Western, entered and took his seat.)

"*Mr. Speaker, my great concern is the denudation of the rain forest in Jamaica. I think we have to have massive reforestation done, and we need to have laws put in place to protect the forests that are there now but we might end up having to resort to importing water to deal with desalinating sea water, and I think that that has to be addressed and addressed in a serious way. Needless to say, that intervention was met with sustained applause".*

Mr. Speaker, Roger Harold Clifford Clarke was a man for all seasons. His contribution to Local Government in Jamaica was transformational. His work as Councillor, Chairman of the St. Elizabeth Parish Council was memorable and his service as Mayor of Black River and later Minister of Local Government, legendary. His service at these levels will be remembered as much for the energy, knowledge, experience and competence he brought to his work as for the humanity and common touch he shared with all those whose lives he impacted.

Mr. Speaker, Roger always believed in me, my abilities and in my sincerity and of my mission to serve the people of Jamaica. He was a valiant, trusted ally in my personal crusade and professional cause, to help the poor, the oppressed and the disadvantaged. I share in a deep way the monumental sense of loss which is being felt by his loved ones, especially his dear wife Sonia, and their children, as I extend once again my sincere condolences to them on behalf of the Government and people of Jamaica, the People's National Party and on my behalf; words are insufficient to convey the extent of the pain I feel.

Mr. Speaker, personally, I have lost a dear and true friend. We laughed together often and in good fun he called me the girl of his dreams. I have lost a confidant, supporter and a strong and serious defender. I have lost a loyal colleague. I have lost a part of me with the passing of Roger. Yet I know this pales in comparison to the profound grief being experienced by his family at this time. I offer a word of comfort too to the people of Central Westmoreland at this time. They have lost a true servant of the people and a bold champion of the poor.

(MR. AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, entered and took his seat.)

(MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, entered and took her seat.)

As Roger smiles down on us today, I would want him to know that our sorrow is inconsolable and our pain is eased marginally with each passing day only by those great lasting warm, wonderful and beautiful memories of him. We are grateful for his love and his sacrifice. Many of us are simply because he was. And I want to say to his wife Sonia now, find strength in the work of Roger and the fact that he was able to say to you, "Goodbye darling. I am going to leave you. I love you. I am going to go now."

I leave you with the words with which Roger Clarke began his final presentation to this Honourable House. He said,

> "This Government was elected on the mandate of people power. For us this is not merely a slogan but a summons to a greater level of accountability."

He said,

> "It is within this context, therefore, that I intend to present my score card to this Honourable House."

I shall end the quote there Mr. Speaker and say, your score card my brother and friend Roger, from all that has been said about your life from persons who hail from every corner of our society, your score card reads a resounding A+ distinction.

(Applause)

(DR. THE HON. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern, Minister of Transport, Works and Housing, entered and took his seat.)

(HON. SHARON FFOLKES-ABRAHAMS, (PNP), St. James, West Central, Minister of State in the Ministry of Industry, Investment and Commerce, entered and took her seat.)

You have left us to carry on, to take the message you believed in across this land. In your memory we must, we shall and we will.

May the soul of our dear departed colleague and friend rest in eternal peace and may the angels of the Lord carry him home to sweet peace and eternal rest.

May his soul rest in peace.

(Applause)

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: Thank you very much, Mr. Speaker.

I too would like to extend expressions of deep sorrow at the parting of not just a parliamentary colleague but a very dear personal friend. Roger Clarke was, I think, a man of all seasons. When I stand and recall his first day in the House I believe he was seated where the Member from North East, ironically, St. Elizabeth is now seated. He came here as a backbencher having replaced Member of Parliament Sydney Pagan. And you know Mr. Speaker, our connection really was preceded by a conversation I had downstairs in the lunchroom with the late MP Pagan. We were having lunch and rumour was rife that Roger was emerging rapidly, and that it would be soon that he would take over, and at times his actions revealed his desire to get

to the House. And I said to Mr. Pagan who was seated by just the two of us having lunch, I said, "It is felt that Roger will be here soon, is there any truth to that?" And he looked at me and said, "Roger is a good man but he must wait his turn. His time hasn't arrived yet. His time will be after me and I am not ready yet." Well it wasn't very long after that that Mr. Pagan died, at a good age, having served with distinction in the House and Roger came in.

(MR. DELROY HAWMIN CHUCK, (PNP), St. Andrew, North Eastern, entered and took his seat.)

(MR. ANDREW MICHAEL HOLNESS, (JLP), St. Andrew West Central, Leader of the Opposition, entered and took his seat.)

That was in 1991. Little did anyone know - certainly not me nor Roger - that by 1993 we would share the same platform. (Laughter/Applause)

Mr. Luther BUCHANAN: Where? Where?

Mr. SAMUDA: Especially in Darliston. (Laughter)

Mr. Luther BUCHANAN: Your finest political speech.

(Laughter)

Mr. SAMUDA: And it was recently that I was talking with him, and I said to him, “Roger, you can’t go on forever, what is the position for the next election?” He said, “Carlos, I came here after you and me nah lef you yah”. (Laughter) So if you are going again you can be sure I will be going again.” Well, that is still a question to be answered.

Mr. Speaker, in addition to his extraordinary and irrefutable sense of humour, I am sure he would like to be most remembered as, firstly, a loving husband and father. A farmer *par excellence.* I can tell you that in all my discussions with Roger over the years, I always left with the impression that I was speaking with a man who was seized of all the circumstances and all the factors that comprise a well-tuned farming brain. He was a farmer to the core, and he understood farming in all its facets.

I think he would also like to be remembered as a loyal and committed member of his party, the Peoples National Party. (Applause)

Mr. Luther BUCHANAN: Hear! Hear!

Mr. SAMUDA: And particularly his unswerving, unwavering love and commitment for his Leader.

(Applause)

A Government MEMBER: Hear! Hear!

Mr. SAMUDA: On many occasions we had discussions, because we spoke regularly. In fact, it was a unique situation because of our years of friendship and the fact that he was an agent of anti-tribalist politics; he broke down all the barriers. And so we had a very comfortable relationship in discussing politics and its development. And in every single instance he would remind me of his love and commitment to the present Leader of the Peoples National Party.

And, finally, I think he would love to be remembered as a loyal and committed Jamaican. He was the real deal. (Applause) Roger Clarke was a real Jamaican man, understanding all aspects of Jamaica and Jamaican life. He was the person who had no fear to walk into any place full of Members of the opposing party, confident that he could leave there by encouraging them to support him, that was his belief. And I must tell you, he used that strategy with us when we had the Cornwall Mountain by-election in Westmoreland, when we thought we had it made, only to get a call from Roger to say, Karl, you have done well today, you know, you bring out nuff Labourites, but guess what, we beat you, we get whole heap of comrades to come out. That gentleman in front of me was responsible for a particular location that put them over the hill, and I will never forget it, Minister of National Security.

(The Minister of National Security laughs)

But, the genuineness of the man, the generosity of spirit, the commitment to country, the commitment to serving the people of this country - and I can say categorically, that Roger Clarke used the political process to demonstrate the virtues of being involved in politics, he used it to serve the people effectively. (Applause) In the final analysis that's what we are all about. It's a vehicle through which we give service, and he exemplified that in his daily activities throughout the length and breadth of the country.

I remember when he was about to go to the United States to undergo the operation we spoke several times. And I confess that I tried to encourage him not to go for the operation because we had the same problems and we shared our experiences. In the last conversation he said, "Karl, I am going to go, because this pain comes and goes, and when it comes I can't bear it." I said, "Okay, Roger, good luck, and I will keep in touch." Two days later he called me, told me that he was going under. The moment he came out he called me again. He said, "Boy, Karl, medicine up here different, brother. The man that did my operation could have been in Los Angeles" because it was done with a technique where you don't actually open up and he described to me what was the actual nature of the operation. I said, "Great news, Roger. So when you coming back?" "As soon as possible." I said, "You better hurry up, because your acting replacement has just gotten himself into some hot water because he says that there is no shortage of food." And Roger, the same old Roger that I know and will remember for life, always supportive and protective of a colleague, he said, "Don't worry 'bout Derrick, Derrick knows how to talk and Derrick will get himself out of that problem." (Laughter/*Sotto voce* comments) That's the nature of the man I am talking. And finally, when he was about to leave the hospital he called me and he said, "I can't walk yet without a walker but I am going to be discharged, and I am going to spend a few days up here, and then I will be back home, and I will shout you when that time comes." Well, that never came, we all know what transpired.

I will miss Roger Clarke personally. I will miss our many wonderful conversations laced with good humour, always honest, straightforward and genuine. In short, Mr. Speaker, he is easily one of the most wonderful personalities I have come across in public life. I will never ever forget Roger Clarke, because he was larger than life.

So, rest well, Roj. May your soul rest in peace. And I know - I am not sure where we will meet again, but I know one day, one day we will meet again. God bless you. (Applause/Laughter/*Sotto voce* comments) I don't know where Roger - I don't know where I am going.

The SPEAKER: Mr. Holness.

Mr. HOLNESS: Mr. Speaker, it is with a deep sense of sadness and loss that I rise this afternoon to join with colleagues in paying tribute to our departed friend and colleague. Roger meant so much to so many people.

On behalf of the Opposition and the Jamaica Labour Party, I want to extend condolences to his dear wife, Sonia, to his two children and other members of the Clarke family; his colleagues, his friends, his constituents, and indeed, members of the Peoples National Party, the political institution which he loved and served so well.

I, Mr. Speaker, could hardly imagine the despair and deep sense of loss that his family and friends must be experiencing at this time. While a tremendous source of inspiration, support and love is now gone from their midst, I am sure Roger will never be gone from their hearts.

Mr. Speaker, confronting our own mortality is not the easiest thing to do. Our mortality is not something that we want to come to terms with. Roger's passing underscores this, because we all welcomed the updates regarding his successful surgery and steady progress as he recuperated, and like him, we looked forward to his return to Jamaica and the resumption of his duties.

Indeed, I had occasion to speak with him - I believe it was with you, Karl - Member - and Roger was very upbeat. I can't repeat all the things that he said he was coming back to Jamaica to do. I am sure he would have told you, Minister of Finance, some of them. Some of them I believe would be beyond his capacity, but... (Laughter) ...he was the eternal optimist.

Mr. Speaker, his sense of optimism was such that I got the impression that he was already fully recovered, and that it was just merely a matter of time that he would be back in Jamaica. You could therefore understand, Mr. Speaker, our deep shock at the news of the passing of Roger.

Roger is the most affable politician that I know. He is one of a kind. And I am sure my colleagues will agree with me that there will not be another Roger Clarke in our lifetime. Roger was special.

You know, we could always look to him for the injection of humour when things got a little heated in the House. And of course, he had a sense of calming, of endearment, that even when things looked like they would descend into trading blows, Roger just had

this uncanny knack to find the humour, even in the most angry moment. He had a way of returning us to civility.

Mr. Speaker, I am sure that his colleagues on the other side and some on this side, could regale us with Roger jokes. And I have a few of them, Mr. Speaker, but not all of them...

(*Sotto voce* comments/Laughter)

Mr. HOLNESS: But Roger was the kind of personality that he did not need an invitation to turn up at your house. I was at home once and my helper came up to me and said, "There is a big man downstairs to see you." I said, "I wonder who is that." "'Im big, sah, 'im big! A figet 'im name, wha' 'im name again?" And I went downstairs. There he was, Roger, come to see me. He said, "I was just in your area, man. I came to visit somebody and I hear you live here so, so I just stopped to say hello." (Laughter) That was Roger. And if you happen to be lucky enough to sit with him in a bar or at a social occasion, and you had a few drinks with him, you would be certain to be laughing, laughing till you feel like crying, because he had that special skill.

(MR. EDMUND CURTIS BARTLETT, CD, (JLP), St. James, East Central, entered and took his seat.)

(DR. THE HON. FENTON RUDYARD FERGUSON, CD, (PNP), St. Thomas, Eastern, Minister of Health, entered and took his seat.)

(MR. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, entered and took his seat.)

I recall, Mr. Speaker, I believe it was with the Member from the North East St. Andrew, just after the first PNP presidential race where four members contested. We were at the particular point, I believe the venue for the election was at Jamaica College, so after the event was over Roger found himself at a particular spot in Liguanea and we stopped and somehow I ended up in the company of Roger and some others of his colleagues and some others of my colleagues as well and we started to talk about the leadership race.

Mr. L. BUCHANAN: Say comrades, nuh man.

Mr. HOLNESS: Friends, friends. (Laughter)

A MEMBER: Camaraderie.

Mr. HOLNESS: Camaraderie is good. Friends. And of course, Roger started to talk about the leadership race and he said something that I found very simple, but very profound. He said, "Then who you expected to win?" "If you took up all the people who have PhDs" - Minister of Finance and Minister of Transport and Works - he said, "Listen, and you said to the people of Jamaica who you going to vote for? All the PhD people *gwine* line up behind the PhD people. And you *tek* the rest of Jamaica and *sey* who *yuh* going to vote for the person who does not have a PhD, does seem to be the one who you would say is the brightest of the lot. Who *yuh* think the people going vote for?" Very simple, but it is a very profound statement on politics.

(Inaudible comment by Government Member)

Mr. HOLNESS: No, he wasn't saying that. He was saying that people are going to vote for the persons they identified with. I found that to be almost advice. That if you are in politics people must be able to identify with you. And I think if you can say something about Roger is that the Jamaican people identified with Roger. Identified with him. And I think that's why he has such universal love and respect. He was simple man with a simple outlook on life but it was profound in its simplicity.

You know, I have said on interviews about Roger that he didn't take himself too seriously. He was able to laugh at himself. He was able to withstand tremendous criticism and humour being made of him and I think that is a very important asset for politicians to have. Sometimes we become too uptight. Sometimes we can't take criticisms. That doesn't help the political process. When Roger is able, of course, to pick up his cell phone and say, "Now you can use one phone and call the other". We laugh at it. We laugh at him. He laughs at it. He laughs with us, but he was able to communicate a profound point in a simple way to the mass of the Jamaican people to say we have now entered the Information Age. We now have telecommunications at our disposal *ad museum* and it was the simplicity in his communication that got over the complicated points. And I think that is what made Roger Clarke such a special person.

I had many, many occasions to interact with him. I will miss him dearly. The House I am sure will miss him. Jamaica will miss him. A great politician. A great person. God bless his soul and may light eternal shine upon him. (Applause)

The SPEAKER: Mr. Pickersgill.

Mr. PICKERSGILL: Thank you, Mr. -

The SPEAKER: And let us try to be a little bit tighter.

Mr. PICKERSGILL: Pardon me?

(Cross talk/Laughter)

Mr. Speaker, I am not sure before you made that observation that I'd be rising as Chairman of the greatest party in this country, the People's National Party (Applause) and so my time cannot be equal to the times of others. (Laughter)

Dr. DAVIES: ...the lesser folks.

Mr. PICKERSGILL: I won't go that far. Mr. Speaker, I rise, as I said, in my capacity as Chairman of the People's National Party (Applause) to pay tribute to a fallen comrade and colleague Member of Parliament. I am acutely aware of the empty seat that he once occupied to my right and of the immense void that has now been created in this House by the absence of this larger than life physique and persona. Beautiful flowers there and I like the colour of one of them.

(Referring to the flowers placed in the seat previously occupied by the late Roger Clarke)

MEMBERS: All.

Mr. PICKERSGILL: All, both. Right. I will always refer to him as honourable, because in his words and deeds he was just that, an honourable man. A humble man. A gentleman and true son of the soil. Mr. Speaker, my late colleague was a unique

individual who stamped his own inimitable style on the service he rendered to his party, his fellow Jamaicans and, indeed, to his country. His was a distinguished membership in the party that he loved so well, the People's National Party. In fact, Mr. Speaker, he started from the bottom of the political ladder and reached the top: first as Councillor then as Mayor, then as Member of Parliament, then as Minister of State and finally as a Minister. Indeed, Mr. Speaker, he acted at least on one occasion as the Head of the Government and his comments then were wan day busha, same busha - (Addressing Mr. Holness) and the PhD thing you were thinking of, it really means Portia has delegates. (Laughter) PhD - Portia has delegates. That's what he meant. (Laughter) In fact, he was one of the three six-star generals in the party. One of three six-star generals in the party.

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. CHARLES: Who are the other two?

(MISS OLIVIA ATAVIA GRANGE, (JLP), St. Catherine, Central, entered and took her seat.)

Mr. PICKERSGILL: Of course, there is one eight-star general, our president across there.

A Government MEMBER: Hear, hear!

Mr. PICKERSGILL: (Addressing Mr. Charles) You will find out who are the other two.

(Cross talk)

Roger entered these precincts by way of a bi-election in 1992 and thereafter he won five consecutive parliamentary elections. When he thought that he was going to hang up his political representational hat, he was asked by our party leader to go to the parish of his birth and to represent Central Westmoreland, the constituency he represented up to his untimely death. In fact, the last time - the last time he faced the polls he polled 11,564 votes dominating his counterpart, Senator Malahoo-Forte with a 3,042 margin. This improved from the 1,808 margin recorded in the '07 general elections where he beat the JLP candidate, Mr. Russell Hammond. He was also a Regional Chairman in the party as well as Vice President and he also held the post of Treasurer. He, of course, ended up as Vice President Emeritus of the party. Many of us on this side have fond memories of him at our party fundraisers and events and his larger-than-life presence was an added drawing card for many persons at these activities.

Beyond the party at the national level there is no doubt that Roger was also widely respected and greatly loved particularly in the agricultural sector. Mr. Speaker, his warm, affable nature and his mild, gentle and compassionate approach endeared him to many and he was a people person, a man for all seasons as you heard from my colleague on the other side. Indeed, a man's man in every sense of the word.

Mr. Speaker, the famous poem, *"If",* by poet laureate, Rudyard Kipling comes readily to mind as it epitomizes Roger's personality and nature. I now borrow from a small portion of it and I quote:

"If you can talk with crowds and keep your virtue,
Or walk with Kings - nor lose the common touch;
If neither foes nor loving friends can hurt you;
If all men count with you, but none too much;
If you can fill the unforgiving minute....
Yours is the Earth and everything that's in it,
And - which is more - you'll be a Man my son!"

Of course, Mr. Speaker, Roger was in every sense that man.

Roger, my colleague, my comrade, my friend, we'll honour your memory by staying steadfast in upholding the principles of the People's National Party and committed always to Jamaica and her people. And Roger, we will take care of Sonia and the rest of your family. Rest well, my friend. (Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. SHAW: Mr. Speaker.

The SPEAKER: Yes. Mr. Shaw.

Mr. SHAW: Mr. Speaker, I rise to give a brief tribute to our fallen brother who I consider and I was privileged to consider as a friend. In fact, rarely would Roger come to Christiana, North East Manchester and not come to look for me. The two most recent occasions when he came there was a function up at the packing house in Colleyville that had been restored and I heard this horn outside my gate and he says, "You not going to the function?" I said, "What function?" It was not in my diary. He came into the house, he said, "You *guh* get ready, give me some coffee and *guh* get ready, I am not going up there alone; too much Labourite up there." (Laughter) So typical of Roger. And the next visit he made, he came by and I had inveigled him with - it was lychee season and, of course, is very good for lychee, a very large lychee farm is in Devon, and I said to him if you come and have lunch with me, I'll give you a bag of lychee for Sonia. And of course, he turned up. On that occasion he was visibly in pain and he said to me that he planned to go overseas for surgery. But Roger was such a one of a kind person. He was warm. He was colourful. You had no alternative whatsoever but to like Roger. And he was quick to laugh at himself.

I remember not too long ago, in fact this year, I came through duty free at the airport and everybody was saying hello and I bought something in duty free only to reach home to find that the receipt had been written, not in my name but in Roger Clarke's name. Whereupon I took it to Parliament and presented it to Roger and tell him he owes me some money. Now, I don't know what happened one month later, but Roger came over to me and gave me a duty free bill with the name Audley Shaw on it. (Laughter) But his humor is what always, I believe, saved him. And he was, in laughing at himself he didn't hold a grudge, because I remember, Mr. Speaker, in the 2007 Elections, I might have been guilty, for a moment, of a little bit of youthful exuberance.

(Laughter)

Mr. L. BUCHANAN: Not political!

(Laughter)

Mr. SHAW: (Laughter) A little bit of youthful exuberance when I heard that Roger was passing through on the campaign trail and had said certain things. I promptly went on a platform and proclaim that he was big and so-so! (Laughter) When the Government changed and we had Swearing-In, I saw Roger outside there, I say, 'Big Rog', how are you my friend?' 'Im sey, Mas Audley, me no deh yah big and so-so same way'.

(Laughter by all in the Chamber, Gallery, Press)

So there was the capacity to laugh at yourself. And if you're in politics and you don't have that capacity, you're in the wrong business, okay.

And yet, at the same time, he was a big man with a big heart.

MEMBERS: Hear, hear!

Mr. SHAW: Soft, warm, always concerned about people's interest.

I remember in a famous debate in this House on a Censure Motion for a certain Minister of Government, Roger got up and his concern was not about the welfare of the particular Minister of Government - I won't say who had moved the censure motion -

(Chuckling by Members)

Roger's concern was how the parents of that Minister would be taking that censure motion at their home; that tells you the kind of guy that he was.

And so, ladies and gentlemen and Mr. Speaker, Honourable Members, I believe the best way we can celebrate his life is to emulate a lot of the good qualities that he had. He was first a human-being, second a Jamaican, everything followed after that.

May his soul rest in peace and light shine perpetually on him.

(Applause)

The SPEAKER: Mr. Bunting.

Mr. BUNTING: Thank you.

Mr. Speaker, I too rise to pay tribute to this great Jamaican, parliamentary colleague, comrade and friend. Fact, Roger was always close to my family, my father and brother who were farmers and to this year, even though my father died 20-odd years ago, he would keep him alive by every time he saw me he called me 'Don One'. (Laughter)

But Roger had celebrated his 70th Birthday in Mandeville, a function at a hotel in Mandeville, and after he had been toasted by many friends and well-wishers, he got up to respond and he started off by saying, "If I had known that I was going to live so long, I would have taken better care of myself". And that was typical of Roger; he would be funny but insightful at the same time.

And sitting beside Roger, Mr. Speaker was an education in itself because I heard the running commentary that he would be making on all the presentations in Parliament, particularly those contributions from Hutchie. (Laughter) He had a special fondness for Hutchie. (Laughter) And not all the comments he made in response to Hutchie's interventions were heard over the mic but I can tell you they were all very sharp.

In fact, Roger in many ways was, I think, a study in contradictions. He would project a

sort of a 'country bunkin' style, perhaps, certainly playing fool to catch wise, but in fact he was one of the sharpest intellects around.

(Applause)

And Roger would express himself not by saying 'cry tears', but he would say, 'bawl eye-water'. And it's not because he couldn't use either, but because he felt that 'bawling eye water' was so much more expressive and so much more in touch with the Jamaican culture.

He was a farmer's Minister of Agriculture and I tell you, he took a great interest in so many areas of farming, but in particular, I have to mention fish farming. Because when we return to power in 20… - at the beginning of 2012, that industry was on the brink of extinction, it was barely surviving. But now it is on the rebound and I know my own brother, who was a great fan of Roger Clarke would not forgive me if I did not mention the personal interest he took in the fish farming sector, down to promoting the product personally on every single occasion. And, you know, my brother prides himself as somebody who is an issue voter, he is not a party voter, but he tells me on the basis of Roger's performance as Minister of Agriculture, he's committed to voting one way going forward. (Applause)

Mr. Speaker, I finally turn to the political sphere. Roger was perhaps the most entertaining platform speaker you could find and I drove to a number of political events with him in the early days, but I had to stop because when you drove to country with Roger, you better have nothing else to do that day.... (Laughter) ....because there are certain places he's not passing without stopping. And, if you make the mistake to travel with Roger that you don't have an independent, then you have committed the entire day. (Laughter)

But Cornwall Mountain, as mentioned by the Member for North Central St. Andrew, was a particular watershed. It came at a time - that bi-election came at a time when we had lost a number of bi-elections and frankly, morale was low and Roger decided that we were going to take a stand at Cornwall Mountain and we were going to reverse the electoral successes of the JLP. And if it took every last dollar that he had, he was going to finance the bi-election himself, which was very admirable except, it also seemed he was willing to use every last dollar I had.... (Laughter) ....to fight that election as well. (Laughter)

But history will show that it was indeed a turning point. If we had lost that bi-election in our strongest parish, I think it would have been dealt a serious blow. And when we got that one, I think it signalled, it rekindled the spirit and the energy.

And that was partly for pride of being the Member of Parliament; he would take it personally if we lost. Partly for his commitment to the PNP, but I think especially, because he wanted to ensure that the party leader did not have another disappointment.

So Mr. Speaker, these past couple weeks the entire Jamaica has been in mourning, those who come from the segment that cry tears and those who bawl eye-water, and I have never

seen such an outpouring of genuine love and sorrow at the passing of any one person by the widest cross-section of Jamaican society. (Applause) And I join in expressing condolences to his wife and family.

May his soul rest in peace.

(Applause)

The SPEAKER: Mr. Charles.

Mr. CHARLES: Mr. Speaker, if our brother Roger was here, he would make sure that I say something about him. (Laughter)

Roger demonstrated a quality that would make Jamaica a better place if more of us inside and outside this House could establish that sort of relationship with one another. He was almost a wicked man to some of us.

Roger went to my constituency for a meeting, did not invite me.... (Chuckling)

....gave a big speech about me. I met him in Parliament and sey, "Roger, you are a wicked man, you went to my constituency and you couldn't even invite me." "Him sey bwoy, when I went to your constituency I help you out. The people came and ask me if I know you." (Laughter) "I tell them, yes man, I see you every week." Them ask me say, "please, tell him we long fi see im." (Laughter) "Sen im come look fi we." (Laughter) And that was Roger, we had a laugh.

Roger almost convinced me that Mr. Seaga is his Uncle.

(Laughter by all)

He says he's from some part of St. Elizabeth and he has traced his family. He has nothing bad to say about Uncle Eddie. "Because a go to 'im yard whole heap a Sunday morning." That was Roger.

The Parliament certainly is going to be poorer without Roger. I think that he represented himself or could be seen with all class of people in Jamaica, in the bar, in the market, in the boardroom of the banks, everywhere, Roger could be seen.

Roger had a little problem with me. He gave a big speech at a political meeting and he said, "bwoy, ladies and gentlemen, under the Labour Party everybody a Jamaica tun dog!

(Laughter)

A MEMBER: Ruff! Ruff!

Mr. CHARLES: All a we turn dog. As you ask a man how things im sey, ruff, ruff, ruff, ruff, ruff! (Laughter) So I gave a speech and sey, Roger, Roger Clarke called us dog! Not the big dog you know, little dogs. When Roger came to Parliament the next week im sey, 'Pearnel, yu getting at me', him sey, 'bwoy, I got a call from a PNP man fe come speak at my conference next week. 'Me sey but, doh Roger, no gi the dog joke caaus nobody no like fi' hear the dog joke again, you mess me up. But this is Roger; he can say things about himself and laugh at it.

So Chris Tufton made a presentation that we should plant cassava, and Roger took him to task. 'Yuh taking us back to the days of slavery, cassava?' So we were invited to a church service and I told Chris don't feel no way, you're 'Doctor Cassava', you're going to provide medicine for the poor. So the next time Roger is Minister of Agriculture and his big presentation is to call on the people of Jamaica that we all going to have to plant cassava because it is going to rescue Jamaica. So I sey – I met him in Parliament and I sey, 'I

don't understand yuh, yuh mash up Chris bout cassava and you're promoting it'. Him sey, yes man, Chris is the presenter, I am the implementer.

(Laughter)

Roger made us happy on both sides of the political fence, and I'm sure downtown in the market, uptown in the plazas and all over the place he was a happy man.

I, Mr. Speaker, had a special relationship with him down in the place here, because the term before he asked me if it's not time for me to retire, because he was going to retire. So I say well, we've to do 100 yard enuh and if yuh can beat me at the 100 yard then I'll retire. Then I heard that he's moving to Westmoreland, so I say what is this, you're not retiring? Him sey, 'What yuh want me to do, go home go dead? I'm going to die right pon di work." Well, we don't know if some of these jokes had any influence on us, but Roger, if he was here he would laugh.

He was committed to agriculture, committed to the working class people of this country, and I don't think that in any class we'd have anything bad to say about him.

I think the *Gleaner* Editorials and the *Observer* Editorials that reflected how those people think, and those of us who listened to others on the street when I heard of his death I felt as if one of my own family has died; I was shaken. And I just want to wish his family - the Chairman of the PNP has promised to take care of his family; if you need any help, we'll help you, because he has made us happy.

Mr. Samuda from North Central says he is larger than life. He brought life to many of us, not only in this Parliament, but all over Jamaica.

We wish in closing, Mr. Speaker that we will do something that he'd be proud of wherever he is if he is looking at us. If we can remember that it doesn't take years or months or days, just a few minutes, none of us knows who next; none of us knows who we'll be speaking for in this Parliament for the rest of the year.

When I heard that my friend Keith Smith from Mandeville had just passed a day after I spoke to him last week, it bothers me that sometimes you just get a telephone call, somebody you just spoke to has gone. So we must just think about these things and think of the beyond, knowing that none of us control our future, none control our lives.

May his soul rest in peace; may his family, mourn though they may do, be comforted by the work that he has done for the people of Jamaica and indeed, other persons.

Thank you.

(Applause)

The SPEAKER: Mr. Pryce.

Mr. PRYCE: Mr. Speaker, Members.

As the Member of Parliament for North Central St. Andrew, in his own reflections cited an interesting, perhaps a coincidence when he recalled that in 1991 Roger Clarke whose life we now commemorate, was first assigned the seat I now sit in, in this House. History further bears the fact that my entry into representative politics as a Member of this House, comes by way of the constituency of North Eastern St. Elizabeth, which he served so well for 16 years.

Mr. Speaker, there's one other coincidence of history I wish to share, as I read now from the records of **Hansard** of May 8, 2013, it had been my maiden presentation in the Sectoral Debate when I stated that:

> "I continue to express my gratitude to the electors and people of North Eastern St. Elizabeth, for their confidence, their commitment, their patience and their trust, which they have made available to me, as I seek to be the best representative for them that I can be."

One of those constituents, Mr. Speaker, is the Honourable Roger Clarke, CD, in whose footsteps I walk and from whose fortress I'm able to learn on the job safely. Minister Clarke, the value of your tutelage is priceless, no doubt, it is the unseen hand of God that ordained it so that I spoke in this debate right after the excellent presentation which you have just delivered and which guides the one I now try to do.

Indeed, Mr. Speaker not only is the Member now serving in Central Westmoreland, a tough act to follow, his unmistakable beacon from that lovely vantage point in North Eastern St. Elizabeth gives light and direction to my path as the current Member from that great and wonderful constituency.

Let me publicly thank him, I said, for his contribution, not only today, but for the stellar service he has provided to this nation and to the continued development of the agricultural sector, a record so well secured over the decades, that one leading newspaper, despite criticizing him so unfairly and so harshly at times, recently had to concede that Roger is simply irreplaceable.

Mr. Speaker, it is often the case that we believe great things about those with whom we come in contact, but are never of a mind or bold or brave enough to express it. I am uniquely satisfied and relieved that on that occasion, and I'll be honest I had not been scheduled to speak that day, so the accolades were not a part of my text, and I was trying to find my feet to deliver my prepared text and thought that the best thing to do was to speak directly and sincerely in acknowledgement of the contribution of Roger Clarke.

Since his passing, one of the difficult experiences has been helping the constituents of North Eastern St. Elizabeth to come to grips with the fact that it has become harder for them and for us to see our beloved Roger. Yet he was and still is Roger Clarke, a man whose imprint across the constituency is unmistakable; his style of leadership inimitable; his personal swag unmatchable; his capacity to feel and to care and to endear others to him, enviable. It is near impossible to use the past tense in describing him.

The real difficulty for all of us and for each of us is to internalize his examples in making us better at all that we do, and more importantly, at all that we do in the interest of the people he loved, which is all the people of Jamaica.

On behalf of the constituents of North Eastern St. Elizabeth, and of the younger generation who Roger infected with his heartiness, I say in tribute after his passing,

that which I was able to say while he was here sitting in this House and to have heard me express it with sincerity and with truth, I say as others have conceded, Roger is irreplaceable.

Thank you, Roger 'Busha' Clarke. (Applause)

The SPEAKER: Mrs. Dalrymple-Philibert.

Mrs. DALRYMPLE-PHILIBERT: Thank you, Mr. Speaker.

Mr. Speaker, this evening I rise on my own behalf and on behalf of the people of South Trelawny, in expressing our sadness at the sudden passing of Roger Clarke. Other speakers have said it and it is well known in Jamaica, all over, that he was stoutly loyal to his party and more so, to his leader, the Prime Minister, the Most Honourable Portia Simpson Miller. But you know, that never stopped him from acting and behaving beyond political powers and not all of us can claim that, it is a special gift.

And I can recall some years ago when I spoke in the Sectoral Debate, I had 32 people here from South Trelawny and I arranged for them to have a meal downstairs so I joined them downstairs, and when I got downstairs Roger was there laughing and talking with them. And he said: 'All dem people yah come yah fi come listen to Miss D this evening, all dem Labourite?' And they laughed and talked and he said just in his own way, all of you a gwine give you a bag of fertilizer. And they laughed and said, thanks.

Nobody would've heard and nobody would know unless I said it here today. But true enough, I never asked him about it, I never called about it, and about three weeks later the person at RADA in Trelawny, called to say I should have a list, because there were 32 bags of fertilizer there for people from South Trelawny. (Applause)

A MEMBER: True Comrade.

Mrs. DALRYMPLE-PHILIBERT: No, that's not a comrade my friend, that is a man with a heart that operates beyond political bounds.

(Applause/Cross talks)

Mrs. DALRYMPLE-PHILIBERT: And so this evening, this is why I rise to pay tribute to him for this. And as we pay great tributes - and I've seen some excellent tributes in the Press about him - I ask the Press to forgive me this evening because I'm one Jamaican who has the greatest of respect for our Press, and I make this comment very humbly and ask, because I think it would be a fitting tribute to his memory.

You know, a couple weeks ago I picked up the Sunday Paper and I saw on the front page an article that spoke to an interview with the Minister, as he recuperated in the United States. And it really came home to me when his death was announced, you know, all of us that serve in the public arena and particularly those of us in this Parliament, very often our bark is louder and harder than our bite, and the arena calls for a lot of bravado and a lot of humph, but inside all of us, most of us, is a heart that beats, a human being with fears, anxieties and all the human emotions that we feel as human beings, particularly, when we are challenged in the area of health.

And so this evening as we pay tribute to one who has served his country, as many others have done and many others will do, I crave the indulgence of the Press, we are open to public scrutiny and we must be, but I ask humbly that when challenges like health and things go, I pray and ask for great sensitivity and a knowledge... (Applause) ...that we have fears, anxieties and things that we need to deal with for a few moments in private.

And so I think it was Shakespeare that says, "You temper justice with mercy". We ask you, though we are open to public scrutiny, just to bear with us sometimes because indeed as a human being he must have felt a measure of anxiety. Your country - you can't serve anymore and he said I can and I will, because my country needs me.

Colleagues here this evening and members of this country, I pay tribute to him and one who has served us well in public life. And I ask that his soul may have found eternal rest, that light will shine perpetual on him and that God's love will reach out and cover and be with his family and those closest to him, because as they grieve, they grieve with the knowledge that he served, served well and wanted so badly to return to his country.

I ask that God will indeed continue to bless us all, as we serve in public life. Because indeed as my colleague just said, tomorrow is not promised to any of us and none of us knows what is in store for all of us.

May God continue to bless his memory as we pay tribute to another Jamaican who has given sterling service in public life to his country.

Thank you very much. (Applause)

The SPEAKER: Dr. Guy?

Dr. GUY: Thank you, Mr. Speaker.

Mr. Speaker, as I rise to pay tribute to the life of a giant in many ways, a giant to this country, I want to associate Region 2 of the People's National Party with this presentation.

Roger was a man of all seasons as was said before, not only for but of all, a friend, an advisor, a doer, a man of his word and most of all a comrade.

When I entered the House in 2002, Mr. Speaker, as a young parliamentarian, Roger Clarke was one of those Members of Parliament who took me under his personal care and guidance. His name for me as I suspected was the name for many was 'Son, Son' and he was Uncle Roj; he has never stopped being Uncle Roj, he has never stopped looking out for us.

In paying tribute to him at the last Regional Executive Conference, the Members recounted the many things Roger did for the region mainly in the agricultural area but in other areas as well. Councillors from St. Thomas spoke and remembered him for his action in keeping a coffee factory opened to save hundreds of jobs. Members of Parliament from St. Mary and Portland remembered his generosity of spirit and gregariousness. His undisputed commitment to agriculture, and his undeniable concerns for the farmers of Jamaica and by extension the people of Jamaica was highlighted as it was - as he always felt that a nation can only survive if people had food to eat. He was remembered for his wit and the ladies remembered him for

his charm. In fact, Mr. Speaker, at the presentation it was said that Comrade Clarke was so much a comrade that he was a member of the YO as well as the Women's Movement, and they also gave their tributes.

Roger could change the character of any meeting or event. At all times he was the live wire of the occasion, whether he was giving a serious presentation in Parliament, or just a casual conversation his wit would come into play. His choice of words then, and his facial expression while expressing those words, would ignite laughter and hilarity, yet he was one who would be piercing with his commentary. Many I am sure reflect on one of those times when Uncle Roj was in his element, some can't or won't be said here, but one, Mr. Speaker, comes readily to mind.

Sometime in 2004, Roger came to a demonstration day organized by the Ministry of Agriculture and the Cocoa Industry Board in St. Mary, as usual, he was early having driven himself and sat at the table waiting on the farmers to filter in. When it was his turn to deliver the main address even before the salutations, Roj, with his usual inevitable smile and that twinkle, yes, Mr. Speaker, that twinkle in his eyes said and I quote,

> "I look at all the farmers coming here today, in your shirts and bush jackets and nice pants to this field day, boy things have changed. I remember as a boy going to a field day, when all you would see the farmers in their water boots, machetes held across their backs, their stained shirts and patched up trousers turned up, in fact there was so much patch on the trousers that all the loop on the trousers patch too."
>
> (Laughter)

I need not tell you about the eruptions of laughter that that evoked. Such was a small glimpse in the character of this giant of a man. Roj will be remembered for many things, but most of all he will be remembered as a man with a huge heart, and one who never fear to share all the love and kindness that that heart gave him.

To Sonia and the children and the family our deepest condolences; Uncle Roj, you have walked this good life, continue to walk.

(Applause)

The SPEAKER: Mr. Hutchinson.

Mr. HUTCHINSON: A kind, caring and resourceful individual, an entertainer, a gentleman, and a lover of people, all these attributes engulfed in one capsule, epitomizes one individual named Roger Clarke. He had that common touch with the people across the length and breadth of Jamaica. I am certainly going to miss the comments coming from that side when I do ask questions from this side.

Roger was a personal friend of mine. I was Member of Parliament for North East St. Elizabeth when he was the Councillor for the Balaclava division; I was his boss. (Laughter) It was from those days in the 1980s that that lasting friendship developed. We would meet at times to discuss the development that would take place in Balaclava and by extension the constituency. He usually tells the story of when I resigned from North East St. Elizabeth and he was going to run as the MP for that constituency after the death of Sydney Pagan, his car broke down in Holland Bamboo, I

came along and offered him a ride home. He knew the name of every shop owner from Balaclava to Black River.

On the way he pointed out to me all the labourite shops and told me which ones to stop at. He then told the people there that I was his campaign manager and taking him through the constituency. (Laughter)

Up to two years ago we used to have breakfast on most Sundays at a mutual friend's house in Haughton, in my constituency. We discussed every topic under the sun, but it centered mainly around agriculture and politics. It was from those discussions that he knew what my thoughts were for the development of agriculture in Jamaica. (Laughter)

One of the projects I discussed with him was an agricultural complex for Holland Property in my constituency. And it was one where one of Roger's last presentation, he sent this across to me. "*JCPs Speech in Parliament 2008/2009"* his writing on the top here; and it was one where it was saying, the flagship of the constituency will be the Holland Production Center with a grading packaging processing plant and so forth. I think Roger was saying to me that the discussions we had, this is the direction in which we should go.

Roger, when he was over on this side - when he was over on this side, and I was over on that side, he would send copious notes to me regarding what was taking place in agriculture, and he also sent another paper across which was - concerning speech that I made in Parliament 2009/2010, and I just want to say briefly, it said:

> "I am proud to announce that the animal identification system announced by the Minster last year had now become a reality. A contract has been signed; at the end of this contract we will provide a computerized database inclusive of passports and tags which will be able to trace animals from birth to slaughter."

This was one of the speeches I made in Parliament in 2000/2010 and he sent it across here to me, which was saying that he is now continuing the process what we discussed.

It was one where, as he said also, that I was the conceptualizer and he was the implementer. This type of friendship that we had continued right throughout until I last saw him. When there were allocations to constituencies, Roger would sometimes call me and say, my boy, I send down a little extra thing for you, go and check your parish manager. And when I went there it was an allocation of an extra $200,000 that he would send down to give me a little thing.

Dr. DAVIES: That is where my allocation went.

Mr. HUTCHINSON: That was the sort of relationship and friendship that we had.

I remember when the fertilizer - and those of you who were here... with the biosolids - was imported, he made heavy weather of it and said that not even John crow would go near the fertilizer where it was because of its pungent smell. However, shortly after his ramping and raging in Parliament, and in the news media about it, he bought a trailer load of the same fertilizer. And the night after it came, persons felt that since he had such

strong objections about it, he didn't want it. So the next morning Roger found his trailer load of fertilizer missing. (Laughter) He called me the following morning and said: "*My boy, the John crows gone with all mi fertilizer."* (Laughter) Roger was a genuine politician, a genuine friend, a colleague, an adviser - gone too soon.

May his soul rest in peace and light perpetually shine upon him.

(Applause)

The SPEAKER: Mr. Luther Buchanan.

Mr. L. BUCHANAN. Thank you, Mr. Speaker.

Mr. Speaker, I too rise in celebration of the life of our beloved brother, colleague, and friend, the late Roger Clarke.

Mr. Speaker, I want to extend, from Parliament, my condolences to his wife and family. And Mr. Speaker, please allow me, in the same breath, to extend condolences to my colleague on the other side, the Member from South East Clarendon, who has also lost his mother, Mr. Rudyard Spencer.

Mr. Speaker, it is a very difficult task to stand here to pay tribute to the life of my colleague whom I have known all my life, even before becoming his colleague. I refer to the late Roger Clarke then, as "Papa Roger" because Mr. Speaker, there is a joke that we shared, similar to the one I shared with you on Sunday, that because he knew me from I was a little boy, and his association with my uncle, the late Donald Barrington Buchanan, he said: *'Boy, you know you shoulda call me uncle Roger'.* And I said, in response to that: *'I will make it up to you by referring to you as Papa Roger'.* Mr. Speaker, it is evident of the loss Jamaica has... in terms of the life of Roger Clarke; the Ministry of Agriculture, the parish of Westmoreland, but more so, the constituency of Central Westmoreland.

Mr. Speaker, when I drive home to Westmoreland, the vacuum is one that is evidently hard to fill. But, Mr. Speaker, as Westmorelites, we are strengthened by fond memories that we will never forget, with our comrade, colleague, and friend, the late Roger Clarke.

Mr. Speaker, I reflect going to a conference in Central Westmoreland, a year-plus ago. I turned up in a red shirt; he did too, and so did the Member from Western Westmoreland. And when we sat at a table to refresh ourselves, I said, wait, but all of us is wearing red. And Roger's comment was: '*Well it is safe to say the West is won'.* And, Mr. Speaker, I keep hearing that comment in my mind playing over and over again.

And it was at that very same table, Mr. Speaker, that he reminded us of the joke when there was a political party, the NDM, and his contender in his first election in Central West was running in Western Westmoreland against the sitting Member of Parliament now. The candidate then, Mr. Hammond, drove a vehicle similar - very similar to that of Roger Clarke, and he was driving through...

Mr. SPENCER: Alma.

Mr. BUCHANAN: Alma - you are a Westmorelite - and some people ran out and said, Mr. Hammond, Mr. Hammond, Mr. Hammond... And Roger, being sharp and witty as he was, applied his brakes and came

to a halt a little distance down. And when the people came close, within about 15/20 feet where they could hear his voice, he said: *Whey unnu want unnu beg too much.* And he pressed the gas and drove off, and fanned them off. And Mr. Hammond couldn't go back to Alma at all. (Laughter) It took the whole NDM to go down and convince the people that it wasn't Mr. Hammond.

Mr. Speaker, I spoke to my colleague and friend the Tuesday before his passing. I spoke to him the Wednesday before his passing - we were preparing in Bethel Town for the opening of the sorrel processing plant - and he said to me, '*son, I coming tomorrow, don't tell anybody, that if I feel up to it, I'll give you all a surprise. I may not come out of mi car; I'll just peep in and go home. And make sure you check me Friday or Saturday morning'*. That was the last time I spoke to him. We had a father and son relationship. Roger was a political teacher. He served without reservation. He gave his all onto this country. Roger, you served well. You have run a good race. You went the full mile. I pray light perpetual will shine upon your face.

Thank you, Mr. Speaker.

The SPEAKER: Mr. Robertson.

Mr. ROBERTSON: Thank you, Mr. Speaker.

We have had many colleagues reflecting on our friend's life this afternoon, and I will be brief. In 2002, the numbers on either side showed great shifts. And a lot of us came in here as young, energetic, bulkins. And it was during that period that Roger was given a name. We were on this side, and Devon McDaniel and myself started calling him Red Poll. And I just spoke to my colleague to my left who is a family member, and he indicated he never had that name early in life. And my friend, Roger, would say watch the big bull, walking down the hill; don't run off.

From 2002, there were many individuals on that side whom we watched carefully. And I will indicate, Dannv Buchanan is one. We had many a good, long afternoon in here with him and we became good friends. Still with us, but not in the House, was KD Knight. We learned a lot as young men and women, Parliamentarians on this side, and you referred to that earlier, the Member who occupies the seat he had at the time.

Roger, as the Leader of the Opposition had indicated, was very warm. He knew how to break the ice; how to be a game changer. Roger developed a friendship with a lot of us that now stretches from Braes River, his farm, to St. Paul's, his home, to our homes. Roger made the time to become family and friend, and in many ways, a mentor. Roger has taught many of us how to ride the highs of politics and the lows, and to come out on our feet.

His intellect - in reflecting and thinking about Roger Clarke. there are a lot of people - with intellect, but he also had two things to pair with it. He had a memory that I will never forget. Nobody have I come across with a memory and an intellect of Roger Clarke – the balance. You would get a phone call from Roger saying, I saw you call one week ago. I was somewhere and I saw it. I don't know how

he did it, but Roger could teach many of us a lesson - and has taught us many, a lesson.

I want to be brief, but I want to indicate that the giant of a man, Roger Clarke, should be, and could be buried as an Egyptian Pharaoh. We would have to put two or three phones with him; we would have to put his collection of ties, because he was a man who was always impeccably dressed. We would have to also understand that he was a loyal man, and he was loyal to his friends and his party so, we would have to find space for the trumpet. But I know that if we placed that trumpet there, many of us would not sleep because we would hear it every time we retraced the steps that we shared together.

Every year in August/September I would visit St. Paul's, and Roger - and Mrs. Clarke would prepare - Roger was no cook, or no chef. He relied on Sonia. She would prepare the same soup every year for the group of us who would descend on his home. But for you to reach his home, you would have to spend the time to travel through the canefields and the different crops, because he was a true farmer - a practising farmer.

Roger knew that I came from a farming background, but he was very surprised to realize how quickly and how easily I opened a wire fence. He said he lost a few cows and bulls recently, and I showed the propensity to open a fence, and to move around animals very swiftly. He told people that he wondered if his cows were in Yallahs. (Laughter) I have no farm in Yallahs, and Roger knew that well.

When Roger did that famous dance and I called him as I did, when Roger performed that famous dance and I called to ask him about it, he said, "James, that dance was for you, it was in Yallahs Square." I said, "really." I said, "It was not in Yallahs Square, you mean you have been repeating the dance, you have been dancing to the same tune too long."

We always bantered, always exchanged words, he created a bond and if I did not mention, with my father also, if I did not mention that he would send a note across to me because anything you did that he agreed with or did not agree with a note would follow immediately.

I say to the People's National Party and to this House, to Jamaica and to all who came across him internationally, we will miss him, we will reflect on him and may his soul rest in peace.

(Applause)

The SPEAKER: Mr. Vaz.

Mr. VAZ: Thank you very much, Mr. Speaker.

I would like to give condolences not only to late colleague Roger Clarke but also to colleague Spencer and to Mrs. Cooke, the Clerk, who we learnt earlier lost her mother.

Mr. Speaker, I am indeed grateful to say a few words on the passing of my friend and political mentor, Roger Clarke.

Since his untimely passing a lot of kind words have been spoken by Jamaicans from all walks of life. Mr. Speaker, that's not surprising as Roger walked with kings but never lost the common touch, or for that matter lost touch with the common people, hence him winning all eight elections he contested spanning decades. I am yet to hear

one person either PNP, JLP, or no P at all, utter anything negative about Roger Clarke while he was alive and nothing other than deep sympathy and regrets since his untimely passing. What a feat for a politician in Jamaica's tribal political system.

Mr. Speaker, I spent the weekend, last weekend in my constituency and almost every JLP worker and constituent that I met was visibly shaken and saddened by Red Poll's passing. On a personal note Roger was my friend, albeit for less than ten years, but the length of friendship does not necessarily dictate the quality of friendship and I must say that behind the carefree, jovial, fun-loving Roger was a soft, caring and sensitive man. A loyal friend. He was always there to give advice and encouragement in good times and bad. A gentle giant of a man. He was kind and compassionate despite his jovial persona. Those of us who were close to him can bear this out because when Roger had that unfortunate accident a few years ago you saw a completely different Roger Clarke.

He was a proud and humble man whose integrity was unquestionable and his love of his country and the people was paramount at all times. Having spoken to Roger almost every day while he was away during his illness, I know there is nothing he wanted more than to return to his homeland to continue his mission of nation building. In our last conversation he requested to be met at his St. Catherine home with a fresh steam fish to be cooked by a mutual friend on his return last Thursday, as he was heading straight to St. Elizabeth and Westmoreland to continue his recovery and to continue his new healthy lifestyle. He never made it but died trying to return to the land of his birth. To his dear wife, Sonia, and family I mourn and pray with you as I too have lost a remarkable friend and mentor. I can only hope that you would be comforted and consoled in knowing that Roj has left an indelible mark on this country and uplifted the lives of thousands of Jamaicans, a feat for which the good Lord will recognize him when they meet in due course. Parliament and politics will never be the same with the loss of Roger Clarke.

Mr. Speaker, I will just close by giving you one or two quick little jokes that come to mind every time I think of Roger Clarke.

Just days before or after that famous headline in the *Gleaner* about Roger comparing himself with Usain Bolt, I was in Portland and I had just gotten a lovely piece of wild hog and right away I remembered Roger. So I called him and I said, "Roj, what is this I am reading in the papers about you?" He said, "Absolutely, everything is correct." I said, "Everything is correct?" "Everything." Devoting his life to his wife and health. So I said, "Does that mean you stop drinking rum?" "Yes, sir." "You stop eating pork?" "Yes, sir. " I said, "So what shall I do with this piece of wild hog, with the head on that I just got fresh in Portland?" He said, "I told you I don't eat pork, I never tell you nothing about wild hog, bring the wild hog come."

(Laughter)

That was Roger. Right away he made a complete distinction between hog, wild hog and pork.

The other one is. Roger told me years ago that he went to the pharmacy on Mannings Hill Road, and this was about 11.00 o'clock in the day. This is one of his favourite jokes when we are having a few drinks, and he said he saw on the door 'Come in we are open', but the door was locked. He went "Bam, bam", no answer. "Bam, bam, bam", no answer. He looked on his watch he saw 11.00 o'clock and he went with his fist, "Boom, boom, boom" and a man opened the door and pulled him right in. Hold him in his collar and pulled him in. Roger had walked into a robbery.

(Laughter)

Roger said, "Daryl, can you imagine I come to fill a prescription to save my life and I am about to lose my life in a robbery?" Anyway, Roj said he was very quiet and very cooperative while they were robbing everybody else, and he noticed the youngster getting very agitated and he had the little .38 in his hand and very nervous, so when he came to rob Roger, Roger was very uncomfortable because the fellow at this time was very agitated. So when he started to empty his pockets and everything, Roj said to him as he usually calls everybody, he said, "Son, listen to me now, I am a very rich man so you don't need to kill me because you can rob me more than once." (Laughter) "You can rob me today and you can rob me again, so just take it easy, just be cool and easy." Well, suffice it to say that Roger was with us up to the other day, so the truth is he had worked his magic even on the robber.

Mr. Speaker, on a serious note in closing, I would just like to say how deeply honoured and privileged I am to have been chosen by the Clarke family to be a pallbearer at Roger's funeral. It means a lot to me both from where I am coming from on this side and the relationship. It speaks loudly that no matter how passionate Roger was about his Party and his politics he never allowed that to interfere with his personal friendships and relationships and his service to the people of this country.

(Applause)

Mr. Speaker, I would just like to say, walk good my friend Roj, and be assured that I too will continue to practice the political style you taught me and serve Jamaica with distinction as you did.

God bless you.

(Applause)

The SPEAKER: Dr. Duncan.

Dr. DUNCAN: Mr. Speaker, at any moment now I expect the 62 telephones to ring with Roger calling everybody in this room, because it appears as if he spent all of his last two or three weeks calling every single Member of Parliament in this room. I don't know where he got the time to do what he did but everybody thought that when they were going to pay tribute to Roger immediately after his passing, either between individuals or groups, always start off by saying, you know, I heard from Roger last week or yesterday. It is a real privilege for me to, on behalf of Region Six of the People's National Party which comprises of the parishes of Westmoreland, Hanover and St. James, to say to Mrs. Clarke and family how sad we are in the passing of Roger, and we extend our condolences and our best wishes and know

that life will give you at least, from the memories that have been expressed both in this Parliament and will be expressed later on in the week either at the various wakes and the funeral on Sunday, that you feel and know that Roger lived a full life and was well loved.

In making this short tribute, Mr. Speaker, as I said, Roger spent his last political years since 2007 in the Region Six but he spent most of his political career in Region Five, and we have had several anecdotes of the way he lived his life and the kind of inspiration that he gave to youngsters who were coming up behind him in order that they themselves can become leaders of a particular type.

I would say, from my point of view having been associated with Roger for decades, that in his political life, in his personal life, in his social life, but I know for sure in his political life Roger could be described as a bridge over troubled waters. Any situation that presented itself that smacked of hostility or conflict, you could depend on Roger to use several of the techniques that have been described in this Parliament, successfully to get things smooth out and back on track.

Another one of his great characteristics linked to this bridge over troubled waters is the stability that he brought to the organization. The stability that he brought to the People's National Party, and from out of that stability arose that fierce loyalty that he demonstrated to his Leader, to his Party and to his country. To several leaders, to his Party and his country.

Roger often recalls the anecdote of how he was forced to demonstrate this loyalty and this stability prior to his coming into Gordon House as a Member of Parliament. Most of us will remember that he was a councillor for the Balaclava division, was mayor and during that period he garnered fierce loyalty and love of the constituency of North East St. Elizabeth. That fierce loyalty and love led to a majority of the constituents, particularly those on this side of the People's National Party, calling upon him to succeed the then Member of Parliament, Sydney Pagan, in 1989, after the eight years that the People's National Party was not in Parliament. But as I think it was the Member from North Central indicated, he had asked Sydney Pagan what was the future for this up and coming politician Roger Clarke and he had said Roger would have to wait his time. But the real story that surrounds that is that, the pressure was so much on Roger to succeed Sydney Pagan that he really felt that he had to submit to that pressure and succeed him, but Sydney was intent that Roger should wait his time.

The Party Leader, who was Michael Manley at the time, in keeping abreast of the various developments in the constituency - we had been out of Parliament for eight years - tried to, in the Roger style, be a bridge over troubled waters. So he called Roger into his office for a short appointment, very short, many of these appointments were very short in those days when matters of this nature arose. And he said, “Roger, I hear that Sydney wants to run again.” And Roger said, “Yes.” “But I

hear that you also want to run again." He said, "I want to give you one piece of advice, as your Party Leader. If you want to have a political future, I am going to suggest that you return to North East St. Elizabeth, call up Sydney, and both of you - when you go to the next public meeting in the constituency, you get up and nominate Sydney Pagan to be the next member of Parliament." And, Roger returned to North East St. Elizabeth, having to face the music of all those people who wanted him to run now, to explain why instead of offering himself as the candidate against Sydney, he was now going to be the person to nominate him. And Roger said, "As a matter of fact, I ended up as his campaign manager." That was the kind of response that you would get from Roger in the Party, in relation to situations like that.

He offered himself - having decided to resign from representational politics, we all recall - he then, when things got very noisy, as the Member from West Rural St. Andrew will recall - in Central Westmoreland, Roger - in the end Roger came to the resolution that he would be another bridge over troubled waters and put himself up on the Party's behalf, to run in Central Westmoreland. And that was the beginning of his sojourn as a stable member of Region 6.

During the course of the last seven years as Member of Parliament, Roger has exhibited those qualities which I have referred to at least twice so far, the qualities of being somebody who could bring stability to the region and demonstrate the kind of loyalty that others could follow.

He held together a very robust constituency where his Councillors spoke their mind. And it wasn't an easy job to keep all those little "Red Poll" bulls under - behaving in the kind of way that Central Westmoreland could improve in the kind of statistics that the Chairman of the party referred to, to more than double the margin that he won by in 2007, having doubled it by 2011**.**

So, on behalf of the Region, on behalf of the constituency, on behalf of his Councillors - Councillor Devon Lewis. Milton Miles. Councillors Gordon, Vanreil and Paul Wilson, I want to pay tribute both to the memory and the work of Roger Clarke in Central Westmoreland.

Roger obviously said many different things to many people, but some things coincide. And again, it's the Member from North Central who reminded me that he spoke with Roger about when he would plan his departure. And he said Roger told him that he would wait for a certain time. But I don't know if he didn't add the other part of the story, he said he would wait, he would not leave until both Pearnel Charles and Mike Henry have left. (Laughter) So as long as they are here, he would be here until that time.

Roger was an excellent representative of the people, apart from all the other characteristics, his personality, *et cetera,* but in terms of representation. And he took certain things very hard when things didn't turn out in the way he wanted for his constituency.

I remember when I returned to Parliament in 2007, early, early when we became the Opposition, the PNP. One of the early

resolutions that Roger moved, having just left the Cabinet, was for a certain road to be fixed in his constituency, the road from Mackfield to Ferris. So I asked Roger, "But we just come out of Government, I mean, how you can move a thing like that?" Him sey de road don't fix and him know that there is money there to fix it. So, since he is sure the road is going to be fixed, he is moving this resolution because nobody going to vote against it. Lo and behold, I don't know what happened to the money, but the road was not fixed. And that road from Ferris to Mackfield has been outstanding from that time, in terms of getting the kind of attention that Roger wanted.

So I would in closing, on behalf of the constituency, Comrade Minister of Transport and Works, I would urge you to rehabilitate - not patch - rehabilitate that road, a very critical road. I have no self-interest, although it borders on Eastern Hanover, no self-interest is involved. But it's an extremely important thoroughfare from Montego Bay to Westmoreland - that in memory of Roger Clarke, that the entire House ask you to ensure the speediest rehabilitation of that road, and that we can name that road in the honour of a noble, loyal and patriotic representative.

So to Mrs. Clarke - Sonia, and children and the rest of the family, on behalf of Region 6 I say farewell to a friend and comrade. (Applause)

Thank you.

The SPEAKER: Minister Arscott.

Mr. ARSCOTT: Mr. Speaker, the unexpected departure of my colleague, the Minister of Agriculture and Fisheries, the Honourable Roger Clarke, has left us all, those who serve in the Cabinet and the wider Government, and in this Parliament, and too many people all over Jamaica in all walks of life, with a sense of shock, sadness and loss.

Though he is widely associated with his first love, agriculture, and he served as Minister for over twelve years, I want to pay special tribute to him as one of the outstanding predecessors in the Ministry of Local Government. In the three years that he served as Minister of Local Government and Works, between 1995 and 1998, he made an indelible mark on both sides of that important portfolio, and in the process attracted even more admiration and respect from the general public for his unceasing industry, humility and sincerity.

One of the signal achievements of his time in office was the creation of the Parochial Revenue Fund in 1996. (Applause) This transformed the means by which parochial roads are maintained and rehabilitated through a dedicated percentage of revenue from all motor vehicle license fee.

Under his watch the National Advisory Council on Local Government Reform was established. He was responsible for initiating the Parish Advisory Committees, which today we have as the Parish Development Committees.

The Local Authorities were also restructured during his stewardship, and legislative changes made to provide them with increased financial autonomy to serve the needs of parishioners.

His ascension to the Cabinet as Minister of Local Government and Works was a fitting

recognition of his talent and also his extensive experience in the process of governance at the local level.

In 1986 he was elected Councillor of the Balaclava Division in St. Elizabeth, and was nominated Mayor of Black River, and Chairman of the St. Elizabeth Parish Council. He was subsequently re-elected in 1990, where he continued as Mayor, and served a four-year period as President of the Association of Local Government Authorities (ALGA) from 1988 to 1991.

Roger, indeed, was larger than life and affected everyone around him for the better. His twenty-three years of unbroken service as Member of Parliament from 1991 to his passing, in both St. Elizabeth and his home parish, Westmoreland, is but part of the testament to his devotion to national service, and to the dedication he in turn evoked from so many wherever he served.

We already miss his hard work, his insightful interventions at the policy, parliamentary and political levels, and his jovial and infectious spirit.

On behalf of the Ministry of Local Government and Community Development, Mayors and Councillors and Local Government Practitioners, I salute the Honourable Roger Harold Clifford Clarke, with the knowledge that every wave of sadness we feel is tempered by the certain knowledge that Jamaica is a far better place because of his unstinting service as a public servant and entrepreneur.

Walk good, my colleague, walk good. (Applause)

The SPEAKER: Mr. Paul Buchanan.

Mr. Paul BUCHANAN: First, it was Uncle Jim, then Sir Howard, and now Roger. That season, Mr. Speaker, is upon us again.

Mr. Speaker, there is no need to enlarge Roger Clarke in death greater than he was in life. He was large, very large. Like his two older political colleagues from the rural West, Jim Thompson and Sir Howard Cooke, he was a gentle giant who made small men large and mean men smile. He made us all relax and laugh even at ourselves.

Mr. Speaker, others have spoken on the wide span of his life. Mr. Speaker, as you all know, there is a common history between Roger and myself, and this speaks to the quality of his persona. After a long and bitter campaign in Central Westmoreland in 2006, Roger was asked to replace me. And it is to the character of the man, it is to his unique, wholesome, comforting humanity that I felt compelled to go back and campaign for him.

Mr. Speaker, only few men possess that endearing quality. A quality which evokes a sense of duty and service even in the face of personal hurt. Roger Clarke was one of them.

In the wee hours before the 2007 elections I wished him well. We had campaigned long and he was hopeful. I had to leave to come back to town. He said to me, “Buck, you have taught me something”. I responded, “You have taught me more”. He taught me a sense of giving that was greater than winning; greater than claiming the first prize. Beyond all else in that intervention, I understood well that you don’t have to be a Member of Parliament to serve others. Despite his

outward conviviality he was from a time and a people who could never reconcile with the coarser inner-city instincts of our social and political landscape.

Mr. Speaker, in his last winning vice presidential campaign he faced a tough re-election battle. In this he asked Dr. Ferguson and myself to seek some support from the activists of Region 3. On the penultimate night with the inner-city activist becoming more vociferous for drink money, I called him one side and asked, "Roger can you deal with it?" Roger responded in an honest and acrid way, "No". There is a lesson in that, Mr. Speaker, because he was not of the generation who would pay one cent to buy a vote. And so I pressed him. I said, "what of your Chinese friend in the living room, can't he come up with something?" Roger turned to me and said, "Buck is not every Chinese rich, you know. That one is poor." (Laughter) He went on, Mr. Speaker by indicating to me that he had prepared something for the men that he think could work. And he beckoned me to come to the back of the room and, of course, the activists, expecting some money, followed us in tow. Roger opened the back door to show what he had to give them and there on the back lawn were mounds of ackee and coconut and banana and every known crop. He then said in a satisfied tone to the disbelieving and disappointed group, "I believe this can keep each yard with food for the next fortnight". Needless to say the disgruntlement of the activists was deafening, spiced with unrepeatable language while Roger just stood there calmly repeating to each one, "No mind *mi* son, no mind everything will be okay". Despite their anger, Mr. Speaker, such was the caring spirit of the man that the following day they all supported and he was re-elected as a Vice President of the People's National Party.

In closing, Mr. Speaker, it is a *clichè* to declare that his like will not be seen again, but it is true. Such men come once in a generation. In the years to come on some small corners or some great occasion we will hear his name and we'll remember the big man who was easily moved to tears. We'll remember his warmth and his laughter and his generosity of spirit and we will repeat his name in our quietude, Roger! Roger! Roger Clarke! and we will listen to the silence.

May it please you, Mr. Speaker. I am done.

The SPEAKER: We give thanks for the works of Roger Clarke and we will ask the Clerk to forward to his wife and family our condolences, but before that I think the House Leader wants to...

Mr. PAULWELL: Mr. Speaker, I wasn't trying to pre-empt you. But I wanted to signal to colleagues who had expressed the desire to speak as well our appreciation for them allowing us to proceed at this stage. They know there are other opportunities. In fact, I know that a number of colleagues will be visiting us at the People's National Party headquarters this evening as we observed another wake. This evening we start at about 7:00 p.m. and Mr. Speaker, I anticipate also on - well, as you know the body will be arriving tomorrow. And on Thursday between

9:00 and 3:00 p.m. the body will be for viewing at the People's National Party headquarters and all Members are invited to participate. There will be two other viewings the following day, Friday, in the morning Balaclava and in the afternoon at Manning's High School. I do not believe that there will be any apart from those. So those are the only opportunities for viewing of the body. So we really would love to welcome our colleagues, all of colleagues, to be present on Thursday between 9 and 3.

Mr. Speaker, I should also mention as we did hear earlier, the sad passing of the Clerk's mother; Miss Curtis' sister also passed during this period, so we also want to signal to her our sympathy. And of course the Member from South East Clarendon we have also noted his mother also departed.

Mr. Speaker, we at this stage will take your guidance as we observed a moment's silence.

The SPEAKER: We now rise for a moment of silence.

(A moment silence was observed)

May his soul rest in peace and light perpetual shine upon him.

ANNOUNCEMENTS

The Clerk laid on the Table of the House, a copy of the following:

- **Ministry Papers No. 121 - 124**
  Cabinet Agenda Issues dated 30 June, 2014; 7 July, 2014; 14 July, 2014 and 21 July, 2014
- **Ministry Paper No. 125**
  Annual Reports and Audited Financial Statements of The Sugar Company of Jamaica Limited for the financial years 2006 to 2009
- **Professional Engineers Registration Board**
  Annual Report and Audited Financial Statements for the calendar year ending December 31, 2013
- **Jamaica Bauxite Institute**
  Annual Report and Audited Financial Statements for the financial year 2009/10
- **National Road Operating and Constructing Company Limited (NROCC)**
  Annual Report and Audited Financial Statements for the financial year 2012/2013
- **KCT Services Limited**
  Annual Report and Audited Financial Statements for the financial year 2013/14
- **Transport Authority**
  Annual Report and Audited Financial Statements for the financial year 2006-2007
- **Jamaica Railway Corporation**
  Annual Reports and Audited Financial Statements for the financial years 2008/2009; 2009/2010; 2010/2011 and 2011/2012
- Report of the Regulations Committee of the House of Representatives on its Deliberations on the Office of Utilities

Regulation (Amendment of First Schedule to the Act) Order, 2014

- Report of the Regulations Committee of the House of Representatives on its Deliberations on the Foreign Nationals and Commonwealth Citizens (Employment) (Work Permit Fees) (Amendment) Regulations, 2014
- Report of the Regulations Committee of the House of Representatives on its Deliberations on the Deposit Insurance (Joint, Trust and Nominee Accounts) Regulations, 2014

Certified Appropriation Accounts

Ministry/Department	Fin. Year
Office of the Cabinet	2012/2013
Office of the Cabinet	2012/2013
Office of the Cabinet	2012/2013
Police Department	2012/2013
Ministry of Science, Technology, Energy & Mining	2012/2013

BILLS BROUGHT FROM THE SENATE

The Clerk read the following message from the President of the Senate:

To: The Honourable House of Representatives:

"I have the honour to advise the Honourable House of Representatives that on the 30th day of July, 2014, the following Bills were passed in the Senate: Bill entitled: "The Tax Penalties (Harmonization) Act, 2014" passed with one (1) amendment for which the Honourable Senate seeks the concurrence of the House of Representatives and that is in Clause 1 - delete the word, *'August'* and substitute therefor the word, *'October'.*

Secondly, a Bill entitled, "The Tax Collection (Miscellaneous Provisions) Act, 2014" passed with seventeen (17) amendments for which the Honourable Senate seeks the concurrence of the Honourable House of Representatives - and the amendments for that Bill have been printed and circulated.

Signed: Floyd E. Morris

President of the Senate"

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker, in relation to the Tax Penalties (Harmonization) Act, Mr. Speaker, it's a simple amendment, which is the deletion of the word, *'August'* and the substitution of the word, *'October'* to indicate the date at which these penalties will become valid. So I move that first, Mr. Speaker.

Secondly, the Tax Collection (Miscellaneous Provisions) Act, the amendments the Miscellaneous Provisions Act have been circulated and essentially, there has been an adjustment to most importantly the procedure, which incorporates a judicial consideration of any measures involving forfeiture. And that has been provided for in the Act and I think it finds favour certainly with us and was certainly an issue that had

been raised earlier and is in keeping with the general circumstances of the Act. So, Mr. Speaker, I propose that we accept the amendments moved in the Senate.

Mr. SHAW: Mr. Speaker.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, you will recall that this Bill, when it was debated in the Lower House, it was the subject of some considerable concern by the Opposition. And these amendments were not circulated, they were just tabled today, and with all due respect I think that it would be appropriate that the Minister should give us some time to have a look at these amendments.

Mr. Speaker, if we take the first I certainly would allow for the time. I think it allows for - it is in keeping with certain concerns that were raised here, but given the significance I don't mind the delay of a week in relation to the second. And so we will do this next week when we meet.

The SPEAKER: Okay.

Dr. PHILLIPS: That is to say the Tax Collection (Miscellaneous Provisions) Act.

The SPEAKER: Will be done next week?

Dr. PHILLIPS: Yeah, we'll take the Senate amendments to that next week. In relation to the Tax Penalties (Harmonization) Act, we'll approve that now.

The SPEAKER: Which is just the month?

Dr. PHILLIPS: Yes.

The SPEAKER: Is that the wish of the House?

Put to the House and agreed to.

REPORTS FROM COMMITTEES

Mr. L. B. SMITH: Mr. Speaker.

The SPEAKER: My Deputy.

Mr. L. B. SMITH: Mr. Speaker, if it pleases you Mr. Speaker, I seek the leave of the House to ask for withdrawal of Item No. 17 under Private Members' Motions on the Order of Business, which is a Report from the Regulations Committee.

Mr. Speaker, this has come about because it was discovered that there was a procedural glitch, in that the three different Reports were combined namely:

1. The Office of Utilities Regulation (Amendment of First Schedule to the Act) Order 2014;
2. The Foreign Nationals and Commonwealth Citizens (Employment) (Work Permit Fees) (Amendment) Regulations, 2014;
3. The Deposit Insurance (Joint, Trust and Nominee Accounts) Regulations, 2014.

They were all joined together. But subsequently, Mr. Speaker, it was discovered that each of these ought to be dealt with separately, so I now seek the approval of the House to carry out that particular function.

Put to the House and agreed to.

NOTICES OF MOTIONS GIVEN ORALLY

Mr. L. B. SMITH: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move the following motions:

1. Be it Resolved that the Report of the Regulations Committee of the House of Representatives on its deliberations on the Office of Utilities Regulation (Amendment of First Schedule to the Act) Order, 2014, which was laid on the Table of the House on the 9th day of September, 2014, be approved;
2. Be it Resolved that the Report of the Regulations Committee of the House of Representatives on its deliberations on the Foreign Nationals and Commonwealth Citizens (Employment) (Work Permit Fees) (Amendment) Regulations 2014, which was laid on the Table of the House on the 9th day of September, 2014, be approved;
3. Be it Resolved that the Report of the Regulations Committee of the House of Representatives on its deliberations on the Deposit Insurance (Joint, Trust and Nominee Accounts) Regulations, 2014, which was laid on the Table of the House on the 9th day of September, 2014, be approved.

Thank you, Mr. Speaker.

The SPEAKER: House Leader.

Mr. PAULWELL: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move to introduce and have read a first time, firstly, a Bill shortly entitled, The Quarries Control (Amendment) Act, 2014. And secondly, a Bill shortly entitled, The Representation of the People (Amendment) Act, 2014, popularly regarded as the Registration and Financing of Political Parties.

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move to introduce and have read a first time, a Bill shortly entitled: "The Customs (Amendment) Act, 2014".

I should give notice from now, Mr. Speaker, that it is our intention next week to take this amendment through....

(Inaudible comment by Mr. Shaw)

Dr. PHILLIPS: It's here, it's here; it's tabled to take it through all its stages.

The SPEAKER: Okay, Minister.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Mr. DALLEY: Mr. Speaker.

The SPEAKER: Mr. Dalley.

Mr. DALLEY: Thank you, Mr. Speaker. I beg to move and to introduce and have read a first time a Bill shortly entitled, The Public Procurement Act, 2014.

Bill shortly entitled: "The Public Procurement Act, 2014",

read a first time.

Mr. DALLEY: Mr. Speaker, I beg to give notice of second reading of the Bill.

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, I should remind Members of the House that we will be meeting next Wednesday instead of Tuesday, there will be an extended session of the Cabinet for Tuesday, but we will be

meeting on Wednesday. We do have a lot of work to complete during this session between now and the end of the Calendar Year.

Today, Mr. Speaker, we will be taking the Minister of Finance at Item 14 on the resolution dealing with the Wallenford Coffee Company and after that we will have the Minister of Labour addressing Item 5 and he will commence the debate this afternoon and we'll conclude next week Wednesday.

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker, just for total clarity it is proposed, with the approval of the House, to take the Items at 13 and 14, two Resolutions relating to the assumption of debt. And propose, Mr. Speaker, to take them jointly for purposes of this debate.

The fact of the matter, Mr. Speaker, last June, these motions were brought to enable the Government to assume liabilities of Two point Eight Nine Billion Dollars owed by the Wallenford Coffee Company to the PetroCaribé Development Fund, National Export-Import Bank of Jamaica and the European Investment Bank. And in relation to Clarendon Alumina Production Limited (CAP) to assume the assumption by Central Government of outstanding balance of Two Hundred and Thirty-Seven Million, Seventy Thousand, Two Hundred and Ninety-Six US Dollars and Sixty-One Cents.

The obligations, Mr. Speaker, first of all in relation to (CAP) are to facilitate the sale of the Wallenford Coffee Company, which was part of a privatization process to Portland Private Equity AIC Caribbean Fund Limited.

This privatization process has been underway for some time from the preceding administration and indeed, in keeping with this agreement there has been substantial investment undertaken by the new owners, but it requires for the closing of this deal that the Parliament's Resolution be carried so that the final procedures can be undertaken.

Mr. Speaker, the benefit to the Government overall and to the country is that it will remove the charges for carrying the losses from the Consolidated Fund, but even moreso it will facilitate expanded investment in the company and its expansion of planting activity which is already underway.

Similarly, Mr. Speaker, the question of the financial viability of CAP has been an issue for some time. The arrangements have been arrived at to allow for the participation in the ownership of the country by a third entity and indeed which has been completed and to clear the Balance Sheet to facilitate not only the assumption of that ownership interest, but to relieve the Government of Jamaica from its obligation to make good on behalf of CAP to meet requirements of the company for working capital and for investment capital along the way.

In keeping with that obligation, Mr. Speaker, the Government proposes to assume the liabilities owed to the Petro-Caribé Development Fund, which will then be satisfied from the Consolidated Fund and which will facilitate overtime the expansion of the productive capacity of CAP by the new investing parties who are going to be putting

in additional energy generating facilities there, which will facilitate expanded production and overtime will put the company in a position where the entirety of the GOJ interest may be disposed of.

Mr. Speaker, I commend to the House these two Resolutions, which will, as I say, go a far way to enhancing the productive capacity of both of these companies.

I so move, Mr. Speaker.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, the question of these guarantees to be undertaken or the assumption rather by Government of these debts, I think it brings into sharp focus, Mr. Speaker, the fact that we - we have been using the PetroCaribé Development Fund more like a 'Bail-Out Fund', more like the PetroCaribé Bail-Out Fund than the PetroCaribé Development Fund. Because truth is that, if we examine the history of significant expenditure from the PetroCaribé Development Fund since its inception, we have used it for bail-outs in the Ministry of Construction and Roads; we have used it for bail-outs, as in this case, while we already have an obligation of some US Three Hundred and Forty Million Dollars in a bond that the Government had to take over for CAP, we now have Two Hundred and Thirty-Seven Million US Dollars that also had to be loaned to CAP by the PetroCaribé Development Fund.

The truth is that the CAP was another example of continual bail-out. CAP has already cost taxpayers of this country close to One Billion United States Dollars in total obligations as a result of a faulty sale agreement, forward sale agreement that had been entered into without, without having appropriate escalation clauses. Most notably, clauses for increased cost of energy in a highly capital intensive business, energy intensive process and based on a fixed priced contract over an extended period of time.

And so the total cost to the country so far for CAP for that faulty decision, Mr. Speaker, is by my estimation to be close to One Billion United States Dollars.

So my main concern here is to mention that I think we should take another look at the PetroCaribé Development Fund and to examine carefully, the purposes for which that Fund were intended and see, Mr. Speaker, how we can begin to channel the use of that Fund in a more productive way for the economy.

For instance, one of the mandates of the PDF is human development; developing our human capital. Not much of that is being done from the PetroCaribé Development Fund, but that is one of the thing that was envisioned in putting together that Fund by the then President of Venezuela and, of course, obviously supported by the Government of Jamaica of the day.

But what have we used the money to do? Have we used the money to do any human development? Because I have often said that our greatest crisis in Jamaica is not the crisis of crime, which is a crisis, not crisis of the economy, which is a crisis, but believe me, the greatest crisis, Mr. Speaker that this country faces, is the crisis of human underdevelopment. And here we have a Fund

that was created, and one of its mandates was listed in the articles of its creation saying, develop your human capital.

How much of this money have we used to develop our human capital? And I think it's important that I'm not accused of going on an excursion here, but this relates to monies that we now have to guarantee to the PDF, that was loaned by the PDF to the Clarendon Alumina Production to Wallenford Coffee and now the Government of Jamaica has to take over the obligation.

When are we going to start using the PDF to develop our human potential? I mentioned one of them on the table, Mr. Speaker, take over early childhood education, start educating our children from three years old; don't wait until six years old at Grade one when they already have what is bad in the morning caan come good in the evening. The kids need - you need to take over the educational system from three years old. Let that be the mandates of the PetroCaribé Fund.

And the final point I wish to make, Mr. Speaker, is that in questions that I raised in this Honourable House some months ago, it had been accepted by the Minister and by the Government that the administrators of the PetroCaribé Development Fund had commissioned a risk analysis to be carried out. A risk analysis of the integrity, that's what it is, it's an analysis of the financial integrity of the Fund, which is not a small fund, it's not small potato, it is United States Three Billion Dollars, that is the size, Mr. Speaker, of the PetroCaribé Development Fund. And the PDF administrators no doubt by competitive tender, awarded the contract for the risk analysis to a particular consultant.

And this Honourable House was told by the Minister subsequently in answers to questions that I raised about where is the risk analysis? The answer was that the consultant's *bona fides* were being questioned and that there was an issue as to whether some form of plagiarism was involved. And, Mr. Speaker, I'm not satisfied with the answer because money was paid to the consultant!

(Inaudible comments)

Mr. SHAW: Money was paid to the consultant that means that public funds were expended, and once public funds are committed and expended, then this Honourable House is entitled to get the information. Why is the risk analysis report being withheld from Parliament? As far as I'm concerned, not only should it be tabled in Parliament, but the Auditor General of Jamaica and the Contractor General of Jamaica should also take an interest in this risk analysis.

Were there conclusions arrived at, Mr. Speaker, in the risk analysis that the PDF fund did not want to make public? Is the risk analysis that has been done, does it have more loans in there on top of these two that are now the subject of this debate? Are there other loans, Mr. Speaker, in the PDF fund that should now be coming to Parliament for the appropriate guarantees by Government to the PDF? And is that one of the conclusions that was in the risk analysis report? I don't know.

Mr. SAMUDA: See the Minister there looking at you.

Mr. SHAW: And will the Minister be able to tell us whether there are additional loans that should be guaranteed by the Government, that are loans made out by the PDF? And in the same way we're rushing through to approve these guarantees today, are there other loans out there to the PDF that need to be guaranteed in similar fashion? Did the risk analysis report call for that guarantee? That's the question. But public funds have been expended and the consultant is part paid, and on that basis this Honourable House must get the risk analysis report that has been done on a Three Billion United States dollar fund. And whatever the consequences are, whatever the information that is in there, let the chips fall where they fall, but we have to run a transparent business when it comes to this very important Fund, Mr. Speaker.

Thank you very much.

Mr. L. BUCHANAN: Hear, hear!

Dr. PHILLIPS: Mr. Speaker, there has been much energy expended by the Member opposite, with great sound and much fury, but I think we need to remind what it is that we're here debating.

There are two resolutions talk, which refer to not any guarantee that was provided. In fact, there is no guarantee that was provided. What is provided for is that in the Public Debt Management Act, there are provisions made for borrowing purposes on exceptional grounds, and what is being done is that there is - the debt is being assumed by the Government of Jamaica to the PetroCaribé Fund, not because of any loan made that requires a guarantee.

In fact, in fact, the terms of the privatization of Wallenford started when the Minister, when the Member was Minister of Finance specified, as would be expected, that in the event that a new purchaser takes up the institution it would take it up debt free. Presumably he would understand why the debt was advanced in the first instance, to facilitate production of coffee and to keep Wallenford open.

There are other debts that were assumed during his time to facilitate privatizations for sugar, for Air Jamaica, for other things, that is what arises here. If the Member wants to have a debate about the PetroCaribé Development Fund we can have it at any time. He just need to move the appropriate resolution and we can have it.

But let me say we've already answered the question, we've already answered the question about the study that was commissioned, the *bona fides* of the person who was secured to do this were questioned. My latest information is that there's a settlement to be considered and I don't know what the current situation is, but the PetroCaribé Development Fund has to make a decision and its board as to whether it will have a settlement of the issue or it will go to the Court it will cost some money. They will arrive at the decision; it is a board of civil servants all of high integrity.

Now in relation to CAP, Member again with sound fury, talks about the debt pursued by CAP and the forward sale agreement. The fact is, it's a long history, but it is also a fact that when he was Minister and they had an

opportunity to hedge against oil they neglected it and that is what caused the debts to run up to the extent that it is. But the fact is, the fact is, the fact is...

Mr. SHAW: You're talking rubbish! Rubbish!

Dr. PHILLIPS: I didn't interrupt you.

...the fact is that now we have put it in a position where it is able to be more efficient to have an energy solution and to have third parties interested in dealing with it. All of this is diversion and nonsense and poppycock!

Mr. Speaker, I move that the resolutions be carried.

(Applause)

(Inaudible comment by Mr. Shaw)

The SPEAKER: Those in favour of the resolutions?

Put to the House and agreed to.

The SPEAKER: Minister Kellier.

Mr. KELLIER: Thank you, Mr. Speaker.

Mr. Speaker, I'm indeed grateful for the opportunity to commence this very important debate in this Honourable House on the Employment (Flexible Work Arrangements) (Miscellaneous Provisions) Bill. From the very outset I proposed with your permission, Mr. Speaker, to make two very simple, but fundamental points.

Firstly, I wish to state very clearly that given the historical trajectory of discourse and consultations that has accompanied the drafting of this Bill, there's absolutely nothing within it as it currently stands that should invite any form of controversy and consternation from any quarter.

Secondly, Mr. Speaker, permit me to place on record the fact that the necessity for this Bill is motivated by hard-nose economic realities that are global in scope and nature. For behind the demands of the existing standby agreement with the International Monetary Fund, there's a reality of the sharp global economic downturn over which we as a country have very little control. This has affected our consumption and production functions in ways that impact negatively our balance of payments equation, triggering problems for our long term growth and employment potential.

As such, Mr. Speaker, part and parcel of the strategy for reversing this trend rest upon the deepening of our own resolve as a nation, to utilize our capacity, to transform our liabilities into assets. The proposed flexible work arrangements therefore, must be seen as one critical component in the arsenal of strategies and tactics being employed by the Government, to arrest some of the problems currently militating against further growth and development in the economy.

In this sense, the legislation underpinning this new work arrangement is not designed in any shape or form to foster discord or disunity. On the contrary, it is intended to unify us as a people in the pursuit of our economic goals and to bring us into greater accord with the imperatives of the global economy.

As I stated in my contribution to the Sectoral Debate earlier this year, Mr. Speaker, and I quote:

> "Unless we turn around our experience in this country, with negative productivity growth which continues to stifle our potential to grow the economy, create jobs, improve the quality of life of the majority of the people and make our goods and services much more competitive, regionally and internationally, our economic reform programme could be unravelled to the detriment of all of us."

It is against this background then, Mr. Speaker and Members of this House that I respectfully subject this afternoon that we begin our discourse on the Employment (Flexible Work Arrangements) (Miscellaneous Provision) Bill, 2014 that is now before us.

Mr. Speaker, it has been some 18 years, since we as a nation began the discourse on the implementation of the Flexible Work Arrangements. From as far back as 1996, a Labour Market Reform Committee, chaired by Professor George Eaton had recommended the implementation of flexible work arrangements as one of the strategies for reforms of the Jamaica Labour Market. It was intelligently recognized as of then that flexibility in the labour market is crucial to the country's ability to compete and survive in the global economy.

Mr. Speaker, it is worth noting that globalization in the 21st century has already resulted in the emergence of new work arrangements, production processes, and rapid movement of capital and production. It is defined furthermore as the intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring miles away and *vice versa.* Going by this definition, Mr. Speaker, we can say that globalization has directly impacted national economies which have become increasingly exposed to a competitive international environment. For us, this means that our local businesses, goods and services, have to learn to compete with competitors all over the globe, in fact, many businesses in Jamaica today are faced with the stark reality of choice between achieving world class standards or simply going out of business.

This, Mr. Speaker, also means that the ability of our economy to grow in the remainder of this century will depend greatly on the extent to which we are able to compete as a country, in the rapidly changing global marketplace which in turn has implications for our ability to compete globally by improving the efficiency, and productivity of our workforce.

In the final analysis, Mr. Speaker, what is important for us to grasp, is that flexi-work is part of a comprehensive approach to addressing our problems with low productivity and ultimately, enhancing our global competiveness. This important Bill before us today, Mr. Speaker, was approved by the Legislative Committee of Cabinet in March 2014, and Cabinet approval for tabling was subsequently given on the 24th of March this year. This you will recall, Mr. Speaker, paved the way for the tabling of the Bill in this Honourable House on March 25 of this year.

Mr. Speaker, it was appreciated from the outset that the implementation of flexible work arrangements would challenge social, cultural, attitudinal and religious norms existing in our society for many years. In fact, challenging existing norms is no easy feat, as evidenced by the 18 years that have elapsed since we first considered the implementation of flexi-work. However, it was long recognized that no fundamental change could be achieved in respect of these norms *vis-a-vis* flexi-work arrangements without extensive consultations and discussions.

But before I go further along this trajectory, Mr. Speaker, I wish to propose and answer in layman terms the question. What does the concept of flexi-work means? In simple terms Mr. Speaker, the concept of flexible work hour is characterized by a variable work schedule, this means, that there are variations in the starting and end time of the work day, the number of hours worked each day, the number of days worked each week and the days of the week on which the employee works. What is more, flexible working practise takes many different forms.

For example, **part-time work with benefits**. This offers the worker the flexibility of working for part time hours, while still being able to access benefits such as group life insurance, pro-rated vacation leave and sick leave. **Tele-commuting** - this encompasses a worker working from a site other than the central work place, such as the worker's home. **Job sharing** - several part time employees share one full time job; the full time salary is divided according to the hours worked. **Compressed work week** - the worker can choose to undertake the traditional 40-hour work week over a shorter span of days, for example, Mr. Speaker, the worker can decide to complete his or her 40 hour week over a span of four days instead of the five traditional days. This is referred to as the 4 to 10 schedule. The worker will then have three days off in the week. Ultimately, Mr. Speaker, it is for employers and employees to discuss and determine the type of flexible work arrangements which will best suit the needs of the organization and the workforce of workers.

(Applause)

Mr. Speaker, although heavy weather has been made in quarters about the consultations, or lack thereof that has accompanied the drafting of this Bill, and despite the fact that the Bill has been in gestation for all of 18 years, we on this side of the House are reasonably satisfied with the level of consultations and discussions that has occurred throughout this period.

Most interest groups and ordinary members in the society were given the opportunity to make their voices and opinions heard. With the last consultation with the citizens prior to today occurred in Montego Bay last Friday at the Montego Bay Cultural Centre. And although active consideration is being given, for even further islandwide consultations, the fact remains that we are pleased to report that several meetings were held, for example, by the Ministers of Labour throughout the years with groups which represented various church denominations. An

attempt was even made to incorporate the non-traditional churches in the discussions as well.

In 2004, for instance, the then Minister of Labour the Honourable Horace Dalley invited to sit with him to discuss flexi-work arrangements, representatives of the following religious groups, the Jewish Synagogue, the Twelve Tribes of Israel, the Islamic Counsel of Jamaica, the Church of Jesus Christ of Latter Day Saints, the National Spiritual Assembly of the Bahia and the Watchtower Bible and Track Society, that is the Jehovah Witnesses.

The seminal point to note Mr. Speaker, is that in July 2000, a working group on flexi-time implementation was established following submissions of proposals from various interest groups. The working group was charged with the responsibility of examining all matters relating to a flexible work week and report to the Labour Advisory Committee. The working group comprises representatives from the Ministries of Labour and Social Security, the then Ministry of Industry Commerce and Technology and the Ministry of Foreign Affairs and Foreign Trade, the Jamaican Employers Federation, the Jamaican Manufacturers Association, the Jamaican Confederation of Trade Unions and the University and Allied Workers Union.

The group prepared a report on a flexible 40-hour week, work week, and the proposals emanating from it, including the introduction of a 40-hour work week, the work day to consist of a maximum of 12 hours, and the incorporation of all 7 days of the week as normal working days. Following on this information, Mr. Speaker, the work of this working group further culminated in the preparation of a **Green Paper** on flexible work arrangements which was tabled in Parliament in 2001 that was designed to foster public dialogue on the issue at the time. Its major proposals were; the incorporation of all seven days as normal working days and the work day to consist of a maximum of ten or twelve hours, and the work week to consist of 40 hours, 10 or 12 that was what at the time proposed. The work day to consist of a maximum of 10 or 12 hours that was the proposal, that the work week would consist of 40 hours and over time would be earned after 40 hours of work within the work week was completed. Existing collective labour agreements would continue to completion, and amendments to the relevant existing laws and regulations would be undertaken.

Mr. Speaker, in an effort to ensure that all stakeholders were given the opportunity to be heard, Parliament decided to refer the matter to a Joint Select Committee of the Houses of Representatives, which would invite further discussions from stakeholder groups and interested citizens.

The Joint Select Committee was cognizant of the concerns raised regarding the introduction of flexi-work including the possible impact on religious worship and family life and determine that a working group be established specifically to examine the implications of flexible work arrangements on religious worship and family life. This was done, and the new group was comprised of representatives from the private and public

sectors, trade unions and civil society groups including the Jamaica Hotel and Tourist Association, the JCTU, the Jamaica Chamber of Commerce, the Private Sector Organizations of Jamaica, the Press Association of Jamaica, the Jamaica Association of Women's Organizations, the Jamaica Agricultural Society and the Concern Church Leader's Groups, the Ministries, Departments of Government including this group, the then Ministry of Industry, Commerce and Technology, Ministry of Labour and Social Security, the Ministry of Foreign Affairs and Foreign Trade, the Legal Reform Department and the Attorney General's Chambers.

The Report of this group was subsequently presented to the Joint Select Committee for its consideration.

Mr. Speaker, I must mention that throughout the years, the Joint Select Committee keenly listened to and consider both oral and written submissions on the flexi-work proposals from several interested parties including those made by the West Indies Union of Seventh-Day Adventists, the Concerned Church Leaders Group, the Jamaica Employers Federation, the Chamber of Commerce, the Bureau of Women's Affairs and Mr. Martin Henry, University Administrator and Public Affairs Analyst.

The Committee also reviewed and discussed the opinions of organizations such as the JCTU, the PSOJ, the JHTA, the JMA and the Association of Women's Organization of Jamaica.

Mr. Speaker, contrary to the views in some quarters it was not until in late 2009 that the Joint Select Committee of this Parliament completed its deliberations and produced its Report on January 26, 2010, with recommendations for the implementation of flexi-work. The Report was subsequently tabled in Parliament and approved by the House of Representatives on February 16, 2010, and the Senate on April 30, 2010. And, Mr. Speaker, at that time the Member from North Central Clarendon was the Minister who presided over the Joint Select Committee during that period.

Mr. Speaker, I go on to some lengths to make these points to join this view that the Government has been derelict in its duty to consult with the citizenry, including the religious community on this very important piece of legislation. It is simply not true. The facts are, Mr. Speaker, as I have stated, say otherwise. And so I wish this afternoon to take this opportunity and I agree with you, Member from North Central St. Andrew, I take this opportunity to offer on behalf of a grateful nation special thanks to all the individuals, groups, organizations and government agencies and departments which participated in the deliberations of the various working groups, and proceedings before the Joint Select Committee of Parliament. I also wish to express appreciation to all the Members of Parliament who served on the various Joint Select Committees and all the groups and individuals who made their voices heard. The hard work, dedication and sense of patriotism

of these groups and individuals have combined to make today's important milestone possible.

Mr. Speaker, for the purposes of historical accuracy I wish to turn the spotlight on the recommendations of the Joint Select Committee which were approved by both Houses of Parliament.

These are as follows:

1. There should be no set eight-hour or 10-hour work day but that the work day should be capped at a maximum of 12 hours;
2. That the work week should consist of 40 hours;
3. That all seven days of the week should be considered as possible working days;
4. That overtime should be earned after the worker has completed 40 hours;
5. That laws should be amended to legitimize women working at nights;
6. The process is to commence to amend restrictive clauses in specific pieces of legislation;
7. That flexible work arrangement would not contravene the workers' rights to worship as workers would be given an opportunity to negotiate their work hours and work days. Workers could negotiate for their rest day to be on the day on which they worship. If persons are denied the right to worship the law will protect them.
8. Additionally, the employers and employees could work out a position of compromise and understanding at the workplace that could take into consideration the rights of employees to a day of rest;
9. The Ministry of Labour and Social Security should be formally requested to supervise and monitor complaints relating to the flexible work arrangements; and
10. That a public education campaign on flexible work arrangements should be implemented.

Mr. Speaker, I want the citizens of Jamaica to appreciate that flexible work arrangements are not new to the Jamaican labour market landscape. As a society we already have flexible work routine as a way of life. It exists in night and shift work in the health, transportation, security, communication, tourism, hospitality, manufacturing and mining sectors.

What the Bill therefore, before this House is seeking to do, Mr. Speaker, is to amend and repeal, where necessary, existing legislative provisions which are contrary to the approved flexi-work policy since most of these (pieces) of legislation contain provisions on which are outdated. Cumulatively, they restrict the opening and closing hours of establishment, they limit the hours that can be worked, they limit the days on which some persons can work, they stipulate that the normal work day cannot exceed eight hours; they restrict the operations of some business establishments on Sundays and established work weeks which exceed the recommended 40 hours.

Mr. Speaker, these provisions may have served our forefathers well years ago but in

the present dispensation they are deemed restrictive and an impediment to our ability to compete in the global economy. In short, they are deleterious to our ambitions in achieving higher productivity growth and the tenets of the National Growth Agenda.

In light of this, Mr. Speaker, we say that the Employment (Flexible Work Arrangements) (Miscellaneous Provisions) Bill, 2014, is an enabling Bill which ought not to generate rancor and discord because it merely seeks to amend existing provisions relating to hours and days of work in several enactments in order to facilitate the implementation of flexible work arrangements and for connected matters.

Mr. Speaker, I now turn to the amendments that are proposed in the Bill. The Apprenticeship (Motor Mechanic Trade) Order, this amendment increases the hours that can be worked by an apprentice in a working day from eight to twelve hours. Additionally, a working week has been reduced from 48 hours to 40 hours in keeping with the policy that a normal working week should be 40 hours. However, apprentices who are under the age of 18 years will not be permitted to work for more than eight hours in any day in keeping with child labour laws and international conventions relating to child labour.

The Second Schedule to the Licensed Betting Offices Rules made pursuant to the Betting, Gaming and Lotteries Act. This amendment removes the stipulation that every licensed premises shall be closed on a Sunday.

The Customs Regulations made under the Customs Act, the stipulations that the working day of officers shall be all days except Saturdays, Sundays and public holidays have been amended by the deletion of the words, 'Saturdays and Sundays'. These words have been replaced by the words, 'rest days'. As this regulation did not include a definition of rest day such a definition had to be inserted.

The effect of this amendment is that the working days of officers shall be all days except contractually agreed rest days and public holidays.

(*Sotto voce* remarks by Mr. Chuck)

Mr. KELLIER: Excise Duty Act, section 76 of this Act is being amended to remove restrictions on the opening hours of premises licence for the manufacture of excisable goods. The section currently states that these premises can only be opened and operated before 8.00 o'clock in the forenoon or after 4.00 o'clock in the afternoon or on Sundays. The Excise Duty Regulations made under this Act are also being amended similar to the Customs Regulations to specify that the working days of officers shall be all days except rest days and public holidays.

For the Food Storage and Prevention of Infestation Regulations, made pursuant to the Food Storage and Prevention of Infestation Act, the hours that a worker can work on specified operations have been increased from 10 hours to 12 hours on any day and decrease from 60 hours to 40 hours in any period of seven consecutive days.

Holidays with Pay Act, this amendment

makes it possible for Sundays to be reckoned or computed in holidays with pay or vacation leave granted to workers where Sunday is an agreed normal working day for the worker.

Licences on Trades and Business Act, section 26 of this Act contains restrictions on the hours during which wine, beer or malt liquors can be sold in premises other than a shop within the meaning of - this restrictive section is being deleted.

The Minimum Wage Orders: the Minimum Wage Orders are the main provisions which include an entitlement to overtime payments. In conformity with the approved policy, the various Minimum Wage Orders, including the National Minimum Wage Order, Minimum Wage (Bread, Bun and Cake, Bakery Trade) Order, the Minimum Wage (Industrial Security Guards) Order, are all being amended. These Orders will now specify that overtime payments are only due after the worker has completed 40 hours in a week. Before this amendment minimum wage earners would have been entitled to overtime payment either after they have completed eight hours in a day or 40 hours in a week.

Additionally, Mr. Speaker, the various Orders have been amended to specify that a normal working week is 40 hours, Sunday will no longer be treated as an automatically premium day which entitles the minimum wage earner to double time payments if they are asked to work on that day. However, if the worker's rest day is a Sunday they should be paid overtime if they agree to work on that day as work and rest days still attract overtime. It must further be emphasized that overtime is still payable for work performed on public holidays.

In relation to the Minimum Wage (Industrial Security Guards) Order, I ask this Honourable House, Mr. Speaker, to correct an error in the Bill; the sum of $183.01 is to be changed to $204.97, which is the current single time rate for industrial security guards.

The National Insurance Act, the word, '*Sunday*' is being deleted in section 15 of the Act. The effect of this amendment is that Sundays can now be included in computations of benefits due to workers who suffered personal injury caused by an accident arising out of and in the course of employment.

The Post Office Regulations, this amendment removes restriction on the opening of post offices and postal agencies on Sundays.

Forest Control, general regulations made pursuant to the Forest Control Act, this regulation has been amended to remove archaic restrictions on women working in quarries. This restriction is discriminatory in modern day society and cannot remain if women are to be given the opportunity to achieve equality with men.

Shops and Offices Act, Shops Regulations, Shops (Kingston and St. Andrew) (Staggering of Hours) Regulations, this Act and supporting regulations imposed restrictions on the opening hours of shops. For example, currently shops in the parish of Kingston are only to be opened from 9.00 o'clock in the morning to twelve mid-day on a Wednesday and in St. Andrew they are to be opened from 9.00 o'clock in the morning and

should be closed by twelve mid-day on a Thursday. Similar restrictions are imposed on shops throughout the island. The Bill now amends the Shop Regulations by specifying that shops may be opened on any day without restriction as to hours - Regulation 4.

Additionally, Regulation 5, section 2 currently specifies that no person is to be employed in or about the business of any shop for more than eight hours in a day. This eight hours has been changed to 12 in line with the approved policy.

Mr. Speaker, the Shop Regulations also provide for the payment of overtime to persons employed in shops. The main Amendment is that similarly to minimum wage legislation, overtime is payable after 40 hours is completed in a week, and not after the worker has worked for a period in excess of eight hours in a day.

The Shops (Kingston and St. Andrew) (Staggering of Hours) Regulations are being repealed as same is no longer necessary, having regard to the removal of the restrictions.

Towns and Communities Act

Mr. Speaker, this Act stipulates that no person shall open any place of business on Sunday, Good Friday and Christmas Day. The Bill removes the restriction placed on the opening of business on Sundays.

Wharfage Act

Section 26 of this Act is being deleted as same restricts the working hours for receiving or the delivering of goods.

Women (Employment of) Act

This outdated Act which restricts the ability of women to choose to work at night is being repealed in an effort to level the playingfield between male and female workers. In other words, Mr. Speaker, this Act is considered discriminatory in today's society...

A MEMBER: It is.

Mr. KELLIER: ...and serve to marginalize an important demographic of our labour force, namely, our women.

A MEMBER: Correct.

Mr. KELLIER: Mr. Speaker, Members of this Honourable House should take note that this Amendment to the Bill is strongly supported by those groups advocating for the rights of women in modern Jamaica, and who, without hesitation, participated in the deliberations before the Joint Select Committee of Parliament.

Mr. Speaker, a similar point of note in this process is the recommendation of the Joint Select Committee that workers should not work beyond 12 hours in a day. The rationale for this recommendation is that workers should not be coerced to work beyond hours which will be deleterious to their health and safety. And in an effort to ensure that this cap of 12 hours is applied to the widest possible cross section of workers, provisions will be made for the restriction in the upcoming Occupational Safety and Health Act, OSHA.

Family Life

Mr. Speaker, some have considered that flexible work arrangements will negatively

impact family life and religious worship. However, we are of the view that flexible work arrangements will provide an opportunity for persons to effectively balance family life and working responsibilities, by choosing the working hours and days which best accords with family obligations.

Additionally, persons could negotiate with their employers to complete their 40 working hours over a reduced period thus leaving more time for family obligations, should they choose to do so.

Where religious worship is concerned; in examining the issue of religious worship, the Joint Select Committee took an inclusive approach to examine the fact that not all religious groups in Jamaica worship on Saturday or Sunday. Flexible work arrangements therefore, will provide enhanced opportunities for workers affiliated to all religious groups to worship on the day of their choice by aligning their rest day with their day of worship, should they so desire.

(Applause)

Mr. Speaker, it has also been argued that the law should protect persons who are denied the right to worship, or who are not hired because of their religion. However, as the Joint Select Committee recognized, freedom of religion is already protected by the supreme law of the land, the Jamaican Constitution in the Charter of Fundamental Rights and Freedoms.

Furthermore, Mr. Speaker, the current legislative framework in this jurisdiction does not allow for the wholesale protection from discrimination in the employment sphere. The only incursion by the Legislature into protection from discrimination in this regard is in the area of remuneration for men and women as evidenced by the Employment (Equal Pay For Men And Women) Act. And in the case of women, where adverse actions are taken by employers, consequent on their pregnancy as seen by the provision of the Maternity Leave Act.

Additionally, Mr. Speaker, labour law in this jurisdiction does not countenance intervention at the hiring stage before an employee has been offered employment. Legislation only intervenes after the parties have already entered into the employment relationship. Under the current legislative framework as encompassed in the LRIDA, it may be permissible for workers who are dismissed solely because they have exercised their constitutional right to worship, to complain to the Ministry of Labour that they have been unjustifiable dismissed. If this assertion is established at the conciliation stage, the matter could be referred to the IDT for adjudication if not settled.

Mr. Speaker, in direct response to concerns raised by church groups, I submit that the Impugned Act not only be dismissal but could be extended to any occupational detriment as defined by section 2 of the LRIDA. And as such Mr. Speaker, it is my contention to move - my intention to move at the Committee Stage that section 2 - and this is very important - of the LRIDA is amended to allow for the referral of disputes to the Ministry of Labour by persons who have suffered occupational detriment as a result of

their exercising their right to worship.

The term, '*occupational detriment'*, as contained in section 2 of the LRIDA, refers to any act or omission that results in an employee being subject:

- to disciplinary action,
- dismissed, suspended or demoted,
- harassed, intimidated or victimized,
- transferred against his or her will,
- refuse transfer or promotion,
- subject to a term or condition of employment, or retirement from employment that is altered to his or her disadvantage,
- provide them with an adverse reference,
- denied appointment to any employment, profession or office,
- threatened with any of the actions specified above,
- otherwise adversely affected in respect of his employment, profession or office, including employment opportunities and job security. (Applause)

Mr. Speaker, the effect of this proposed amendment to the Bill is that employers who subject employees to occupational detriment as a result of the workers' exercise of the right to worship may be subject to the jurisdiction of the Industrial Disputes Tribunal. This further amendment will strengthen the protection offered to persons who seek to exercise the right to worship within the parameters of the existing legislative framework. (Applause)

Mr. Speaker, it is imperative that our discourse in this Honourable House on the Bill before us involves an examination of the potential advantages of flexible work arrangements. These include, Mr. Speaker:

- increased productivity and cost effectiveness within companies,
- a more attractive investment climate,
- increase in employment,
- more time for family and personal interest,
- reduced absenteeism at the workplace,
- less transportation and meal cost per week as a result of a possible reduced work week,
- less traffic congestion during the usual peak hours,
- more efficient use of capital resources,
- the worker's ability to coordinate work hours with school hours and other parental responsibilities, and,
- a wider service to customers, due to varied opening hours and more business days, and chargeable work hours will not be lost due to the employees taking care of personal business during working hours.

On the business of public education, Mr. Speaker, I alluded earlier that the possibility exists for a greater islandwide consultation on the flexible work arrangements as a means of deepening the understanding of the provisions of the Bill. In any event, the Ministry of Labour and Social Security is fully committed to ensure that workers and employers are

aware of their rights and responsibilities under the new Flexi-Work Bill.

Towards this end, Mr. Speaker, we commenced and will intensify our public education campaign along the lines of the very successful forum earlier this year in Emancipation Park, the workshops in Montego Bay and St. Ann, and interviews conducted with various media outlets.

Additionally Mr. Speaker, the Ministry of Labour and Social Security will be actively monitoring all complaints in respect of the implementation of flexible work arrangements, and will be taking the appropriate actions where there are breaches of the law. We have already concluded our sensitization preparation of our relevant officers within the Ministry, throughout the island, who are now fully equipped to effectively monitor the implementation of flexi-work arrangements.

Mr. Speaker, I wish to state categorically that employers and workers have the flexibility and freedom to negotiate the key features of flexi-work. The worker is free to negotiate his or her hours of work, and days of work with their employer, and any attempt to change these terms without the worker's consent would constitute a variation of their current employment contract.

Mr. Speaker, a variation of the employment contract cannot be done without the agreement of both parties. An employer who seeks to alter the existing terms of employment contract without the worker's consent is opening him or herself to a court action for breach of contract, or to proceedings before the Industrial Disputes Tribunal.

The SPEAKER: (Gavels) The Minister's time for speaking has expired.

Mr. PAULWELL: Mr. Speaker, I move that the Member's time for speaking be extended by 10 minutes to allow him to complete his presentation.

The SPEAKER: The question is that the Member's time be extended by 10 minutes to allow him to complete his presentation.

Put to the House and agreed to.

The SPEAKER: Minister...

Mr. KELLIER: Thank you, Mr. Speaker, and thanks to the Members for their tremendous patience, but the importance of this Bill cannot be overstated.

Mr. Speaker, Members of this Honourable House, the great challenge of the proposed Flexible Work Arrangements Bill that is before us resides in our ability and capacity to adapt to the sweeping changes taking place in the global economy.

A MEMBER: Hear, hear!

Mr. KELLIER: The provisions of the Bill challenge our ability as a people of great resolve to move away from the traditional way of mining our talents and skills as creative and productive beings, bounded by archaic laws which have served to stifle our ability to improve our levels of productivity and global competitiveness.

Jamaica is strapped by debt stress, unimpressive levels of productivity, compared to neighbouring countries such as: Trinidad and Tobago, Costa Rica and Barbados, and others such as Japan. Our unemployment

numbers, though declining, are not declining as fast as we would like, and there is far greater need for investments in the human and physical capital of the country by local and foreign capital.

MEMBERS: Hear, hear!

Mr. KELLIER: We believe, Mr. Speaker, that a genuine commitment to nation building and the empowerment of our people demand of us putting in place those policies, programmes and arrangements that will facilitate the necessary adjustments needed to generate growth, employment, and development for we have the capacity within us to spur increased demand for Jamaican goods and services. But this will only happen successfully if we set the right foundation for economic growth and sustainable development.

A MEMBER: Hear, hear!

Mr. KELLIER: Mr. Speaker, the flexible work arrangement is part of the foundation for growth and development, going forward. We have talked about its ultimate implementation long enough. The time for action is now. (Applause)

A MEMBER: Hear, hear!

Mr. KELLIER: In bringing this Statement to a close, therefore, Mr. Speaker, with the memory of all our fallen martyrs and ancestors who worked tirelessly to build this great country, firmly etched in our minds, I invite the Members of this Honourable House to consider, with fixity of purpose, and a view to passing into law, the Employment (Flexible Work Arrangements) (Miscellaneous Provision Bills), 2014.

Thank you, Mr. Speaker.

(Applause)

Mr. PAULWELL: Mr. Speaker, I move that the debate be suspended until next Wednesday, the 17th September.

Put to the House and agreed to.

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker, it is not intended for us to do any further business this evening; I therefore move for the adjournment of Parliament until next Wednesday, September 17, 2014, at 2:00 p.m.

The SPEAKER: The question is that the House do adjourn to next Wednesday, September 17, at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: (Gavels) The House stands adjourned.

The House accordingly adjourned at 6:10 p.m.

WEDNESDAY, September 17, 2014

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.20 p.m.

PRESENT

THE SPEAKER

HON. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern, Speaker of the House.

MR. LLOYD BARNES SMITH, (PNP), St. James, Central, Deputy Speaker

MEMBERS OF THE CABINET

THE HONOURABLES:

HON. PHILLIP FEANNY PAULWELL, (PNP), Eastern Kingston & Port Royal, Minister of Science, Technology, Energy and Mining and Leader of the House

DR. THE HON. PETER DAVID PHILLIPS, (PNP), St. Andrew, East Central, Minister of Finance and Planning

DR. THE HON. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern, Minister of Transport, Works and Housing

HON. PETER MURCOTT BUNTING, (PNP), Manchester, Central, Minister of National Security

DR. THE HON. FENTON RUDYARD FERGUSON, CD, (PNP), St. Thomas Eastern, Minister of Health

REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston, Central, Minister of Education

HON. LISA RENÉ SHANTI HANNA, (PNP), St. Ann, South Eastern, Minister of Youth and Culture

HON. HORACE WASHINGTON DALLEY, (PNP), Clarendon, Northern, Minister without Portfolio in the Ministry of Finance and Planning with responsibility for the Public Service

HON. EVON PATRICK CULLITON ATKINSON, QC, (PNP), Trelawny Northern, Attorney General

MINISTERS OF STATE

HON. RICHARD AZAN, (PNP), Clarendon, North Western, Minister of State in the Ministry of Transport, Works and Housing

HON. IAN DAVE HAYLES, (PNP), Hanover, Western, Minister of State in the Ministry of Agriculture and Fisheries

HON. ARNALDO ALPHONSO BROWN, (PNP), St. Catherine, East Central, Minister of State in the Ministry of Foreign Affairs and Foreign Trade

OTHER MEMBERS

MR. EDMUND CURTIS BARTLETT, CD, (JLP), St. James, East Central
MR. HUGH CARL BUCHANAN, (PNP), St. Elizabeth, South Western
DR. DAYTON RICARDO CAMPBELL, (PNP), St. Ann, North Western
MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central
HON. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern
DR. WINSTON LLOYD GREEN, (PNP), St. Mary, South Eastern
MR. WILLIAM JAMES CHARLES HUTCHINSON, CD, (JLP), St. Elizabeth, North Western
MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern
MR. FITZ ARTHUR JACKSON, (PNP), St. Catherine, Southern
MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern
MR. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western
MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern
MR. MIKAEL ASHER PHILLIPS, (PNP), Manchester, North Western
MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern
MR. AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern
MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary, Western
MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western
MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary, Western
MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western
MR. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western
MR. CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western
DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central

PRAYERS

Prayers were offered by Dr. Dayton Campbell

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

The SPEAKER: We have visiting with us some students from the Tax Administration Department and from MIND; let us welcome them today. (Applause) I hope they will find today's sitting of interest to them.

STATEMENTS BY MINISTERS

Mr. PAULWELL: Mr. Speaker, the Minister of Health will be doing a statement but we, out of courtesy, will await the arrival of the spokesperson for the Opposition. So we

will move on and recommit the item in a little while.

ANNOUNCEMENTS

The Clerk laid on the Table of the House a copy of the following:

- **Ministry Papers No. 126**
  Annual Report and Audited Financial Statements of the National Irrigation Commission Limited for the financial year 2012-2013
- **Ministry Paper No 127**
  National Education Inspectorate Chief Inspector's Report for the period September 2013 - March 2014
- **Ministry Paper No. 128**
  Cabinet Agenda Issues dated July 28, 2014
- Transport Authority Annual Report and Audited Financial Statements for the financial year 2006-2007
- **Maritime Authority of Jamaica**
  Annual Reports and Audited Financial Statements for the financial years 2011/2012 and 2012/2013
- Ministry of Youth & Culture's Report on the work of The First Report of the National Commission on Reparation
- The National Housing Trust (Housing Benefits) (Special Selection) (Hellshire Housing Development, Phase IV) Order, 2014 under The National Housing Trust Act
- The Customs Tariff (Revision) (Amendment)(No. 3) Resolution, 2014 under The Customs Act
  Kingston Free Zone Company Limited Annual Reports and Audited Financial Statements for the financial years 2000/2001-2004/2005, and
  Montego Bay Free Zone Company Limited Annual Reports and Audited Financial Statements for the financial years 2001/2002 - 2004/2005
- Jamaica Fire Brigade
  Annual Report and Audited Financial Statements for the financial year 2011/2012

PETITIONS

Dr. PHILLIPS: Mr. Speaker there is, from the Senate, an amendment that had been moved to the Tax Collections Bill which...

(*Sotto voce* comments by the Clerk)

Dr. PHILLIPS: It is under Public Business, okay.

REPORTS FROM COMMITTEES

The SPEAKER: Mr. Jackson.

Mr. JACKSON: Mr. Speaker, I am concerned about the failure of the Economy and Production Committee to meet over the past five months. As you are aware Mr. President, among other things, there is a resolution of this House that has been referred to the Committee on a very important matter that I happen to have sponsored. I have raised the matters with the House Leader, and to date there is no resolution on the matter before that committee namely the Banking Fees issue remained outstanding.

You are also aware Mr. Speaker that this House passed the Banking Services Act recently, and in the debate notice was served that those issues that are being addressed by that resolution ought to be dealt with under the Code of Conduct Provision in that legislation. My concern, Mr. Speaker, is that the regulations that are being developed under that Act will sit or go by without the recommendations coming from his House on the matters that have been tabled here. I crave your indulgence, Mr. Speaker that all steps be taken that the Committee resumes its sitting and the matter be expeditiously dealt with because of its urgency and importance.

Thank you.

(HON. DAMION ORANDY CRAWFORD, (PNP), St. Andrew, East Rural entered and took his seat.)

The SPEAKER: House Leader, didn't we agree that a meeting was to be held before the recess?

Mr. PAULWELL: Mr. Speaker, we - as you know, this Production and Economy Committee for a number of years we have been having issues with it. The most recent one being an impasse between the Chairman of the Committee and other Members; the Member is quite right that there has not been a meeting in recent times. I am aware, I have tried to broker an agreement and I did give myself today's meeting where the Member for North Central St. Andrew and Member from South St. Catherine we will try to meet to resolve an issue that has arisen and that has prevented the Chairman from having the meeting. I think it is a matter that really should not have detained the Committee for this long. So I am going to try again. I am not too sure if the Opposition Leader of Government Business is aware, but it has been communicated to me by the Member from North Central St Andrew. If we can't resolve it, then the Committee has to meet and within the Committee a decision be taken as to how to proceed with this issue that is the basis of the impasse.

(MRS. MARISA COLLEEN DALRYMPLE-PHILIBERT, (JLP), Trelawny, Southern entered and took his seat.)

The SPEAKER: Mr. Smith.

Mr. D. SMITH: Mr. Speaker, I was not fully briefed and hearing the word *impasse* is really alarming because I was not even aware that a meeting was held.

The SPEAKER: No, was to have been.

Mr. D. SMITH: Was to have been?

The SPEAKER: Yes.

Mr. D. SMITH: Okay, had I been informed then, then I am sure I would have ensured that that meeting would have been held.

Bearing in mind of course Mr. Speaker that we are just returning after a six weeks break, so really it is not exactly five months as the Member would like to leave the impression with the House.

But I am of the view, Mr. Speaker, strongly of the view that this thing can be amicably settled one on one; you know, you

have a right Member to bring it to the attention of the House. But there is another method which we think we would like to recommend to you, to have this impasse as stated by the House Leader remedied. So we will - now that we are not fully briefed, but have a better understanding, Mr. Speaker, we will ensure that that matter is put to rest as quickly as possible.

The SPEAKER: Well, let me put it this way. I expect at the next sitting of the House there will be a date for the meeting of that Committee to be held. So let us leave it at that for now.

NOTICES OF MOTIONS GIVEN ORALLY

Mr. L. SMITH: Mr. Speaker.

The SPEAKER: Yes, my deputy.

Mr. L. SMITH: I beg to give notice that at the next meeting of the House I will move:

> Be it Resolved that The National Housing Trust (Housing Benefits) (Special Selection) (Hellshire Housing Development Phase IV) Order, 2014, which was laid on the Table of the House on the 17th day of September 2014 be referred to the Regulations Committee of the House of Representatives for consideration and report.

(MR. PAUL LENNOX BUCHANAN, (PNP), St. Andrew, West Rural, entered and took his seat.)

Mr. Speaker, I further beg to give notice that at a later stage today, I will move for the suspension of the Standing Orders to enable me to take this motion.

If it pleases you.

The SPEAKER: Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move:

> The Customs Tariff Revision Amendment No. 3 Resolution 2014;
>
> Whereas under the provisions of Section 5 of the Customs Act, the House of Representatives may, from time to time by Resolution, impose customs duties upon any goods which may be imported or exported from Jamaica and revoke, reduce, increase or alter any customs duties so imposed and may provide for the importation or exportation of any goods without payment of Customs duties thereon.
>
> And Whereas the House of Representatives, with effect from the 1st day of January, 1973, by Resolution entitled the Customs Tariff (Revision) Resolution 1972, imposed the import customs duties set out in the First Schedule to the Resolution and provided for the admission into the island of goods specified in the Second Schedule to such Resolution without payment of customs duties and such goods.
>
> And Whereas it is desirable to amend the First Schedule to the Customs Tariff (Resolution) 1972 in the manner hereinafter appearing:
>
> Now Therefore be it Resolved by the House of Representatives as follows:

1) This resolution may be cited as the Customs Tariff (Revision) (Amendment) (No. 3) Resolution, 2014 and shall be read and construed as one with the Custom Tariff (Revision) Resolution, 1972 (hereinafter referred to as the "principal Resolution") and all amendments thereto.
2) With effect from the date of the publication of this Resolution in the *Gazette*, the First Schedule left to the principal Resolution is that amended:
   a) in relation to solar water heater parts under Tariff Heading No. 8419.90.00 by deleting from the column headed "Duty Rate" the figure "5%" and substituting therefor the figure "0%" and
   b) in relation to Light Emitting Diode (LED) bulbs under Tariff Heading No. 8543.70.90, by deleting from the column headed "Duty Rate" the figure "5%" and substituting therefor the figure "0%".

(Applause)

Mr. Speaker, I further beg to give notice that at a later stage today I will move for the suspension of the Standing Orders to enable me to take this motion.

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. PAULWELL: Mr. Speaker, we have two questions that - well three questions, one of which I will answer the Member from St. Catherine, North East, but there are two questions, one by the Member from Central Clarendon and the Member from North West St. James. We have the answers. The Members are not here. We will table them. At this time I will answer 12 and 14 and I will answer Question No. 2 on the List of Questions. So the Member from North East St. Catherine...

The SPEAKER: Yes, Mr. Smith.

Mr. D. SMITH: The Member tabled Question 12. I think you ought to be informed that he is off the island, as such, the request is for the Minister to have tabled but to hold the response until the Member…

Dr. PHILLIPS: You reserve the right to follow-up...

Mr. D. SMITH: Thank you for your assistance.

The SPEAKER: You are questioning the tabling of the answer and asking...

Mr. D. SMITH: And asking - you will allow the follow-up.

(*Sotto voce* remarks by Mr. Paulwell)

Mr. D. SMITH: You have taken over the Speaker's role.

The SPEAKER: It seems so. So it is required, the follow-up questions will be allowed.

Mr. MAIR: Mr. Speaker, will the Minister of Science, Technology, Energy and Mining be kind enough to answer Question No. 2 tabled in my name.

Mr. PAULWELL:

Question:

Can the Minister advise, based on the

report of the mandatory review of the Access to Information Act done by a Joint Select Committee and tabled and approved by the House of Representatives in 2011, when the Bill amending the said Act will be tabled in Parliament.

Answer:

It is anticipated that the Bill will be tabled in the House of Parliament before the end of the first session of the 2014/2015 legislative year. The delay in submitting same is due primarily to assistance received by Jamaica to review the Access to Information Act under the International Telecommunications Union and European Union funded "Enhancing Competitiveness in the Caribbean" through the harmonization of ICT legislation and regulatory procedures, which is the HIPCAR project.

The project sought to harmonize ICT policies, legislation and regulatory procedures in several areas, including access to public information. In this regard an international expert on access to information, freedom of information, reviewed the recommendations of the Joint Select Committee and utilizing the HIPCAR model law on access to public information as well as regional and international best practices prepared a report as well draft instructions to amend the Access to Information Act and a draft Access to Information Bill. These have been done. The foregoing deliverables will inform the preparation of a Cabinet submission seeking approval for the preparation of the Access to Information Bill by the Chief Parliamentary Counsel.

The SPEAKER: Thank you Minister.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Dr. PHILLIPS: Mr. Speaker, I now move to introduce and have read a first time a Bill shortly entitled: The Customs (Amendment) Act, 2014.

Bill entitled:

"The Customs (Amendment) Act, 2014

read a first time.

Dr. PHILLIPS: I beg to give notice of second reading of the Bill.

Mr. PAULWELL: Mr. Speaker, I now move to introduce and have read a first time a Bill shortly entitled: The Quarries Control (Amendment) Act, 2014 and a Bill shortly entitled: the Representation of the People (Amendment) Act, 2014.

Bill Entitled:

"The Quarries Control (Amendment) Act, 2014"

read a first time.

Bill Entitled:

"The Representation of the People (Amendment) Act, 2014"

read a first time.

Mr. PAULWELL: Mr. Speaker, I beg to give notice of second reading of both Bills.

PUBLIC BUSINESS

The SPEAKER: Mr. Smith.

Mr. L. SMITH: Mr. Speaker based on our earlier matters arising sir, I wish to move for the suspension of the Standing Orders to enable me to take the Motion, notice of which I gave earlier.

The SPEAKER: The question is for the suspension of the Standing Orders to allow the Member to take the Motion, notice of which was given earlier.

Put to the House and agreed to.

Mr. L. SMITH: Mr. Speaker, I ask that the motion be approved.

Put to the House and agreed to.

The SPEAKER: The motion carried.

Mr. PAULWELL: Mr. Speaker while we await the arrival of the Member, Spokesperson for Health, we will commence Public Business with Item 15 by the Minister of Finance and Planning. Thereafter we will revert to Ministerial Statements.

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker, at Item 15 there are a number of amendments that have been moved in the Senate relating to the Tax Collection (Miscellaneous Provisions) Act that had been carried in this House previously. The clauses are set out in the Order Paper, Mr. Speaker, and I would just mention some of the items.

Clause 1 simply deletes the word, 'August' and substitutes therefor the word, 'October' to indicate a different time for the Bill coming into effect. The amendment to Schedule 1, which is set out in the Order Paper, was inserted in order to facilitate - to deal with that provision where the tax debtor was at risk of having information submitted to the Credit Bureau. There are certain measures to be adhered to by the Commissioner General and these amendments require that where there is acknowledgement of the debt, which is a pre-condition for the debt being reported to the Credit Bureau, that this acknowledgement be provided in writing to the Commissioner General before information is submitted to the Credit Bureau. The original proposal was that the tax debtor should have acknowledged the debt. The amendment here simply makes provision that this acknowledgment be provided in writing.

(MR. RAYMOND FRANKLYN PRYCE, (PNP), St. Elizabeth, North Eastern, entered and took his seat.)

(MR. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, entered and took his seat.)

(DR. LYNVALE GEORGE BLOOMFIELD, (PNP), Portland Eastern, entered and took his seat.)

(HON. SHARON FFOLKES-ABRAHAMS, (PNP), St. James, West Central, Minister of State in the Ministry of Industry, Investment and Commerce, entered and took his seat.)

(HON ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western, Minister of Industry, Investment and Commerce, entered and took his seat.)

(HON. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, Minister of Agriculture, Fisheries, Labour and Social Security, entered and took his seat.)

In relation to the second amendment in the Order Paper and the Schedule, again this is just simply a change of date, deletes the words, "*August 31, 2014*" and substitutes the words, "*September 30, 2014*".

In relation to the third amendment, Mr. Speaker, it is proposed in the new section 25(a) - section 2(A)(5), sorry, of the Tax Collection Act to delete the words, "*other than the specified period*" and substitutes the words, "*or for the year 2014 in respect of the specified period*". This amendment is proposed as a cautionary measure. There is a - the proposal which had been incorporated in the Act was for interest rates on arrears to be published by the order at times specified in the Act. However, for the year 2014 it will not be possible to adhere to the prescribed dates. In the event that the Order for 2014 is not published the applicable rates are the ones currently in force. And that simply is there in order to take account of the fact that there could be a variation in relation to the prescribed date for the publication of interest rates on arrears for the year 2014 that the prescribed date might not be possible to be adhered to.

In relation to the Fourth Amendment, it relates to section 22A of the Tax Collection Act. In section 1 delete all the words from and including the words, "*first*" to the end of the subsection and substitute the following words, "*firstly to any principal that is payable, secondly to any interest that is payable, thirdly to any penalty that is payable and finally, to any surcharge that is payable*" and (b) delete subsection (2) and substitute therefor the following: payment under subsection (1) of the amount of an interest, penalty, surcharge or principal, as the case may be, shall be applied first to the earliest of such amount that is owing.

The original proposal Mr. Speaker in the Bill was for the allocation of payments required that interest and penalties be prioritized. What the amendment in the Senate does is that it changes the priority that the order be: principal receives the first monies paid and then the interest and then penalty and surcharge. This provision has been re-worded to provide clarity on the point where payments are made in respect of the categories mentioned in subsection (1).

In relation to the Fifth amendment, it is proposed that a new section 40B of the Tax Collection Act (a) in subsection (1), delete the word, "*suspects*" and substitute therefor the words, "*has reasonable cause to believe*". And (b), delete subsection (4) and substitute the following:

"Every person who having been required under subsection (1) to pay monies to the Commissioner General

a) fails to pay to the Commissioner General all or any part of such monies in the subsection referred to as the unpaid amount or pays all or any part of such monies to any person other than the Commissioner General in this subsection referred to as the diverted amount, shall remain liable to pay to the Commissioner General a sum that is equal to the unpaid amount or the

diverted amount as the case may be, and the Commissioner General shall be entitled to recover that sum from the first mention person as a civil debt owing to the Commissioner General."

This amendment relates to the provisions and garnishment, Mr. Speaker, which attracted a lot of attention here during the debate. The original provision prescribes that where the Commissioner General "knows or suspects that a person holds or has custody of money for a tax debtor, the Commissioner General can institute garnishment proceedings".

The Senate has proposed that the word, "*suspects*" promotes too wide a discretion and that a higher standard of "*has reasonable cause to believe*" is a more appropriate description of the situation.

The person who is subject to garnishment provisions must pay monies to the Commissioner General. The Senate has proposed that where monies which should be paid to the Commissioner General are diverted or paid to someone else, that person remains liable for the payment of the unpaid or diverted amounts collectible as it says here as a civil debt owing to the Commissioner General.

The Sixth amendment listed on the Order Paper received from the Senate concerns a new proposed section 40C of the Tax Collection Act.

The original Bill provided that the Commissioner General could register a lien against the property of the tax debtor in the Supreme Court without the actual involvement of the Court. After several discussions it was agreed and proposed in the senate that the scrutiny of the process should lie with the Supreme Court. The amendments to this provision as set out in Item 6 also resulted in a re-ordering of some of the sections here. When the registration of a Certificate is authorized by the Court, it has the same effect as a judgement debt in accordance with the rules of the Court.

The Seventh amendment: In a proposed new section 40D of the Tax Collection Act, (a) in subsection (1) inserts the words, "*in writing*" after the word, "*acknowledge*" and renumbers the existing subsection (2) as subsection (3), and inserts the following as subsection (2):

"The amount in respect of which action may be taken by the Commissioner under section 40B or section 40C, shall not include any amounts as determine by the Commissioner that are payable to the tax debtor by the Commissioner General.

Similar to the constraints imposed by the Commissioner General when garnishment procedures are being levied, the tax debtor must acknowledge the debt before the provisions in relation to imposing a lean, can be invoked by the Tax Authorities. The Senate has proposed that the acknowledgement must be in writing. The amounts which are the subject of garnishment or lean proceedings shall not include amounts owing to the tax debtor by the Commissioner General."

The Eighth amendment coming from the Senate is in the proposed new section 40E of

the Tax Collection Act, requires the renumbering of the section as subsection (1) and inserts the following subsection (2).

"The amount that may be deducted or set-off under subsection (1) shall not include any amounts as determined by the Commissioner General that are payable by the tax debtor to the Commissioner General."

The original Bill contained arrangements for a setting-off of tax debt against amounts owed by the Government of Jamaica to the tax debtor. The Senate proposed that it be made clear that these amounts shall not include amounts owed by the Tax Authorities to the tax debtor.

Mr. Speaker, those amendments were moved in the Senate to address some of the issues and concerns that had been raised subsequent to the debate in the House and indeed some - in the debate in the House. We think that they would be entitled to our support, Mr. Speaker, and I so move.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, the Minister has indicated that concerns were expressed outside of the House subsequent to the debate in the House, and then he said, 'also raised in this House', almost as an afterthought. (Laughter)

Dr. PHILLIPS: No, not really.

(Laughter)

Mr. SHAW: But Mr. Speaker, the truth is that, as you will recall in the debate that I had raised a number of specific concerns and among those concerns at least two of them had been dealt with in these amendments. And those two first had to do with the application of the payments, which were first proposed to be payments made first to interest on penalties and the last payment would have been made to the principal. And I accept that that amendment is now - has been done to make it clear that the payments will first be applied to - first to the earliest that such amount that is owing amendment which means that it would be applied to the principal amount, so I accept that amount.

Dr. PHILLIPS: Yes. Yes.

Mr. SHAW: The second amendment Mr. Speaker which was a point of some - a contention in the debate, had to do with the issue of the lein and that the Commissioner General would have had, under the original legislation, the Commissioner General would have had the power by simply registering a debt in the Supreme Court, it would automatically give the Commissioner General the powers of seizure without any reference at all to the Court. And, I take note of that amendment which now states clearly that 'an application under subsection (2) shall be made in accordance with rules of the Court and shall be heard by a single Judge in Chambers'. The only clarification that I would like there, Mr. Speaker, is - I'm not a legal luminary, the Attorney General is here.

(Inaudible comment by Mr. D. Smith)

Mr. SHAW: Supposed to be. But, I would like for a clarification, Mr. Speaker, to be made that in this amendment, it will not automatically mean that it will be an exparte hearing. I'm assuming that since it says 'the rules of the Court', that it means that the

debtor would have to be advised and be brought to the Judge, the single Judge in Chambers. That it would not just be the Commissioner General appearing before the Judge...

Mr. CHUCK: Aware of it.

Mr. SHAW: ....but that the debtor must be aware of it and therefore must have the opportunity to be heard along with the Commissioner General. I would like that point to be...

Mr. CHUCK: Clear.

Mr. SHAW: ….to be clear, because my untrained legal mind doesn't, I don't perceive it as being clear ....legal mind.

Dr. DAVIES: No, no....

Mr. SHAW: Legal mind.

Dr. DAVIES: ….trained mind.

Mr. SHAW: Better than you. (Laughter) So I would like that to be clear now.

Mr. Speaker, there however remains one item that in my view will - is contentious and will remain contentious and that relates to - that item relates to section 40B related to garnishment.

I must say, Mr. Speaker, that the - I had used pretty much similar argument for the lien, that it should require a Judge, adjudicating on the matter. That was pretty much the same argument that I had for garnishment and I am perplexed to understand why is it that the Minister would accept that the Judge should adjudicate in relation to the issue of the lien but refuse to accept that point in relation to garnishment. And I want to remind this Honourable House that garnishment does exist and it was pointed out by the Minister, it does exist in other pieces of legislation, including the General Consumption Tax Act, but that it requires for garnishment to be effected in those pieces of legislation, it actually requires the Court to adjudicate and to issue a Garnishment Order. That is what exists in other pieces of legislation when it comes to the power of garnishment.

And so the Court, we must remind ourselves, is that independent constitutional authority that stands between the power of the State and the rights of the individual, including the rights of the taxpayer.

And so I'm simply wanting to put back on the table Minister, that in relation to the power of garnishment - I take note of the fact that you've removed the word, '*suspect*' and has inserted instead, '*has reasonable cause to believe*' - I take that point. But the issue continues and remains, that giving the Commissioner General the power of garnishment without the ruling of the Court, is a violation of the constitutional right of the individual in this country.

There are many questions that have to be asked, and among those questions, Mr. Speaker, what if an assessment is made and the taxpayer is not even aware of the assessment? And that has happened in this country on many occasions. What if an assessment is made and the taxpayer is not even aware of the assessment?

The Commissioner General can just arbitrarily act as I've said before, Mr. Speaker, the Commissioner General can arbitrarily act as a Prosecutor, as a Judge, as a Jury and as an

Executioner all in one, and we are allowing this power to be given to the Commissioner General, Mr. Speaker. It is a very dangerous step that is being taken. And to say that the taxpayer can just go to Court to seek his remedy is not acceptable, that is not acceptable. Everybody knows everybody can go to Court but due process and the constitutional rights of our citizens must at all times be respected.

And I'm therefore saying if the Minister has accepted, Mr. Speaker, that in relation to Section 40C which related to liens, that it should go to the Judge, I'm simply asking why is it, what is the motive, what is the overwhelming reason, why in relation to garnishment, a similar remedy should not be afforded? That's my question.

Because, Mr. Speaker, pretty much the same arguments exist in relation to this issue of garnishment, the same arguments exist. And so it runs the risk of being challenged, this can be challenged I believe. This law, if it's passed in this way can be challenged on the questions of constitutional law. And I'm only saying to the Minister, you took one step in relation to bringing the Court back into the question of the lien and I'm asking you, follow the precedent that is already set in other laws related to garnishment, and I'm simply saying, equally require a Court Order for garnishment to be issued under Section 40B.

Dr. PHILLIPS: Mr. Speaker, I am... (Inaudible) ....how many advisors to the admittedly not luminary legal mind?

Let me say I have heard the comments of the Member, though I believe in relation to the matter of garnishment, and I'm advised that first of all, it is not correct to say that the other Acts including the GCT Act require - which have a provision for garnishment, require court action in order to garnish the sums owed.

I'd point out also that it is the power, not only exist in our own legislation but in many other similar democratic environments. You have this power - in fact it's a power exercised in the United States, for example, by much lower level individuals than provided for in this legislation.

The third point I would make in this regard is to remember that the garnishment takes place here after court action has been undertaken in the sense that it is a last measure that is undertaken after efforts have been made in the courts to recover; after there has been acknowledgement in writing of the debt by the debtor - by the tax debtor, at which point the garnishment proceedings can be undertaken. At which point also, the individual has the power to institute proceedings in the court if, they still think there are rights aggrieved.

But there is no cavalier treatment of the rights of the tax debtor in this regard. I think what we have here is an attempt to balance the rights of the individual and the tax debtor with the needs of the - with their obligations under - to the state as a taxpayer. It's something that can be reviewed as we proceed, but I think that the Senate has done well - has taken into account many of the issues that have been raised in the House by the Member and by others and I think it represents a fair and acceptable balance.

(The Speaker leaves the chair at 3:09 p.m. and the Deputy Speaker presides)

Mr. SHAW: Could I ask you a question before you continue?

Dr. PHILLIPS: Yes man.

Mr. SHAW: I just wanted Mr. Speaker, for the Minister to clarify, since he says that it must go to the Court first, it would've gone through the court system first before the Commissioner General seeks to issue - to proceed to garnishment proceedings against a third party, because that is the unique nature of this particular segment.

Are you referring to Clause 40 D(1) Subsection (d), in relation - where it says:

"The amount owed has been finally determined by a court".

Where it says 'or'. You have the first A, B and C...

Dr. PHILLIPS: What page you're on?

Mr. SHAW: Page 22. That is the limitations on action under Section 40D and 40C. And you have here, it has A, B and C which are three sections the tax debtor has acknowledged in writing - you mentioned that - the time for making any objection or appeal in respect of the amount owed has expired. In the event an objection or appeal in respect of the amount owed, the objection or appeal has been finally determined in accordance with the enactment. Then it says 'or', 'or', so it doesn't mean - if it said 'and' it might be clearer, but it says 'or'. So 'or' now, the access to the Court, the amount owed has been finally determined by the Court, it's not an 'and', it's an 'or'.

And the reason I'm raising that, Minister, is that under Section B where it says the time for making any objection or appeal in respect of the amount owed, has expired. We have known of cases where assessments have been made and the taxpayer has not gotten it for whatever reason; hasn't gotten it, but him time expire. And this is giving the Commissioner General power to fast-track from there straight to garnishment, not to court, that is the issue that I want cleared up.

Dr. PHILLIPS: Mr. Speaker, remember now, you have three clauses here and certainly all of them taken together constitute two belts and braces at least.

First of all, what is required is that the acknowledgement in writing that the debt is owed; that's the first thing. The taxpayer can't say he doesn't know, he has acknowledged the debt in writing. Can't say that the Commissioner General just say that this is an amount, but it is really not so, it can't be garnished unless he acknowledges it in writing.

There is the opportunity - the provision for going to the Court, and the time may have passed but from he acknowledges it in writing, he has that opportunity to go to the Court, and cannot be garnished if the time has not passed, and then in the event that an objection or appeal in respect has been owed, that appeal has to be finally determined. You can't go unless it has been settled through all its phases up to the Privy Council if needs be and then you have the Clause D. So it is in the balance of all things otherwise what we run the risk of

doing is burdening an already overburdened court system and starving the revenues. So it is the balance that has been found I think. Okay?

Mr. SHAW: Just a point of order.

You mentioned in respect of Clause C, on the issue of the final determination. You've gone and suggested that this implies that it even can reach the Privy Council and so on; that's not implied there. That final determination Honourable Minister is an internal Commissioner General TAJ determination; that is not a determination that involves the Court. The only place where this law is involved in the Court is in Subsection (d), but it is not and the Court, it said or court. So it's giving the Commissioner General the option to stay away from the Courts and just deal with A to C and that final determination, in which I'm sure you're not attempting to mislead the House, but by suggesting that the final determination implies that the Court is involved, that is not clear in this legislation.

Dr. PHILLIPS: There is the administrative procedure that you speak of, it is also the intention of the tax administration and in fact the administration to establish a revenue court that would exist explicitly for dealing with all of these measures and then there is the Court. It depends on the specific enactment here, and in fact there is always the power to revert to the Court. The point simply is, it cannot be done behind the back of the taxpayer in no circumstance, and that taxpayer would've had to have acknowledged the debt and then you're talking about garnishment of the property in relation to that.

Mr. Speaker, I commend the amendments moved in the Senate after due deliberation here, and which go by the acknowledgement of my friend opposite, a far way towards meeting some of his objections if not all the way.

Mr. SHAW: I'm still not satisfied.

The Deputy SPEAKER: The question is that the amendments be approved.

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, I move for the recommittal of item, Statement by Ministers.

The Deputy SPEAKER: The question is that we move to the recommittal of item, Statement by Ministers.

Put to the House and agreed to.

The Deputy SPEAKER: Minister.

Mr. PAULWELL: The Minister of Health, Mr. Speaker, will give us his presentation.

Dr. FERGUSON: Mr. Speaker, I rise in this Honourable House today to speak on a very important matter related to public health. We are faced with an increase in the spread of the chikungunya virus. Mr. Speaker, I am grateful for the robust discussion that we have been having across the island…

Mr. SHAW: Mr. Speaker, please.

The Deputy SPEAKER: Yes.

Mr. SHAW: It's customary that we are given copies of the statement.

Dr. FERGUSON: Yes, I have sent for it.

Mr. SHAW: Can we find out where it is, please?

The Deputy SPEAKER: Minister, will we be supplied?

Dr. FERGUSON: Yes.

The Deputy SPEAKER: Okay, all right. Continue.

Dr. FERGUSON: Mr. Speaker, I am grateful for the robust discussion that we have been having across the island because it tells me that Jamaicans are becoming more aware of the disease and its symptoms. I must, however, caution persons to be careful with the discourse as the misinformation being spread in some quarters is not in the best interest of the public and can only be detrimental to the efforts to secure public health. I am, therefore, encouraging, Mr. Speaker, my fellow Members of Parliament and Opposition Members and citizens in general to engage in constructive discourse about the disease so that we can be equipped to make the right choices to protect our health.

I am just returning from a visit to Nutts River in Eastern St. Thomas as well as the Yallahs Primary School, where it was reported that a number of students and teachers were displaying flu-like symptoms. I expressed my sympathies and assured the leadership of the school that we will continue to work very closely with them through the St. Thomas Health Department which has visited the institution four times since August 25th, 2014.

I was accompanied by the Member of Parliament for Western Thomas and a high level team from the Ministry and the Southeast Regional Health Authority. We will continue to monitor the facility, but I just want to place on record, Mr. Speaker, the co-operation of the Member of Parliament for Western Thomas during that visit.

What are the interventions, Mr. Speaker, on the part of the Ministry of Health? I assure you, Mr. Speaker, that the Ministry of Health has been very open in its communication on chikungunya. We report every case for which we receive confirmation in a timely manner and we are also reporting suspected cases about which we are notified. I know that there are more cases than the numbers for which we have been notified, as some persons stay home and self-medicate, and some private doctors do not report suspected case or cases to us. I want to point out here that there is no vaccine for chikungunya. Just like influenza and dengue the treatment is around the symptoms. So for example, persons would receive paracetamol for pain and fever, and advised to ensure that they rest and drink a lot of the fluids.

The Ministry of Health has been planning it's response for chikungunya for more than two years before the first case was confirmed in Jamaica. Mr. Speaker, the Parish Health Departments islandwide have been working assiduously to ensure that the implementation of the planned activities including vector control, community fever surveillance and health education. Heightened activities have been implemented since June 2014 as the spread of chikungunya continued throughout the Caribbean and in preparation for increased travel during the summer periods to and from the countries with active transmission of chikungunya. Vector control measures included larvicidal and adulticidal activities as well as source reduction.

For the period June to September 12, 2014, larvicidal activities were carried out in

484 communities with 50,887 premises inspected. Eighty-four thousand and fifteen containers were inspected islandwide for mosquito breeding. Twenty-four thousand two hundred and six containers were treated by members of the parish health teams. Spraying activities were carried out in 977 communities. Seven hundred and forty-eight in the South East Regional Health Authorities; 156 in the North East Regional Health Authority; 36 in the Western Regional Health Authority and 37 in the Southern Health Authority.

Community fever surveillance activities were also carried out in response to confirmed and suspected cases, Mr. Speaker. The teams from the parish health departments in the South East Region and the Southern Region and the North East Region visited 11,298 households. The population involved in this exercise was 15,532 persons. Eleven thousand six hundred and sixty-two interviews were conducted to determine if these households were displaying any signs and symptoms of chikungunya. In addition, health education activities were carried out during all interviews.

Eight thousand seven hundred and sixty-five community health alert cards were distributed. These cards serve as a reminder to persons to visit their health centres or physician if they develop any symptoms of chikungunya. Three hundred and seventy- five community health education sessions on chikungunya were conducted islandwide. Seventeen thousand, nine hundred and seventy-five persons were reached in these sessions and 22,221 items of health education material were distributed. Nine hundred and fifty-five sessions on chikungunya were conducted in health centres islandwide. Twenty-eight thousand, six hundred and thirty-two persons were in attendance at these sessions and 15,273 items on health education material were distributed.

What are the affected parishes, Mr. Speaker?

We now have seven affected parishes as of yesterday, September 16, 2014. The Caribbean Public Health Agency confirmed one case for St. Mary and three from Portland. The other parishes remain Kingston and St. Andrew, St. Thomas, St. Ann and St. Catherine. We also received two additional lab confirmations, one each in Kingston and St. Ann. In essence, the additional cases that we spoke about. One was also in Kingston and one in St. Ann. Not new parishes but would be recorded.

Up to the week ending the 13th September, 2014 there were 524 notifications of which 251 were classified as suspected cases. As of September 16, 2013, 31 cases were laboratory confirmed, 26 were discarded due to negative lab results. And I want to make this point, Mr. Speaker, that when these specimens go to the lab, for suspected cases, we do get confirmed cases and we do get negative cases coming back. We have had 31 confirmed cases, 26 were discarded or negative results. One ninety-four cases remained suspected.

The Ministry has been using geographic information system mapping and we are able

to easily determine which areas are most affected and, therefore, need more intensive intervention. Kingston and St. Andrew and St. Thomas so far, seem to be the area with the most cases.

Mr. Speaker, I do not want to dwell on the numbers because while this is important from the perspective of the Ministry of Health in terms of monitoring and response, and also in relation to production and productivities especially as it relates to our schools and even work, the most important thing is the empowerment of our citizens to take the appropriate action to protect their health, and this, Mr. Speaker, we as Government recognize that the lead role must be taken by us, but we believe equally important the role of the citizen.

What is the individual responsibility? While we expect to see increased cases after which there should begin to be a decline, the power is in our hands to reduce the spread of this vector borne disease. Chikungunya is not transmitted through person to person contact. Let me repeat, Mr. Speaker. Chikungunya is not transmitted through person to person contact. A lot of persons are still not sure.

You can only get infected if an aedes aegypti mosquito bites someone with the disease then bite you. Each person, therefore, has to make a concerted effort to remove mosquito breeding sites from their surrounding as a routine weekly activity. Gullies, drains and other water-ways provide breeding grounds for mosquitoes but not typically the type that spreads chikungunya or dengue. So a lot of persons believe that once it is mosquito it can transmit chikungunya. No, Mr. Speaker, there are mosquitoes known as culex, many of those you see in Portmore and those areas. Make a lot of noise, bite, sting but they are not the carriers of the Chik-V virus.

As a reminder you can reduce mosquito breeding sites by getting rid of old tyres and containers in which water can settle. Punching holes in tins before disposing and covering large drums, barrels and tanks holding water.

Individuals are also urged to protect themselves from mosquito bites by using insect repellents containing DEET, covering their body as much as possible by wearing long sleeved clothing, for example, and putting mesh on doors and windows where possible and affordable. I want to stress that while the aedes aegypti is generally a day-biting mosquito it doesn't mean that it will not feed at nights.

High risk groups.

Mr. Speaker, most persons who contract chikungunya will experience mild symptoms, and that may be resolved in a matter of days. However, there are persons who are more at risk than others, of experiencing severe symptoms of the disease. These include infants, children under age five, pregnant women, the elderly and persons with chronic disease and sickle cell anemia. Illnesses such as diabetes and cardiovascular diseases can also make symptoms worse. These persons need to seek medical attention immediately either at their private doctor or one of our health centres or hospitals.

Let me remind everyone of the symptoms. They include high fever, joint pain mainly in

the hands, wrists and ankles and other joints, headache, muscular pain and sometimes a rash.

I want to also remind persons that Chikungunya has very similar symptoms to other viral illnesses, including dengue, influenza and leptospirosis. And, so, not everyone who presents with flu-like symptoms has Chikungunya. This is also the period where we generally experience increased dengue and influenza cases.

Mr. Speaker, one could ask, before the 6th of December, 2013, when the first case of Chikungunya was confirmed in St. Maarten, if you had a fever or headache the first thing that would come to mind would either be dengue or flu. What we are getting now, once anyone has fever or any kind of pain, they say it's Chikungunya. So, we are very conscious of that.

Mr. Speaker, our collective actions and utterances have to be in the best interest of the health of Jamaicans. It will take a unified approach, cooperation from all persons, and partnership, for us to tackle this health threat. Chikungunya has no colour or political affiliation, anyone of us can be affected, Mr. Speaker.

I am calling on all Jamaicans to band together. Let us designate a day when we will undertake community clean-up activities in our respective areas, just like we would on Labour Day. The *Aedes aegypti* mosquito breeds in and around areas where people gather, and so, the schools, homes, churches, business places should all be a part of the clean-up activities. I urge Parliamentarians to lead their constituents in this drive.

I will shortly be calling a meeting with the critical stakeholders, including the Parliamentary Opposition, the PSOJ, the business sector, churches, service clubs, trade unions, Jamaica Teachers' Association, the Ministries of Education, Land, Water, Environment and Climate Change, Local Government, Youth and Culture, Transport and Works; the police, the leadership of youth groups, Social Development Commission, Jamaica Information Service and the media, to plan this national and integrated response.

Mr. Speaker, I thank you for the opportunity.

The Deputy SPEAKER: Mr. McKenzie. (Applause)

Mr. McKENZIE: Mr. Speaker, the Minister just spoke on the matter that is of grave concern to many Jamaicans. There are some areas, Mr. Speaker that I would have loved the Minister to have expanded on a little more.

(DR. DONALD KEITH DUNCAN, (PNP), Hanover, Eastern, entered and took his seat.)

While there is a need for the collective responsibility of all of us, there is also the need for the Government to respond in a positive way to areas that fall under its responsibility. (Applause)

There are many issues, Mr. Speaker, that are contributing to the present problems and the fear that has been generated by many

Jamaicans. In my own constituency, Mr. Speaker, there is a serious sewage problem affecting the people of West Kingston, and, not just West Kingston, but of late, right across the country. People are faced, Mr. Speaker, with the problem of over-flowing sewage right across many areas. And, Minister, this is one area Minister that is helping to contribute to the fear that has been generated by the Jamaican people, and that is a breeding ground for mosquitoes.

Minister, the average Jamaican can't differentiate between the ones that bite at day and the ones that bite at night. So, every Jamaican sees a mosquito Mr. Speaker as a threat and as a carrier to this now new-found fear that we are now enjoying in Jamaica, the Chik-V.

Mr. Speaker, there is also the question of garbage collection. While we appreciate and understand the problems - and I just spoke with the Minister of Local Government a while ago - as it relates to responding in a positive and a meaningful way to the state of uncollected garbage, not just again, in the Corporate Area, but in most capital towns across the country there is a severe backlog of uncollected garbage. And that contributes to breeding of rats, breeding of mosquitoes, and it presents an atmosphere that again, Minister, that is contributing to the fear that the Jamaican people are now experiencing.

I would have hoped, Minister, that in your presentation, aside from calling for a collective response from Jamaicans to come together to clean up the community, that the Government would seize the importance of what is facing the country, and put in place an emergency situation - (Applause) - where a comprehensive clean-up of the country can be undertaken. Anything short of that response, Mr. Speaker, means that the Government is not taking the present crisis serious.

And, I can only say to the Minister, the Government speaks about a joined-up approach in governance - I hear you mention about bringing certain Ministries and stakeholders together, Minister, but I would have loved to hear from you today a programme that speaks to that. The Minister of Transport and Works is here.

The state of our gullies. While the residents have a responsibility, but in fairness, in fairness, Mr. Speaker, if the garbage is not collected on time, then people are going to find other means and ways to dispose of the garbage, and this offers an excuse.

But I want to use an opportunity Mr. Speaker to the Honourable Ministers of Health, Local Government, and Transport and Works, and the Minister of Finance, because Minister, you need to release some funds so that there can be a serious attempt to do some work in all areas, so that we can alleviate the concerns and the fears faced by the Jamaican people.

The Jamaica Labour Party - as the party spokesperson on Local Government, we are supportive of any effort, any initiative, any move that is going to save the country any further problems. We cannot be exposed anymore; there is too much happening in the country at this time for a situation like this to be played out in a way that we don't spend

enough time and energy and resources, in trying to correct the situation before it is too late.

I thank you, Mr. Speaker.

(Applause)

The Deputy SPEAKER: Yes, Mr. Samuda.

Mr. SAMUDA: Mr. Speaker, I think what this Chikungunya thing has done is, it has served to highlight the extent to which we are living in a cesspool. The fact is, there are so many communities - almost all communities across the country, especially in certain specific areas that run adjacent to the main gullies - where you have exposed faeces running all day and night.

(The Deputy Speaker gavels)

The Deputy SPEAKER: Mr. Samuda, sir.

Mr. SHAW: What about him?

The Deputy SPEAKER: Questions to the Minister. Are you coming to your question or you are just...

Mr. SHAW: Preamble, preamble.

(*Sotto voce* comments)

(Inaudible comment from Mr. Samuda)

The Deputy SPEAKER: Yeah, but I will not allow a very long preamble.

Mr. SAMUDA: I am not even going any further because I have made the point already.

(*Sotto voce* comments)

Mr. SHAW: Look on TV a night time you see it!

(*Sotto voce* comments)

Mr. SAMUDA: Minister! Minister, I would like to ask you very simply...

(Inaudible comment from Mr. Charles)

Mr. SAMUDA: ...have you done or has the Ministry undertaken a costing of exactly how much it would cost to enable every community affected to underwrite the cost of a comprehensive clean-up, so that we can grab hold of this thing as quickly as possible, Government and Opposition working together to solve this problem? Have you got a budget? And has that budget been presented to the Minister of Finance? And what has been his response? That's the first question.

Dr. DAVIES: Gwaan wid de second question.

(Laughter)

Mr. SAMUDA: The second question is, in your opening comments you said that there has been a lot of misrepresentation of the facts.

A MEMBER: True.

Mr. SAMUDA: But I did not hear in your Statement any evidence of that misrepresentation. Would you like to highlight some of those elements of misrepresentation of which you speak? Because you went on to say that the problem is a major problem, so it could not be that to highlight the severity of the problem represents misrepresentation. Because in the body of your Statement you confirmed that you have had 18,000 people involved in the clean-up exercise. You have confirmed that you have issued 375 - you have visited 375 communities. You have confirmed that you have cleaned or at least got rid of the source of the mosquito growth in 84,015 containers. Now, Minister, there is no element - having had 955 sessions in Health Education - there is no element of what you have

included in your presentation that constitutes a misrepresentation.

So would you like to - for the purpose of clarification - advise the House what specifically you meant when you said "misrepresentation"? In order to avoid a recurrence of that let us know what you interpret as misrepresentation. Because, surely, Mr. Speaker, it cannot be to elaborate on the seriousness of the problem, and that's all that the Opposition has sought to do...

Dr. DAVIES: No.

Mr. SAMUDA: ...to warn and advise not to underestimate the impact that this can have on our country. (Applause) So, if you would care to answer just those questions.

(*Sotto voce* comments)

Mr. WARMINGTON: You have more than 20 cases in Old Harbour alone!

Dr. FERGUSON: The Member of Parliament for Western Kingston, in relation to garbage collection and sewage, clearly the Ministry of Health has an interest in that and we had that interest before Chikungunya. We had that interest, because we know the impact in relation to leptospirosis and other kinds of diseases that could gather. I am aware that there are discussions - the Minister is here - in relation to the question of garbage collections. As it relates to sewage, it is a function between the Ministry of Water and the Ministry of Health. What we will point out are the issues and how it will impact on health, but it is going to require joint action. And, therefore, as it relates to whether just mere sewage would lead to Chikungunya the connection is not there, but I take seriously the issues you have raised.

As it relates to a budget for clean-up, there is no budget that we have now for a clean-up. We have a budget that I announced from July when I had a press conference that at that time we had $12 Million to deal with the vector response, *et cetera.* It is our intention - and we have been having informal discussions with Local Government and elsewhere and you would have seen some Mayors announce what they intend to do in terms of cleanup, *et cetera.* But this is why I spoke to the national response while we are saying and calling on all these groups, we are not saying that these groups must do everything. We're talking about a national response. We would have preempt that meeting if I were to come Parliament to say we now have a budget of so and so, and we calling .... I think that requires that meeting that will be held as quickly as the logistics will allow, so that we can move towards what you have put on the table, Member from North Central? North Central.

You made another point relevant to what might have been the misinformation.

Dr. PHILLIPS: No man, never make no point.

Dr. FERGUSON: (Chuckles) You're saying that that was … that point.

No, but I don't know what value, Member, you are seeking from that, because I would not want today to say anything or to do anything that could create any unification that I now seek. So I will not go or trod that path. I will not.

Mr. SAMUDA: Yeah, but Mr. Speaker, if I may.

The Deputy SPEAKER: Yes, Mr. Samuda.

Mr. SAMUDA: Further to what the Minister has said, the fact of the matter, as I understand it, and you may confirm or deny, Minister. We have Chikungunya problem because it happens to be a special type of mosquito with a certain…

Dr. FERGUSON: That causes dengue too. It's the same mosquito, you know, not a new mosquito.

Mr. SAMUDA: But what I'm saying...

Dr. FERGUSON: Is the same mosquito cause dengue.

Mr. SAMUDA: Don't anticipate. Mr. Speaker, what I'm trying to extract from the Minister is that what we really (have is not only a difficult… (Inaudible comments) …what we have… (Inaudible comments) is a mosquito problem many of which carry *Aedes aegypti*-type symptoms. That's what we have because the treatment...

(Cross talk)

The Deputy SPEAKER: (Gavels) Members, we are (gavels) let us not…

Mr. SAMUDA: Mr. Speaker.

The Deputy SPEAKER: Mr. Samuda, proceed.

Mr. SAMUDA: The *Aedes aegypti* mosquito if you are bitten by it leads to dengue, am I correct?

Dr. FERGUSON: No, not necessarily.

Mr. SAMUDA: Not necessarily, but that is the source. The main source - carrying source.

Dr. FERGUSON: Yes.

Mr. SAMUDA: Okay, and Chikungunya. So that is why I made the point that we are talking about Chikungunya because it happens to have a more severe consequence.

Dr. FERGUSON: No! No!

Mr. SAMUDA: You must let me finish.

Dr. FERGUSON: All right, I'm sorry, I'm sorry.

Mr. SAMUDA: It has a more severe consequence depending on the interpretation by the populace as to its danger. What we have said to you, Minister, is that you have failed to fully explain to the country the extent to which this particular problem does not just reside in these 251 suspected cases, but it's a much broader problem we face in terms of vector control. That's the point I'm trying to make, Mr. Speaker. Vector control is deficient in the country. You have failed to secure the safety of the Jamaican people living in an environment of poor sanitation and deficiency of adequate vector control and what you are not facing...

Dr. FERGUSON: Are you asking a question?

(Cross talk/the Speaker gavels)

The Deputy SPEAKER: (Gavels) Mr. Samuda,

Mr. SAMUDA: The question is here, the question is here.

The Deputy SPEAKER: Go to the question. I think you have elaborated enough.

Mr. SAMUDA: All right. And I return to the question I asked him originally. How Minister, can you explain a presentation that recognizes through your own data the severity

of the problem, but other than the traditional approach to vector control you have not brought anything here to address this severe increase that we're seeing? You have failed…

(Inaudible comment by Government Member)

Mr. SAMUDA: Hold on, in my opinion I want to ask him.

Mr. WARMINGTON: No, no, when he's finished you can respond.

Mr. SAMUDA: You can respond, respond.

(The Speaker gavels)

A Government MEMBER: No…. indefinitely.

Mr. SAMUDA: No, you don't want me to talk indefinitely and I can understand why.

(Cross talk)

So, Mr. Speaker, are you satisfied that today, Minister, you have presented to this Honourable House a strategy to address this problem with an adequacy of financial support from the Ministry of Finance to undertake the job or are you simply just coming here with an excuse to get past this particular issue and leave us with a mosquito-ridden country, because of a lack of adequate vector control measures to be undertaken? Answer me that one.

(Inaudible comments by Members)

The Deputy SPEAKER: Minister, yes, use your microphone.

Dr. FERGUSON: It is obvious we have a problem here in relation to what I have said relative to the activities. When we talk about larvacidal activities that is not a pronouncement; it is an activity that involves persons carry out acts to prevent and control breeding sites for mosquito. I spoke about those activities in 484 communities impacting on 50,887 premises. We spoke about mosquitoes were found breeding in 7,812 premises. Is find we find that, you know.

Mr. SAMUDA: And 84,000 containers. We know all of that already.

Dr. FERGUSON: We also spoke about mosquito-breeding sites…

Mr. SAMUDA: What are you doing to correct it?

Dr. FERGUSON: But that is what I am saying. When we find them we don't just find them. We act and destroy them. We destroy them, Member. So it's not - we're not finding them to walk away. We destroy them. When we say mosquitoes were found breeding in 13,098 containers, you think we leave them to continue breeding, Member? No. When we said that we spray 977 communities, is spray we spray; action not a fog -

(Cross talk)

Is not -

(Inaudible comment by Opposition Member)

Dr. FERGUSON: It depends on the protocol. Like in an area where there is a confirmed case - if we find a confirmed case, you spray for three days consecutively then you would spray for about three weeks and you spray within a radius of about two hundred metres.

(Inaudible comments by Miss Grange)

Dr. FERGUSON: Well, no, it depends on whether it is a confirmed case and the other -

(Cross talk)

Let me just -

(Cross talk/the Speaker gavels)

No, I know.

(Inaudible comments by Mr. Samuda)

Dr. FERGUSON: No, I know - no, no, I know you're familiar with a place where some of those matters are discussed and it is not for me to say, but I am making the point that what is expected of my Ministry in relation to a response, which is governed by the World Health Organization and the Pan American Health Organization, we have established an emergency operation centre since the 17th of July and we have been working relative to the spraying. But remember now, you know, Member, until yesterday it was only five parishes that were impacted and those parishes you can't *scatta* shot. You have to determine how you use the material. It's not infinite funding even if you were given money. You have to determine where you spray. So when persons are calling out, but we are also spraying nationally for dengue and I want to make the point that based on the literature -

Mr. SAMUDA: The treatment is the same. The treatment is the same.

Dr. FERGUSON: No, let me say based on the literature - the data - dengue relative to mortality deaths is much more severe than Chikungunya. Let me also make the point...

(Cross talk)

Right, and you're begging some more money and the Minister is listening...

(Inaudible comment by Mr. Samuda)

Dr. FERGUSON: No, no I also will say Member, that there will be activities relative to, but let me also say that drains running is not where the *Aedes aegypti* is found. *Aedes aegypti* breed in stagnant and still water, so...

Mr. SAMUDA: The whole of Spanish Town is like that.

Dr. FERGUSON: The Member of Parliament for Central we will talk. We will talk. But all I'm saying, Member, is that if we have a united response it can be done. When we put together the programmes, bringing on board the many sectors and whatever funding that will be made available from my Ministry and other ministries, it is my view that that we will be able to deal with this disease as we have done in the past we will do now and in the future.

I just want to assure the country, there are challenges, no doubt because it is a breaking out disease. It is the first time it has come to Jamaica so you're going to see more cases, and I've said it in my Statement. You're going to see the numbers going up then it will begin, you know, to come back down. But it's a new disease for us.

(Inaudible comments by Mr. Samuda)

Dr. FERGUSON: I am not stridently against him, I am not stridently against him. He's listening attentively. He's listening attentively, Member. He's listening attentively.

(Cross talk)

The Deputy SPEAKER: just a moment. (Gavels) We have quite a few Members who want to, I suspect, ask questions and not to make statements or to a pursue an adventure into, you know, long statements, so I am asking Members to ask their questions succinctly to the Minister, so that we can

facilitate and then in the order in which I will go based on the hands that were raised: Mrs. Robinson, Mr. Shaw, Mr. Charles, Mr. McKenzie and then Mr. Henry. In that order, and then Mr. Smith. Go ahead Mrs. Robinson.

Mrs. ROBINSON: Thank you, Mr. Speaker.

Minister, you will agree that the last thing we need as a country is to say that there is an outbreak of anything in any resort area. So I want to ask you if it is possible that in your practice of joined-up government that you could help me to lobby the Tourism Enhancement Fund to spend some money to clean the drains in Ocho Rios? They are in a deplorable condition. The big main drain that runs across the town has sections that have been eroded where stagnant water collects. They have become breeding sites for mosquitoes. Saint Ann's Bay is also - the drains there they were cleaned recently but with the heavy rains a lot of stuff has come down and settled and we have breeding sites there.

Number two, Minister, vector control. We are not satisfied in St. Ann North East that the communities, that all communities are being sprayed, one, and that the rotation is quick enough. Because people are complaining from many communities that they have this infestation of mosquitoes and sometimes they see the people passing by. They don't turn into the side streets to spray. We are saying to you that all communities: Content Gardens, Great Pond, Shaw Park Heights, Exchange, everywhere, St. Ann's Bay, Priory, they are in need of spraying. So I am asking you to use your good office to assist us so that we can control this scourge.

The Deputy SPEAKER: Minister, you are going to respond individually?

Dr. FERGUSON: I will respond very quickly. Yes, I will make representation to TEF in relation to North East. I will speak to the health persons in St. Ann.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Minister, you indicated that you have paid a visit today to the Yallahs Primary School and you also indicated that the St. Thomas Health Department has also had a series of visits there. You have, however, been silent on what you observed or what information you gathered. And I would be more specific to ask you whether there was any indication by way of generalized symptoms, whether there is any indication that there might be an outbreak in that particular area? That's question number one.

Number two. Your intervention has dealt in the main with vector control, and I want to share with the Member from North East St. Ann in asking whether there is a concerted attempt at dealing with the chronic state of drains across the island, but especially - in a lot of inner-city communities there is no evening on the television news that there is not another series of stagnant drains where the sewage runs along the roadways with drainage so - it is green, that's how long the water has been there, it is green. So vector control is one thing but this area - it's a ministerial approach, the Minister of Transport and Works and the Minister who sits to your right, the Minister of Local Government, is there an attempt to use

resources of the Local Government, Tourism Product Development Company, Ministry of Transport - some JEEP money, run the JEEP by the drainage and clean them up. Is there a plan?

Dr. FERGUSON: One, as it relates to Yallahs, Member from North East, we found it was, I think about six or seven persons, the principal and some other administrators who were out today. There were approximately somewhere over 200 students who were out, representing about 20%. From the discourse with health workers it is little above what would be considered normal relative to the start-up of school because it's not Chick-V alone symptoms that would be the cause of all the students or absenteeism. And I know you can appreciate that. But I was still concerned because I felt that if you have those numbers with flu-like symptoms and it were to impact further on the school community and elsewhere then that would pose its own problem. So part of the strategy and this is why we have the top person from South East, myself, the Permanent Secretary, the Chief Medical Officer at the highest level with the parish and the whole idea is that special attention will be paid to those - to that particular institution and the enjoining areas, special attention. And we have brought in additional things. And I must also say that the Member of Parliament today also took a decision that he would be providing some things for his constituents in and around that area. So we had a very good discussion on the way forward in that regard.

Secondly, as it relates to - a conversation has started but not crystallized relative to that comprehensive plan relative to the drain cleaning, but it has started relative to the group.

The Deputy SPEAKER: Mr. Charles.

Mr. CHARLES: Mr. Speaker, I just want to assure the Minister that although it's only those of us who are on this side have the concern publicly, nobody over that side seems to have any concern other than yourself.

Mr. L. BUCHANAN: That is very cheeky.

Mr. WARMINGTON: Why you don't shut up your mouth across there, Country Boy.

Mr. CHARLES: Minister, if you are correct that this is Dengue, this is also serious. We have never had Dengue like this.

Dr. FERGUSON: That is not true.

Mr. WARMINGTON: Listen to the Member.

Mr. CHARLES: We have never had Dengue where people joints, muscles, headache, all that is happening; if this is a Dengue outbreak then it's also a crisis. It's also a crisis. So let us not take it as a joke. And I want to say, Minister, schools are closing down!

(Cross talk)

The Deputy SPEAKER: (Gavels) Mr. Charles.

Mr. CHARLES: Yesterday a school in St. Thomas closed down and sent home children.

The Deputy SPEAKER: (Gavels) Just a moment. Mr. Charles, Mr. Charles.

Mr. CHARLES: Turn to those who are guiding us to the Report, if it is not true that a school was closed because of the teachers being sick and whole lot of children in St. Thomas.

Mr. L. BUCHANAN: A school was affected, not closed.

(The Deputy Speaker gavels)

Mr. CHARLES: Minister... Mr. Speaker.

The Deputy SPEAKER: Yes, Mr. Charles.

Dr. PHILLIPS: On a point of order, Mr. Speaker.

The Deputy SPEAKER: Yes, Mr. Phillips.

Dr. PHILLIPS: The point of order, Mr. Speaker, is simply that the Speaker has precedence in the House and you have been trying in earnest to get the attention of the Member to indicate to him...

Mr. CHARLES: I didn't hear.

The Deputy SPEAKER: I gather there must have been an auditory problem. (Applause)

Mr. McKENZIE: You can't say that. How can you say that about a Member?

Mr. CHARLES: I replied.

Dr. PHILLIPS: You need to ask question but not to refrain...

Mr. McKENZIE: You need to withdraw.

Dr. PHILLIPS: ...to indicate to him that he is entitled to ask some questions but...

Mr. SHAW: What is your point of order?

Dr. PHILLIPS: ….that he should listen to the Speaker.

The Deputy SPEAKER: Let me say this. Mr. Charles, just a moment. Mr. Charles. Members... (Gavels) Members, we are dealing with a national issue and I would hate to think that we are going to sensationalize the matter and to bring it to a stage where we create further panic in the society. So I am asking that your comments be more responsible and less leading towards creating...

Mr. McKENZIE: You hear what the Member from Eastern Westmoreland said about my father.

The Deputy SPEAKER: No, I didn't hear. I did not hear that one. I just ask that - we still have about three other persons who wish to ask questions, make statements.

Mr. CHARLES: Thank you, Mr. Speaker.

The Deputy SPEAKER: Go ahead.

Mr. CHARLES: Mr. Speaker, let me say to you, if that statement is incorrect that teachers in a particular school fell sick and did not report, and that a number of children fell sick and did not report and that the school was closed, if that is incorrect and I investigate that was incorrect, when I come here next week I would like to have an opportunity to apologize.

I go on to the next question. Mr. Speaker, I want to say to the Minister that, Minister, to come back to the point I am making, if you are really defending this Chick-V thing, the way you are doing it I don't think you should because it's a national disaster and we all have to be called to order. I think, Minister, that you probably should - we should ask for the declaration of a national state of health emergency. (Laughter) You are laughing. You are laughing. I am not laughing. And you

know why I am not asking, reports are that three parishes have already been seriously affected. Hundreds of doctors are visited in this island every week with people believing that they have this problem, they have never had this sort of symptoms before, headache, muscle, the kind of pain they are having. Minister, I am not too happy about you saying that you only have twenty-odd, because it is making the doctors them look idiotic, foolish. If the doctors report of all these people coming to them with these symptoms we need to do something about it.

(*Sotto voce* remarks by Dr. Campbell)

Mr. SHAW: Campbell, keep quiet.

…'bout yuh a doctor, keep quiet.

Mr. CHARLES: And we have to wait several days and maybe weeks to hear from some foreign country if what our people have is this illness. Minister, we must can get a quicker report. If you can't get it done here you are to make some arrangement. The Minister of Finance indicates to me by looking at me a while ago that he is prepared for all of us, public and otherwise private sector, to get together and put together a fund for a national health emergency that the whole island can be alerted and get ready. We only have one big shower of rain already, you know, October rains don't start yet. The water doesn't start to come down from the hills yet in my constituency. My rivers are still dry.

So I am telling you, Minister, I sorry for you, I will work with you, but I am telling you, wake up, don't feel seh it's a PNP problem. Is all of us problem. Nobody over there seems to have any problem. We are over here to alert you. It is serious. It is painful and a number of people are crying out for help. I am asking, Minister, seek financial assistance from not only here but other health agencies, national and international and let us declare all of us working together, because if the speed at which it is going continue the whole island is likely to be affected.

Thank you very much.

Dr. FERGUSON: Mr. Speaker, while… (Heckling)....

Dr. CAMPBELL: Allow the Member to respond.

The Deputy SPEAKER: (Gavels) Dr. Campbell, the Minister is speaking.

Dr. FERGUSON: …while I understand, while I understand the Member from North Central Clarendon's intervention, it is very clear to me that that intervention could create more damage than good. And I say it in the context of clear misinformation.

A MEMBER: Yes.

Dr. FERGUSON: One, in relation to school closing down. Two - and I spoke about visiting that school today.

Mr. CHARLES: You visit the school?

A Government MEMBER: Yes!

Dr. FERGUSON: I visit - so you not listening.

Mr. CHARLES: Who was there?

Dr. FERGUSON: I was there today because....

Mr. CHARLES: Because the school close!

Dr. FERGUSON: Which closed - I went there when school is in process.

(Inaudible comments by both sides)

A MEMBER: Closed last night.

(*Sotto voce* comments)

Dr. FERGUSON: Secondly, the arguments about closing down. What could we have done when we had Polio and Cholera and all these communicable disease, you are calling for a national emergency. When we had an outbreak, when we had an outbreak of Dengue, that was three, four thousand (3,000-4,000) and you are now saying what we have said that there has been 524 notification.

Mr. CHARLES: Already.

Dr. FERGUSON: And we have said 251 would have been suspected and suspected don't mean confirm case, because we have had negative response.

(Inaudible comments by Mr. Charles)

Dr. FERGUSON: And therefore, I am saying... Let me just tell you…

(Inaudible comments by Mr. Charles)

Dr. FERGUSON: Nonsense! This national emergency. I respect your views, Member, I respect your views but this time around by virtue of how you have done it and with a Ministry as sensitive as Health, I don't believe because I don't believe you believe what you said.

Mr. CHARLES: Which one? (Laughter by all) Your own hospital, now more than 200 people.

Dr. FERGUSON: But I am saying...

Mr. CHARLES: One hospital.

Dr. FERGUSON: And I am saying that it could be flu, it could be dengue, it could be....

Dr. CAMPBELL: You are speculating and you can't diagnose.

Mr. CHARLES: I don't know! I don't know!

Dr. FERGUSON: So why are you alarming the country about this national...

Mr. CHARLES: (Inaudible) I don't know.

Dr. FERGUSON: If you are talking about 31 cases....

Dr. CAMPBELL: Are you trained to diagnose?

Mr. CHARLES: I don't know.

Dr. FERGUSON: ...a population of three million that would be working ....in three hundred thousand in a normal sense. If you look at some of the other countries like Dominican Republic, *et cetera*, and see the numbers.

The other thing that we must accept is that, there is no protocol that says we must test all suspected cases. It 'don't make no sense' because the symptoms that you are treating, whether it is the fever, the pain, the same sign and symptoms that you would have with dengue, the difference is that the joint pains are more. But many persons who would have had so-called Chikungunya-type thing, within a few days they are back to normal, but there are some who would be impacted more because it impacts on children and adults over 65, pregnant women and also persons with diabetes, high blood pressure, *et cetera*, could be impacted far more than the normal and that is a fact, right. But, to come to say you need, what we need is for the country working together with the Government, in this instance both sides, recognizing personal responsibility. Because remember, it is

spread by way of mosquito biting infected persons and spread, you know. So when you have your homes with mosquito breeding sites all over, you believe that it is fair to say Government must come in your backyard and deal with those tins and other tins and barrels and so on that you have in water? There must be personal responsibility. But I agree that Government must lead. We must lead. (Applause) Must lead, but personal responsibility must be part of it.

Mr. WARMINGTON: So why you.... (Inaudible) ...the mosquitoes.

Dr. FERGUSON: Where?

(Heckling)

A MEMBER: Ignore that.

Dr. FERGUSON: Mr. Speaker on that note I'm sure you would want to close this topic.

(*Sotto voce* comments)

The Deputy SPEAKER: Members, as we continue I wish to advise the Honourable House that we do have a very lengthy agenda left for today, I am therefore, asking Members to be more brief in their questions and responses.

Mr. WARMINGTON: They are paid to be here. They are paid to sit in this House.

The Deputy SPEAKER: You will soon be going, you know, I know that. (Laughter) Mr. McKenzie, will you yield to, Mr. Henry? Alright. Yes, Mr. Henry.

Mr. HENRY: Mr. Speaker, Mr. Minister, Mr. Minister, having watched my colleagues on both sides of the House today, for a first in a very long time I feel I speak on behalf of the silent majority. I don't think there is a Member of this House that would not agree that the drains need cleaning, quickly. I don't think there's a Member of this House on both sides, who would not think that there's a general breakdown on cleanliness by the inability of us to collect garbage. I speak strongly for May Pen. For the first time in my long history garbage has not been collected in the Town of May Pen for the last three days.

I visited the Mayor yesterday - sorry, Monday to discuss this matter. I was told that there's a breakdown of the Solid Waste equipment. You're taking the brunt of what you said is a collective responsibility. Nobody can deny the personal need and the issues that have broken down, but what I am asking you to tell me tonight is, you have consulted in a collective way with all the Ministries concerned and if in that consultation none of the Ministries are saying they are in need of more resources to address that need for improvement in those very issues that the public in your presentation you say may be being misled because the whole thing coincides at the same time. We are not cleaning all the drains; we are not collecting all the garbage the responsibility of the persons who dispose of their garbage, *et cetera*. But I want your assurance because if you are on the line now because the Minister of Finance is here, we are here to help you, including the silent majority at the back. We need the drains cleaned. We need the garbage to be collected. We need the educational programme that must go with this. And I am asking if you're saying we shouldn't today move a motion that all the Ministries

collectively that have to deal with this are not in need of more resources to be able to protect the health of the citizens. Because, if we leave here and it breaks out further, as you said, ChickenV may not be of the same element as dengue or others, we have a responsibility to the public. So I'm asking you for a collective response from all the Ministries to the Ministry of Finance because I consider the breakdown in cleanliness to be in need of urgent response from us as a Government collectively.

(Applause)

The Deputy SPEAKER: Yes, Miss Grange, Mr. Smith was before you. I don't know... So you'll yield to the.... (Laughs) Mr. Smith.

Mr. D. SMITH: Mr. Speaker, to the Minister. Minister, would you not agree that the Government muddled the arrangement in terms of the preventive aspect of this disaster that's facing the country? And I ask you this question against the background of the last sentence of your statement, which it says here.

> "I will shortly be calling a meeting with critical stakeholders, parliamentary opposition, *et cetera, et cetera, et cetera*".

This meeting really ought to have been held in June, when it was quite obvious that this virus was overrunning the Caribbean and would eventually come to Jamaica. So, I'm stating again Minister, and I hope you acknowledge the fact that we have been late on this and we really has messed this one up.

And just before you answer....

Mr. WARMINGTON: Put the cart before the horse.

Mr. D. SMITH: Just before you answer, Minister. The testing facilities that are available to us, is it done locally, outside of the country and how speedily is this process? And perhaps that's the reason why the Government is understating what is happening in the country.

Dr. FERGUSON: Let me just quickly in relation to the Member from Central Clarendon.

Mr. WARMINGTON: Put your mic on.

Dr. FERGUSON: In relation to question posed by the Member from Central Clarendon. We already said that there is a discussion that is taking place. I could not, as a Member of Cabinet come to this House this afternoon to ask for a motion to get that done there's a conversation that is taking place and the records will reflect that.

As it relates to the question about being late. Yes, you could in a normal period but let us admit, this is a special period. We are operating in an economic climate that I regard as a special period with an IMF Arrangement, we have targets to meet, it is Ministry-specific, health, education, national security are priorities, we are in discussion on a number of issues therefore, for us to have called a meeting appearing to be in crisis in June, why wouldn't we have done that for dengue. I'm saying to the House, dengue in relation to mortality is worse than this disease. With other things co-morbidity the health issues, it can be worse.

The other point I want to make which is a misinformation on the part of the Member from North Central. It takes approximately

two to three days for a return from the Caribbean Public Health Agency. This thing about three weeks - he's not even listening now, but his thing is to 'leggo' propaganda and then remain silent! (Laughter) It takes two to three days for a return that is why we can report these cases. The last one being yesterday, when we reported the six additional confirmations. So it's not 'no' two weeks or three weeks.

The test is also done at the University of the West Indies, CARCIGEN. It is expensive but I'm saying we are the ones doing the test. But we have said too, the test is not a requirement for diagnosis but it confirms, yes - I'll say that. It can confirm.

(Inaudible comment by Mr. Samuda)

Dr. FERGUSON: It can confirm, yes. But, in relation to treatment, because what we are treating is the symptoms. So for a person going to a private doctor and unless the doctor has good reasons having assessed this patient to say do the test, the normal thing would be to give them the paracetamol, rest and fluids. There is no need to spend that $10,000 or $15,000 unless your physician has good reason based on your medical history. So we just want to hold that.

So I would say the turnaround, CARCIGEN does it, but our confirmation, official confirmation must come from CARPHA, the Caribbean Public Health Agency in Trinidad.

Mr. D. SMITH: Just a follow up.

The Deputy SPEAKER: Yes, Mr. Smith.

Mr. D. SMITH: Mr. Minister, all the health officials are saying something completely different from what you are saying based on what is in the news. They are saying that these 200 children in St. Thomas, they are confirming that Chic-V… does appear to be.

Mr. WARMINGTON: ....(Inaudible) ....Vice Principal at one school.

Mr. SHAW: One school.

Dr. FERGUSON: At the risk of being contradicted, I am saying it is not so and if there is any health....

Mr. SHAW: Charge the Ministry of Health!

Dr. FERGUSON: I am saying if there is any....

Mr. L. BUCHANAN: Audley, you right!

Dr. FERGUSON: I am saying if there is any person who have come to you or to the nation without confirmation by lab test to say that these 200 students have Chik-V, that is not in keeping with our protocols, could not be accepted in any way, and in fact, would be regarded as reckless.

(Inaudible comments by Dr. Phillips)

The Deputy SPEAKER: Point of order or you...

(Cross talk)

Dr. PHILLIPS: No, Mr. Speaker, two things; one, the Ministry of Finance has been mentioned. I would like to say, Mr. Speaker, I'd like to say that it behooves all of us in the Parliament...

Mr. SHAW: Are you asking a question?

Dr. PHILLIPS: You will hear. I am responding to comments that have been made.

Mr. SHAW: You are not….

(Inaudible comments)

The Deputy SPEAKER: Mr. Shaw.

Dr. PHILLIPS: Mr. Speaker.

The Deputy SPEAKER: Just a moment Dr. Phillips.

I'm allowing Dr. Phillips on the basis that several speakers did refer to…

Mr. SHAW: To it.

The Deputy SPEAKER: Right, and on that basis I will allow him to…

(Inaudible comments by Mr. Shaw)

(Laughter)

Dr. PHILLIPS: Mr. Speaker, I think it behooves all of us not to use this opportunity to create panic around what is a serious national situation.

The Minister of Health has spoken at length and comprehensive about the facts. There is no value to the country, no benefit to anyone of our citizens for any of us to try to create more apprehension than is justified about this.

Let me say quite simply as far as the Ministry of Finance is concerned, as was the case when we faced Hurricane Sandy, should there be any urgent requirement to deal with the situation, we will find the necessary resources to deal with it. But we cannot, we cannot and ought not, to create a crisis where there is none.

Mr. D. SMITH: We will not, we will not.

Dr. PHILLIPS: All citizens in all communities would have concerns for their own health. Fortunately, this is not something that in the ordinary course of events is lethal, it doesn't cause death, people recover with the appropriate treatment regularly.

Mr. SHAW: It can cause death.

Dr. PHILLIPS: Ordinarily in the regular course it does not.

Miss GRANGE: It can cause death.

(Inaudible comments by Members)

Dr. PHILLIPS: Crossing the road can cause death, but it does not normally.

Mr. SHAW: And so can Chikungunya.

Dr. PHILLIPS: It does not normally. We need not create panic.

The one requirement of the Parliament, Mr. Speaker, it is a place where parties and competitions take place, but it is also and ought to be a place where we can soberly debate issues of national importance and potential crises. This is one situation which requires us to search for the national cause and the national purpose and not to simply try to exacerbate what is already a troubling situation.

So, Mr. Speaker, the assurance is that the Government as a whole has this under consideration; that all support needed by the Minister and Ministry of Health will be found to address the crises. And I would respectfully and humbly suggest, Mr. Speaker, in view of the lengthy agenda of business which must be completed today, that we proceed with that.

The Deputy SPEAKER: Miss Grange you had wanted to ask a question? And that will be the final - I will not entertain any more questions after this.

Miss GRANGE: Thank you, Mr. Speaker.

Minister, through the Speaker to you, are you aware that there is a quiet panic taking place that there - that people are panicking, are you aware of that?

I know for example, in my constituency, where I was getting calls from one community, I'm now getting calls from Tawes Pen, Ellerslie Pen, Irish Pen, Gordon Pen and I could go on. And the concern that the people have is that they don't think anything is being done about it. They go to the doctor, they go to the hospital they get two Panadeine; they go home they can't even walk. I've asked for a list from Tawes Pen, of persons who have confirmed - they say they go to the doctor and they are told that's what they have.

But on the other hand I've had a case where someone tell me that the doctor checked her for Dengue because of the issue really that relates to checking for Chik-V, and because it wasn't Dengue he treated her as if it was Chik-V.

Now, you have to find a way - you know the Minister of Finance sey crossing the road can cause death but a lot of money is spent on road safety campaign. Yuh gonna have to find a way Minister to ramp up with - yuh don't have to signal to the Ministry of Finance that you have a problem, yuh have a problem, and I think that you need to just immediately do something about it.

We have removed from the Spanish Town High School 70 loads of garbage and we have more to move.

Mr. SHAW: What?

Miss GRANGE: Seventy loads of garbage from the Spanish Town High School.

Mr. SHAW: My God!

Miss GRANGE: And it's only because I have a Board Chairman who said, don't keep the money to earn interest, clean up the place now, because we want to do something about the situation. So you have to bring the Ministry of Education on board, they must find money to clean nip all the schools. If you're to visit all the schools you see garbage and unsanitary conditions, and on top of that, the NSWMA is not doing its job.

I've been out of circulation for a while, and I've never seen so much garbage in communities everywhere I go. You have a serious problem, you have an urgent problem, Minister, and I think that your colleagues who control the purse strings must come on board immediately; you don't have to signal to them, there is a problem.

I want to ask you, what kind of urgency are you putting on this matter of ensuring that you get the funds to do what has to be done now?

Dr. FERGUSON: The Minister has spoken and the fact is that we will continue that conversation. We will deal with the national call, we are looking at the national call with greater urgency between the stakeholders and we will go from there.

And I want to thank the Members of the House who have made intervention on this matter. I think it's a matter of great national importance and urgency and we intend to continue to work with - and I want to congratulate the health workers because we do have an emergency operating centre and have chipped in from the 17th of July. There are three numbers - I don't have them with me here in the House, but I can make it available

to Members of Parliament so that in, you know, between 8:30 and 5:00 because it doesn't really…

(Inaudible comments by Miss Grange)

Dr. FERGUSON: No, for example, if you have an area where you find there are complaints about flu-like symptoms, then you can call so that the necessary fogging and you know, investigations can be done. And I think that would also be helpful in alleviating some of the panic that is out there. And I am more than willing to work with you in that regard.

I thank you, Mr. Speaker.

The Deputy SPEAKER: Miss Hanna.

Miss HANNA: Thank you, Mr. Speaker. The Minister of Finance will now take Item 13 on the Order Paper.

The Deputy SPEAKER: Minister Phillips.

Dr. PHILLIPS: Thank you very much, Mr. Speaker.

What is before us - and I wanted to indicate, I believe, Madam Clerk, there are some amendments that if you don't have them, the last time I think they were provided - what is before us, Mr. Speaker, is an Act to amend the General Consumption Tax Act, and these are measures arising from our ongoing tax reform effort. Over the past two years there have been a number of tax related Bills containing measures arising from various aspects of the tax reform methods. This is not simply about - in fact, very little of this is about compliance measures; rather much more it is about creating an environment to facilitate growth and to encourage trade.

The Honourable House is being asked to approve these amendments which introduce a series of adjustments which aim to facilitate the operation of businesses as well as to improve the operations of the GCT system as a whole and to incorporate into the main body of the legislation, a number of matters that have been covered through provisional orders over the years.

Among the issues raised here, is to resolve the dichotomy between the GCT and SCT credits. The Bill now makes clear that there is to be no cross payment, removes the notice period required when the commissioner General has to compel registration; it speaks specifically to the arrangements regarding the deferment of payment of GCT by manufacturers; it introduces new modernized regimes in keeping with international best practices for example, with the treatment of imported services or the - or treatment of government purchases; it also updates some of the penalties to make them on par with other legislation related to taxes so that there can be consistency in the tax system.

(Inaudible comments by Mr. Shaw)

Dr. PHILLIPS: Yes, 12.

(Inaudible comments by Mr. Shaw)

Dr. PHILLIPS: Twelve, twelve, GCT Act, sorry, GCT Act.

Mr. SHAW: Okay 12.

Dr. PHILLIPS: My apologies.

Now the - it also incorporates into permanent legislation certain changes that have been to the Act, previously introduced by way of provisional order and confirmed by this Honourable House.

I should indicate here Mr. Speaker, that a major effort has been made in this legislation to create a level playing field as far as the treatment of inputs, foreign and local, is concerned for GCT purposes, and indeed, I dare say to induce; one might put it this way. To induce or certainly not to put producers of local inputs at a disadvantage as far as tax treatment is concerned. This has been the result of extensive consultation with the stakeholders in the trade.

I want to highlight some specific issues that arise.

First of all, the deferment arrangements for manufacturers engaged in taxable supplies, in producing taxable supplies and mixed supplies.

The deferment regime under the existing GCT Act allows manufacturers to delay payment of tax on the importation of raw materials, consumables, intermediate goods or spare parts to the moment when the manufacturer is making his next return. It applies at present to manufacturers of taxable supplies and only inputs acquired for use in manufacture of taxable goods may be deferred. That's the present regime.

The operation of this regime is to be clarified to remove existing ambiguities and to extend its scope to benefit manufacturers who are engaged in mixed activities. That is to say those who are producing both taxable goods and exempt goods. Manufacturers engaged in making mixed supplies will now be allowed deferment in respect of those of their inputs which are given duty exemption under the Productive Inputs Relief Scheme. This also means that deferment will now be granted in respect of capital goods, and packaging materials, which was not the case in the previous arrangements which will be adjusted by this. The deferment provision does not apply to persons who are engaged exclusively in the manufacture of exempt supplies. And these provisions are in relation to Clause 25, and there is also - I would refer also to the amendments that should have been circulated in relation to Clause 25.

The Bill also provides for some relief for manufacturers who are engaged exclusively in manufacturing exempt goods. Formally such manufacturers would have to absorb the GCT that is paid on their inputs, and they would be unable to claim on those. The Bill lightens the burden on these persons and enhances their competitiveness by relieving some of their inputs from GCT.

For those persons who manufacture exempt goods exclusively, while they will not have access to the deferment facility they will now be able to claim a refund of tax paid on those inputs - and this is a critical point, Mr. Speaker - whether sourced locally or imported, which if imported would have qualified for relief from customs duty under the Productive Inputs Relief. In other words, if you source your inputs locally, then you are going to be able to claim back the GCT paid on those, and if you source it by way of imports and it qualifies under the Productive Inputs Relief Scheme, then you will be able also to claim back for those payments under the scheme to be incorporated in these amendments.

Manufacturers who are engaged in a mixed activity, both taxable and exempt, will now be entitled to a credit in respect of the inputs used in the manufacture of exempt supplies, as long as those inputs would qualify for productive input relief if they were imported.

Mr. Speaker, this Bill corrects another distortion which currently exists. Currently, GCT relief is provided where goods are acquired for use in free zones. As the law now stands goods are only subject to zero rate of tax where they are imported into free zones, hotels and resort cottages. If the same goods are supplied domestically GCT is required to be paid. The inescapable outcome of this is a significant disincentive to those operating in these zones to source supplies from local producers and suppliers. And as we have always indicated Mr. Speaker that our intention really is to put more and more Jamaicans to work in producing goods for the domestic economy.

This Bill seeks to correct this anomaly not only in relation to free zones but also in relation to those hotels and cottages which elect to continue to enjoy benefit available to them for the remainder of their exemption period under the now repealed Incentives Acts. These provisions signals the Government's commitment not only to facilitate trade but to encourage and develop stronger linkages between different elements of the local economy.

Since the introduction of the GCT in 1991 there have been a number of gray areas, areas of uncertainty, there have been also identified efficiencies which from the perspective of both the taxpayer and Tax Administration, have hampered the efficient operation of the system. The Bill seeks to overcome these and to fill in some of those gaps in relation to these areas.

For example, in relation to registered persons. The Act is to be simplified by removing the category of registered person which has thus far existed only for administrative purposes. These amendments will allow for small business persons whose business transactions do not reach the threshold that would require them to make GCT returns, to avoid having to register under the Act. The registered taxpayer status allows the benefit of claiming input tax, credits and refunds in certain cases as the registered taxpayers is allowed to pass on the tax to the final consumers. However, note that such persons are required to be in full compliance with the Act. Currently, persons who fall below the GCT threshold and are liable to be registered as a registered person but who fails to register can suffer a penalty of $200 per month for each month in default. This Bill effectively lifts this burden from the backs of those persons who would not be in default if they fail to register because they don't meet that $3 Million threshold.

The Bill brings greater certainty in the administration of the input tax credit regime by setting out in clearer form the treatment of input tax credits in respect of capital goods. And I think this is a very important point to note because it is of benefit to the manufacturers potentially.

The current treatment in respect of capital goods in the regulations - Regulation 14, now allows for the claiming of GCT and capital items costing over $100,000 to be done over a 24 month period. So if you spend over $100,000 you can claim back this GCT in installments over a 24 month period. The regulations are being amended to allow the registered taxpayer to claim the GCT paid on capital items as a credit in the month of acquisition instead of having to spread this claim over 24 months. So that they won't have to be out of pocket in relation to their capital expenditures but can recover immediately the GCT paid on this, and this is to facilitate the manufacturer's operations.

The Bill also clarifies this is relating, as we indicated the eligibility of manufacturers of mixed supplies for input tax credits, sets out the criteria for eligibility and sets out the method of computation of the input tax credits for those who engaged in - who produce mixed supplies, that is to say taxable and non-tax, taxable and exempt.

A formula has been inserted into the Regulations for the first time, to allow for the computation of GCT input tax credits where the registered taxpayer is engaged in making mixed supplies. The formula creates an easy method apportionment of the inputs that are directed towards the taxable suppliers and for which the taxpayer is allowed to claim a credit. This increases the ease of accounting for and remission of the tax due to the revenue.

Taxpayers' rights in relation to the selection of formula for computation notwithstanding the insertion of the formula, the Regulations preserve the taxpayer's rights to apply, to use an alternative formula if the nature of their activities would require and justify such. He may apply to the Commissioner General to use the alternative formula.

The proper treatment of tax credits by taxpayers is affected by both GCT and SCT; Special Consumption Tax in the context of their taxable activities is also set out in the Regulations.

Clause 2 and 16 and Regulation 14 speak to the issue of the tax on imported services. The Bill sets out an improved regime covering the taxing of imported services which includes a fully developed charging provision which deems the person who imports the service as the supplier for the purpose of accounting for the tax, whether or not the person is a registered taxpayer. It also stipulates that such services are to be the subject of the general valuation rule in the tax. A clear definition of imported services and the scope of the concept is set out. Currently the reference to imports in the Act was construed to refer to services, however, Section 2 is intended to change this and substantively defines imported services, and the liability to account for the tax including exclusion from that liability is also set out.

The impetus behind these amendments to the Imported Services Regime was the creation of a level playing field on which the local service providers can compete, notwithstanding it's revenue positive effect, as services do not cross our borders in a way that

ensures that they are entered and taxed at the port of entry as goods are, it is much easier for importers of these services to escape paying GCT on them.

The imported services regime seeks to ensure that except where the stated exemptions apply, imported services are accorded the same GCT treatment as the locally provided services thus removing any unfair tax advantage that imported services enjoyed over their locally supplied equivalent. This is one more measure, Mr. Speaker, which aims to level the playing field between imported inputs, whether goods or services, and locally produced goods or services.

Clause 28 sets out the situation with respect of refunds. The current Act allows persons who have ceased business activity up to six years after their entitlement to credit or refund, to claim. The current Act provides for persons who have ceased business operation, can have up to six years to claim those entitlements.

Such persons will no longer be able to reappear at the Revenue's door after the expiry of two years from the date at which a refund or credit accrued to them. So, it's cutting down that time period for businesses which cease operations.

Transfer of business as a going concern. The Bill fills a gap in the existing law by providing rules to govern the transfer of a part of a business or transfer assets as a going concern.

Clause 18 provides for a less lenient regime to be introduced for dealing with persons who collect GCT but fail to register. Or, put it another way, the penalties for this breach are to be increased.

There is an obligation imposed upon the taxpayer to maintain reliable data, and an obligation to inform the Commissioner General on certain matters and activities.

Regulations 7(a), 7(b) and 14(b), speak to the obligations in respect of Government purchases. The removal of much of Government's immunity from GCT was effected in June of this year. The Bill incorporates this new regime within its ranks for the tax treatment of Government - in its clauses for the tax treatment of Government purchases under which Government entities will cease to enjoy zero rating. It makes treatment, however, Mr. Speaker, for special treatment of - it makes provision for special treatment of approved educational institutions and special treatment of the Jamaica Defense Force. And, provision is made for regulations to be put in place for a special treatment of the Health Sector to enjoy zero-rated status as soon as these amendments are passed, and would allow for health sector imports by appropriate charities to be treated as zero rated, and to name the National Health Fund as a public body able to obtain tax relief applicable to registered charitable organizations.

Other measures included in the Bill; section 61 of the Act has been developed to give the Commissioner General wider powers for dealing with schemes for tax avoidance. The Bill introduces also, in Clauses 20, 30 and 31, new offences and stiffer penalties for various existing offences.

The Bill however does make concessions in relation to those offences which have more to do with negligence than any hint of impropriety on the taxpayers' part. The maximum penalty for late filing has now been capped at a Hundred Thousand Dollars ($100,000.00). Previously, this would have been 15 per cent of the tax due and payable.

The penalty for late payment has also been reduced from 15 per cent to 10 per cent of the unpaid amount. The surcharge applicable after two filings or payment defaults has been abolished. The penal rate has also been reduced from 2.5 per cent to 1.5 per cent. These amendments are intended to encourage compliance, Mr. Speaker, and to assist those taxpayers who fall into occasional or unforeseeable default to be able to make amends and get back on track.

SCT on alcohol is now imposed on all types of alcohol being acquired for manufacturers for productive purposes.

Provisional Orders arising from past tax measures, in particular, the 2014/2015 Revenue Measures, are made permanent by means of this Bill. These measures include the provisions for GCT on the second sale of cars, SCT on sale of certain motor vehicles and Special Consumption Tax, and on alcoholic beverages.

There are amendments for other Acts, Mr. Speaker. I will just highlight some of the clauses that I think are worthy of note.

Clause 2 amends the Interpretation section of the principal Act by inserting and expanding the definition of the term "arrangement" which was previously found in section 61 of the Act. This wider definition aims to capture all kinds of transactions, some of which have as their purpose the evasion or avoidance of tax.

In the Interpretation section, too, it defines the Commissioner General in the Act as the Commissioner General of Tax Administration Jamaica.

The amendments to the definitions of "authorized person" and "open market" are consequent on this new definition, and the removal of the now defunct position of Commissioner of Taxpayer Audit and Assessment from the Bill. There are other definitional amendments provided for in that section as well.

I will make reference to Clause 6, which amends section 8 of the principal Act, which widens the GCT base for importation of goods to include duties, levies, fees and other taxes at Customs.

Clause 15, the amendments there ensure that insurers and brokers are jointly and severally liable for tax on insurance services.

Clause 16 sets out the details of the imported services regime, which is to be incorporated into the Act.

There is - in relation to Clause 20, there is the duty to display Certificate of Registration, which has been removed from regulations and placed in the Act.

And there is, in Clause 21, a duty placed on the taxpayer to keep records in relation to taxable activity.

As I indicated Mr. Speaker there are some amendments to be moved, and the amendments have been circulated. I want to

point in particular to Clauses 25 and 26, which are the subject of amendments to be moved.

I want to also refer Members to Clauses 30 and 31, which comprehensively overhaul the offences section of the legislation, updating penalties to current terms and creates some new offences, such as the failure to display a registration certificate, collecting GCT and not being a registered taxpayer - which I think is quite a serious offence; collecting tax on behalf of the Revenue and neglecting to pay it over, or improperly obtaining a refund.

The offence of fraudulently displaying a registration certificate has been removed from the regulation and is now inserted into the Act. The penalty for failure to register has been increased from Five Thousand ($5,000.00) and Ten Thousand ($10,000.00) for individuals and Corporate bodies, respectively, to the greater of Ten Thousand ($10,000.00) or a penalty equal to the amount of tax that the person would have paid between the time he became liable to register and the time he was actually registered.

The penalty for failure to file a return sees a slight reduction, as it is now the greater of Ten Thousand Dollars ($10,000.00) or 10 per cent of the tax which was due and payable, instead of the higher 15 per cent of the Act, and is now capped - as I mentioned earlier - at a Hundred Thousand Dollars ($100,000.00).

The interest payable on outstanding amounts has been reduced from a rate of 2.5 per cent per month to 1.5 per cent per month, although it will be subject to harmonization of interest in the Tax Collection (Miscellaneous Provisions) Bill. The Act will now use the Simple Interest method of calculating the interest.

The penalty for offences committed with intent to defraud the Revenue, is increased from a maximum fine of Ten Thousand Dollars ($10,000.00) to the great of a Million Dollars ($1M) or triple the amount of tax payable.

Offences relating to keeping of proper record and accounts, and producing the same when required to do so, have seen an increase in the penalty from a fine of Five Thousand Dollars ($5,000.00) or six months to a fine of a Million Dollars ($1M) or twelve months.

The fine for offences related to making false declarations moves also from the current Ten Thousand Dollars ($10,000.00) to a more appropriate maximum of Three Million Dollars ($3M). And, there are similar adjustments for other offences.

Offences, for example, treating with the hindering of an authorized officer in the execution of his duties, are updated to a maximum fine of Five Hundred Thousand Dollars ($500,000.00).

Notwithstanding that the Bill has stipulated penalties for all the current offence, the general default penalty provision has also been updated from Five Thousand ($5,000.00) or six months, to One Million ($1M) or twelve months, or both.

Mr. Speaker, there are some consequential amendments which flow, amendments to the regulations. Clause 38 refers amendments to the Charities Act.

Clause 39 refers to amend the Charities

Act to allow the Minister to specify by Order, Government bodies that may be treated as registered charitable organizations for the purpose of obtaining the tax exemptions under the Act. As I mentioned, it is the intention to include the National Health Fund, so that imports of health-related equipment provided sometimes by citizens for charitable purposes, can be treated in this way.

There is a consequential amendment to the Fiscal Incentives Act of 2013, in relation to the extension of the date of election for the tourism sector, to move that from the 1st of July, 2014 to the 1st day of January, 2015.

And there are some consequential amendments, also, to the First Schedule of the Act - to the Schedules of the Act, which relate to the zero rating of particular imports and supplies for the JDF and the educational system.

Mr. Speaker, all told, as I indicated earlier, this Act incorporates substantial provisions that are now being carried out by way of Provisional Order, and also updates the Act in some critical respects. But, overall, it provides for a more up-to-date and more effective basis for the administration of General Consumption Tax.

And I so move, Mr. Speaker.

The Deputy SPEAKER: Mr. Shaw.

Mr. SHAW: Thank you, Mr. Speaker.

Mr. Speaker, let me start by observing that the Bill, which was originally, tabled in the House had to be withdrawn - it was withdrawn, wasn't it?

(Cross talk)

Had to be withdrawn and what followed was a series of further consultations and, therefore...

(Cross talk)

And it in part by an outcry by certain stakeholders as well in the society, and I take note of the fact that some of the main issues of concern have been dealt with. The Minister has mentioned the question of the deferred payments and the immediacy of the refunds that will be available to the various parties; equally, the withdrawal of the plan to require the returns by the 20th of the month instead of the end of the month; that, among other things, have been withdrawn from the Bill.

But Mr. Speaker, I want to say however, at the outset, that it would have been good if these amendments that have just been tabled today, because had I seen these amendments, some of the concerns that I had intended to speak about would be partly addressed by these amendments. But these are important amendments and you have a Bill that is coming up - and quite frankly, we should have been given these amendments at least a week before, so we could look at them.

(Inaudible comment by Dr. Phillips)

Mr. SHAW: These amendments were not tabled. It's the first time I'm seeing them. Mr. Speaker, it's the first time these amendments are being tabled in the House. I just want to make the point that we just need to pay a little more respect to the parliamentary process here.

The Opposition Spokesman on Finance is expected to look at these amendments – fairly complex amendments - and react to it

immediately. It's not fair to the Opposition, Mr. Speaker. It's not fair to the Opposition.

Mr. D. SMITH: But you're good. You can deal with it.

Mr. SHAW: But thankfully, because I had done some due diligence work (Laughter) and it's right here in my notes, Mr. Speaker, right here in my notes section 26 and section 25 of the Bill. I wrote them down, because I didn't quite understand what was here. Section 25 simply said,

> *Section 42 of the principal Act is amended by deleting the words, "a taxable supply" and substituting therefor the words, "taxable goods".*

And I was wondering if that could have captured what you wanted to capture in such a simply form. I didn't think it would. Equally, section 26, which is an insertion of a new section 42A, I had questions on there and I'm going to have to raise at least one now. But clearly, the new section 25 provides a definition and explanation of the deferment of the payment of taxes, and I take note of that.

What I want to ask Minister, in relation to section 26, in your amendment - I had to read very carefully to see exactly what was the difference in the amendment from the original Bill and I have a question as a result of that. The original Bill, after it refers Part 5 of the Third Schedule to the Custom Tariff (Revision) Resolution, 1972 - which, by the way this is a sidebar, Minister - we then had to go and search of the Tariff Schedule to see what this was all about and it appears that this is related to tourism-related goods and activities. You have another Bill to be debated - the Customs Bill relating to sorting out, making Customs more user-friendly - getting through things more quickly. It takes hours to seek to find exactly the tariff that is being referenced, because tariffs, as you know, are updated from time to time, so that in this particular case it's the seventh update we were able to determine that it related to tourism activities.

But back to the specific question, the original draft ended at - there's a comma at 1972, Minister, if you would just look at your new Clause 26 and check it with the old one. After the comma at the end of 1972, the old one had:

> *"...and on capital equipment acquired to be used in the manufacture of those goods".*

Now, in your amendment you have deleted that and my question is, I need an explanation. I need an explanation as to why is it being deleted? Is it that even if it's deleted, capital goods are still treated in that way? And if not, by deleting it are you deleting the privilege for capital goods? So that it just needs to be made clear and that is the only thing that I saw different in relation to that section.

Mr. Speaker, beyond that I would want to ask the Minister in relation to the question of imported services - GCT on imported services - and I don't want to necessarily to be talking and the Minister is seeking advice elsewhere, because these are specific things that I'd like him to understand.

(Cross talk)

In relation to GCT on imported services. Now, Mr. Speaker, this is an area on which there is

no disagreement. There was, I think, a plan from as early as - I think it's as early as 1992 there was a plan to impose taxes on imported services. For a series of reasons it never got off the ground and then when I was Minister I actually announced it again the intention to impose taxes on imported services. So, in a sense, this attempt is the third time around which is being attempted here. And my question is, I take note of the fact the taxpayer will able to claim a refund on GCT that has been paid for imported services as long as it not from a related party and I wanted you to -

(Inaudible comment by Dr. Phillips)

Mr. SHAW: Pardon me?

(Inaudible comment by Dr. Phillips)

Mr. SHAW: Imported services, I'm talking about and I'm just pointing out that I am aware that people who say - let's say you get some services from Microsoft or whatever and you are liable to pay the GCT on it here in Jamaica. That is refundable, because that's part of the cost of providing a particular service. You need that imported service. So you claim that refund, but you have a qualifier that you cannot claim a refund from a related party. I simply wanted to have a more clear definition of what a related party is? That is that question there.

Beyond, Mr. Speaker, what I'd like to ask the Minister is, in this process of cleaning up and trying to regularize different aspects of the GCT Bill and, indeed, other aspects of taxation Bill as a whole. I wanted to understand where are we in the promised overall review and reduction of interest and penalty rates to make them more collectable, because, you know, I'm on record as saying that we need to look at international standards of how interest rates and penalties apply to different types of tax systems whether it's property taxes, consumption taxes or other forms of taxation that should be paid over.

I think interest should be looked at being levied on a kind of simple interest basis. I think that penalties are perhaps the one you can look by having a graduated-type of things: first offenders, a lower penalty. Repeat offenders then you have a grade of higher penalties going along the way. And I think that this -

(Inaudible comment by Government Member)

Mr. SHAW: (Chuckles) Probably Craig Head.

I think that this is an area that needs to be addressed and the reason is if it is not done, it will be a recurring problem. And the special write-off committee that you have established by an amendment to a Bill in this House I don't where you are with that write-off committee now, but it appears that it's not -

Dr. PHILLIPS: No, It's coming.

Mr. SHAW: It's coming. Quite a few months now.

Dr. PHILLIPS: It's being done.

Mr. SHAW: It's being done, but my concern is that write-off committee might very well become a permanent fixture, because it might become a permanent fixture if you don't adjust these excessive and punitive interest rates and penalties that apply that just work into the system and the Auditor General reports to Parliament that, you know, all this

money is out there and can't be collected and then we now have to set up a special committee and so on. The present system of high compounded interest rates and penalties it amounts to a kind of financial quicksand from which the taxpayer simply cannot escape.

A MEMBER: And then they don't want to pay anything.

Mr. SHAW: Right, and then they don't want to pay anything and then you eventually now reach a point where this tax committee has to be looking at it.

Now, you mentioned the question of Government now paying GCT on services with certain notable exceptions. It is a fact, Mr. Speaker, that those who are now seeking to do business with Government and that the MDAs, I'm being told, that in a lot of cases the MDAs are not providing the seller with the GCT certificate within the stipulated time frame. There seems to be some working out of kinks needed in that, because some MDAs apparently are waiting until they actually pay the GCT over to the Government before handing the certificate to the seller. And let us say if a an MDA is cash-strapped and doesn't pay it, what is the recourse to the seller, because the seller has an obligation to issue the certificate within a thirty-day period and it's something you need to look at.

And I just want to mention one other issue, Mr. Speaker – in fact, it is two other issues.

Mr. Speaker, these are all very specific things, so that's why I need the attention of the Minister in dealing with them so, you....

(Inaudible comment by Mr. Jackson)

Mr. SHAW: Yes, I understand that. I understand that.

(Inaudible comment by Mr. Jackson)

Mr. SHAW: I'm a patient man. (Laughter)

Mr. JACKSON: Today is one of your best days. (Laughter) I want you to keep it like this. (Laughter)

Mr. SHAW: (Laughter) So, Minister, as I come down I want to mention two other matters which are not necessarily directly related to GCT but they are related to current issues of tax collection. The first one has to do with the Guest Accommodation Room Tax (GART) and I take note first of all, that under that tax, I took a look at the *Gazette* that had gazette that tax, it was an Order in 2012 when it was first implemented and section 5 of it says and I quote from it:

> In respect of tax rates specified in the currency of the United States of America in the First Schedule, payment of the tax may be made in the equivalent amount in Jamaican Dollars at the weighted average Bank of Jamaica buying rate on the day of the payment.

Now, I raise that to say that there are some concerns among, especially the small hotels, villas and apartments, many of whom their clients are actually not from abroad and they are not earning foreign exchange, they are basically dealing in Jamaican dollars. So when we have a system here where the room tax is named by law in US dollars; below 50 rooms, $1, above 50 rooms to 100, $2, and above 100 rooms, $4, all US dollars, the issue that they

are facing now, Minister, is that, due to devaluation, they find themselves having to pay a higher price than they actually collected from the customers, and this applies in periods of instability of exchange rate. So you collect at a certain rate now, by the time that you have to - your rate changes, and by the time they have to pay it over to Government at the stipulated rate, then they are put into an adverse position. I think you should have a look at that.

Quite frankly, I don't even know how legal it is to be putting in our tax laws rates in another currency. You might want to take another look at that. I don't know if that is a legal thing. I don't know if there is any other area of your laws that you have, you have a stipulation of a foreign currency as your basis for taxation, you might want to take a look at that.

And the final point I'd just ask you to take a look at as well, is the question of the implementation of the Minimum Business Tax. I don't know how well that is being implemented at this stage, and how the capacity of the TAJ to enforce this Minimum Business Tax, but I think that one of the things that needs to be made clearer is that, that tax, once it's paid would apply as part of Profits Tax that is due to the extent that that Profit Tax is available.

Because I remember, when I was Minister and was contemplating such a tax, that it was really initially designed for certain categories of business like taxi operators and other types of businesses that would more, you know, neatly fit into a Minimum Business Tax, that would not be refundable.

But, in the present system that you have, I'm reliably advised that your Tax Authorities are demanding the Minimum Business Tax payment for dormant companies. Now, that in and of itself creates some other difficulties. You might want to look at that. Whether they should be demanding a payment of a Minimum Business Tax on a dormant company or perhaps if the taxpayer can prove that it is not an active company that it is indeed a dormant company that you might wish to make some kind of accommodation for that. But, Mr Speaker, if it pleases you.

Thank you.

Dr. PHILLIPS: Thank you, Mr. Speaker.

Let me say in relation to the last two issues raised that I shall explore the questions. Although, I must say in some places my advice is that the smaller hotels have been in fact the more compliant in paying the room tax due. And of course, what you have - I can see a problem for some of the operations with local clientele because, you know, there is also that most of the operators in the industry quote their room rates in US dollars and so that's an issue, but it's one that I'll explore.

And I will say, in relation to the Minimum Business Tax the issue, specific issue of dormant companies I'll explore too. It has been in operation, they have been collecting, it's payable in installments as you may know, so - and ultimately, I guess companies that are not operating need to deregister themselves so-to-speak.

But, to the specific points that have been raised, let me say first of all, the treatment of capital goods is taken up in Part V of the Customs Act and the PIR Regime, the Productive Inputs Regime, which provides for the elimination of Customs Duties and for the reclaim of GCT, hence it was not included in this amendment that is to be moved here. But it remains the provision where they are relieved, remains in law, right, but it's just stated elsewhere.

Related party, the question raised. A company - we have had a circumstance where companies, where companies establish a subsidiary or a related company and in effect pay to themselves for these services as a means, as an arrangement in relation that effects avoidance and so that is an issue that arises.

The reference to connected person under the Imported Services Regime will be the same reference used in the Income Tax Act. In the Income Tax Act connected person is defined. Additionally, a connected person is allowed to claim input credit under certain conditions and is stated in the Act, so that is what will be used. But I was describing to you the circumstance which relates.

The issue in relation to interest and penalty rates: Indeed, earlier in the Bill that was debated in the Senate and we did - some of your own ideas were incorporated. In other words, as far as the computation of penalty of interest, a simple interest now in the Tax Collection Act (Miscellaneous Provisions) that was put and also the priority of principal over penalty in the repayments has gone a far way. And you will remember in that Act also, in-keeping with a suggestion, which I believe had been made, it provides for the rate of interest to be designated at regular intervals to bring it more in line with market rate.

So that much progress has been made in that regard. I got a bit worried when I hear concurrence between yourself and the Member from South St. Catherine. I have to watch 'me bak'. (Laughs) But....

Mr. JACKSON: Better days in the House.

(Laughter)

Dr. PHILLIPS: His… (Laughter) Is because of that call from Coleyville.

(Mr. Shaw laughs)

But definitely there was - that is certainly - it is the intention to bring about a more reasonable rate of set of arrangements.

There is a point he had made I noted it here. The GCT Certificates.

Mr. SHAW: Yes, that has to do with Government services.

Dr. PHILLIPS: Oh! Oh! Government services, yes. I think the point to be made there is that there is a deeming provision in this Act and until the Certificate is issued, there is no liability that arises.

Mr. SHAW: From the seller?

Dr. PHILLIPS: From the seller. In other words - which is to compel the department, ministries, departments and agencies to issue the Certificates. And in fact, which imposes a requirement on the Ministry of Finance to ensure that they function there, because then the revenue won't flow, so that is the requirement.

Mr. Speaker, with those remarks and with thanks to my colleague opposite, I move second reading of the Bill.

The Deputy SPEAKER: The question is that the Bill be read a second time?

Put to the House and agreed to.

Bill entitled:

"AN ACT to Amend the General Consumption Tax Act",

read a second time.

The Deputy SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

The CHAIRMAN: We have amendments?

Dr. PHILLIPS: Yes, the amendments have been circulated....

A MEMBER: Mic. Mic.

Dr. PHILLIPS: Amendments, Mr. Chairman, have been circulated. I fail to remark that these had been made available to the House, to the Clerk last week and I concur it would have been helpful had they been circulated.

Mr. D. SMITH: Apologize…. (Inaudible comments) inherent...

Dr. PHILLIPS: No, you don't know inherent. (Laughter) You notice that Hydel beat Calabar? (Laughter)

The Deputy CHAIRMAN: I put Clause 1.

Clause 1 put to the Committee and agreed to.

The Deputy CHAIRMAN: Clause 1 has an amendment? Minister, there's an amendment to Clause 1?

Dr. PHILLIPS: There's an amendment to Clause 1 which you will see, it really deletes the marginal notes and substitute therefor short title and construction.

The Deputy CHAIRMAN: I put Clause 1 as amended.

Clause 1 as amended, Clause 2 and Clauses 1 to 16 put to the Committee and agreed to.

The Deputy CHAIRMAN: Now 17 has an amendment.

Dr. PHILLIPS: 17, I put the amendment, Mr. Chairman, it has been circulated.

The Deputy CHAIRMAN: There's an amendment in...

Dr. PHILLIPS: To 17.

The Deputy CHAIRMAN: I put Clause 17 as amended.

Dr. PHILLIPS: No, you put the amendment, Mr. Chairman.

The Deputy CHAIRMAN: (Laughs) I put the amendment to Clause 17. Is it?

Dr. PHILLIPS: Yes.

The Deputy CHAIRMAN: Okay.

The amendment to Clause 17 and Clause 17 as amended put to the Committee and agreed to.

Dr. PHILLIPS: Put Clauses 18 to 24, as proposed, Mr. Chairman.

The Deputy CHAIRMAN: I put Clauses 18 to 24.

Clauses 18 to 24 put to the Committee and agreed to.

Dr. PHILLIPS: There's an amendment to 25.

The Deputy CHAIRMAN: Okay. I put the amendment to Clause 25.

The amendment to Clause 25 and Clause 25 as amended put to the Committee and agreed to.

Dr. PHILLIPS: There's an amendment also to Clause 26.

The Deputy CHAIRMAN: I put the amendment to Clause 26.

The amendment to Clause 26 and Clause 26 as amended put to the Committee and agreed to.

The CHAIRMAN: I put Clauses 27 to 40.

Clauses 27 to 40 put to the Committee and agreed to.

The Deputy CHAIRMAN: The First Schedule put to the Committee and agreed to.

The CHAIRMAN: I put the Second Schedule.

Dr. PHILLIPS: There's a Regulation 14 - 11, pardon me.

Amendments to the Second Schedule have been circulated with the amendment.

The Deputy CHAIRMAN: I put the amendment to Regulation 11.

The amendment to Regulation 11 and Regulation 11 as amended put to the Committee and agreed to.

I put Regulation 14. Is there an amendment there?

Dr. PHILLIPS: Yes, there's amendment to 14, and there's Regulations 14A and 14B.

The Deputy CHAIRMAN: I put the amendment to Regulation 14.

The amendment to Regulation 14 put to the Committee and agreed to.

Dr. PHILLIPS: Put the Second Schedule then now, Mr. Speaker.

The Deputy CHAIRMAN: And this 14A, Minister, and 14B?

Dr. PHILLIPS: Yes, new regulations.

The Deputy CHAIRMAN: I put the amendments to 14A and 14B.

The amendments to Regulations 14A and 14B and Regulations 14A and 14B as amended put to the Committee and agreed to.

The Deputy CHAIRMAN: I put the Fourth Schedule. There are a number of amendments there.

Dr. PHILLIPS: Put the Second Schedule as amended.

The Deputy CHAIRMAN: Okay. I put the Second Schedule as amended.

The Second Schedule as amended put to the Committee and agreed to.

I put the Third Schedule. Are there any amendments there?

Dr. PHILLIPS: No.

The Deputy CHAIRMAN: The Third Schedule put to the Committee and agreed to.

I put the Fourth Schedule.

Dr. PHILLIPS: There's an amendment circulated to delete from 4A, 4D, and 4E and substitute therefor.

The Deputy CHAIRMAN: I put the amendments, 4A, 4D and 4E.

The amendments to 4A, 4D and 4E put to the Committee and agreed to.

I put the Fourth Schedule as amended.

The Fourth Schedule as amended put to the Committee and agreed to.

I put the Title and Enacting Clause.

The Title and Enacting Clause put to the Committee and agreed to.

RESUMPTION

The Deputy SPEAKER: I do report the Bill as having passed Committee Stage with eighteen (18) amendments.

Minister.

Dr. PHILLIPS: Mr. Speaker, I move that the Bill be read a third time.

The Deputy SPEAKER: The question is that the Bill be read a third time.

Put to the House and agreed to.

Bill entitled:

AN ACT to Amend the General Consumption Tax Act;

read a third time and passed.

(Applause)

Miss HANNA: Mr. Speaker, in proceeding with other matters we'll now take Item Number 13 from the Minister of Finance.

The Deputy SPEAKER: Minister Phillips, we just had Item 12 so it would be Item 13 now?

Dr. PHILLIPS: Yes.

Mr. SHAW: Thirteen?

Dr. PHILLIPS: Yes 13, the Customs Act Resolution Revision.

Mr. SHAW: So you're not doing the Customs Act?

Dr. PHILLIPS: No, we're not doing it; I mean I just gave notice, I'm doing it next week.

Mr. Speaker, this amendment - there're amendments here to certain laws for regularizing and expanding the tax treatment for operations in the free zone including DPO operations and the tourism subsectors. The House is invited to consider and give approval to the amendment of the Customs Act to address the existing anomalies and policy inconsistencies which have affected adversely, entities operating within the free zone, particularly business process outsourcing sector and various subsectors within the tourism industry.

The issue is, Mr. Speaker that we need to expressly ensure that the policy intent is enshrined in the statutes and that these subsectors are not put at a disadvantage. The proposed amendments are under expansion of this tourism sector, is to allow for inputs to be treated as they would be under the Productive Inputs Relief, to include motor vehicles.

Motor vehicles for the tourism sector were not included in the PIR scheme; this is adjusted in these provisions - in this resolution. The car rental sector will be affected; the contract operators' sector and tour operators will be affected.

With respect to car rentals, based upon consultations, it was agreed that the car rental sector should be allowed motorcars as per Section 11 of the Road Traffic Act, with a CC rating of up to 2500ccs and a CIF value up to a maximum of US35,000 to be treated under the Productive Input Relief scheme. Vehicles exceeding any of these limits will not be allowed under the PIR scheme and will be subject to their full tax liability.

However, the sector will be allowed to import up to 800 vehicles per year, and

depending on the availability of fiscal space, they may be allowed an additional 200 vehicles up to a maximum of 1,000.

Contract carriage operators, it is proposed that the contract operators policy be modified to accommodate motorcars as a seating capacity of eight or more, with a maximum CC rating of 2500 or a maximum CIF value of US$35,000 under the CIR. The contract carriage operators would be allowed a maximum of 50 vehicles in any given year, depending on available fiscal space.

On tour operators it is proposed to expand the benefit to the sector by making provisions under the PIR to include Town Cars and Limousines. The vehicles allowed will be limited to those with a CC rating from a minimum of 2500 to a maximum of 3,500 and a CIF value up to US$35,000. Full duties will be payable on a value in excess of US$35,000 CIF. The sector will be allowed a maximum of 20 vehicles in any given year depending on the availability of fiscal space.

I think we all recognize that motor vehicles for the tourism industry and the car rental sector and the contract carriage operators in that sector and tour operators can't be treated as motorcars generally. For them this represents an input into their business and so this resolution seeks to make that adjustment.

Similarly, we are expanding the inputs allowed under the PIR scheme to include animal feeds for the attractions subsector, based upon consultations being proposed that animal feeds imported by an approved or registered attraction under the Jamaica Tourist Board be allowed the PIR.

So that is horses used, Mr. Member from North West, St. Andrew, for horseback riding in the sector, for example, would be allowed and to be treated as a productive input.

Mr. SHAW: He wants to know about Caymanas Park.

Dr. PHILLIPS: The Minister of...

Well this is not registered under the Tourist Board.

...the Minister of Agriculture will continue providing the requisite health certification that will then be used to guide the Jamaica Customs Agency in administering the benefit. The House is further advised that the Fiscal Incentives Linkages Committee will monitor the availability of the items locally and regionally and make adjustments where necessary.

Animal seeds falling within the below listed category shall not be eligible for exemptions from customs duty under this PIR. These being goods listed in Part I of the Fourth Schedule of the Resolution and goods of a type which the Commissioner of Customs is satisfied can be obtained in adequate supplies from local manufacturers or from manufacturers within the CARICOM Single Market.

The House is being asked to note that it's being proposed that the rules governing the relief of additional stamp duty under the PIR will not apply. Within the normal operations of the PIR, the assistant stamp duty is relieved for the inclusion of animal feeds under the

Productive Input Relief scheme, the applicable additional stamp duty remains payable.

Mr. Speaker, again, both of these amendments are facilitatory of the tourism industry in one instance using horsepower in combustion engines and in the other using horsepower from horses on the beaches.

I move that this Resolution be adopted, Mr. Speaker.

Mr. SHAW: Mr. Speaker.

The Deputy SPEAKER: Yes, Mr. Shaw.

Mr. SHAW: The proposals have our full support, and the truth is that, it should never have been exempted in the first place even in the Omnibus Legislation, and quite frankly I think that notwithstanding the passage of the Omnibus Incentive Legislation, I think that the Minister should keep in full view and keep watch to ensure that the Omnibus Incentive Legislation, as it presently exists, don't consider it to be set in concrete, in stone, that it can't be flexible to be looked at again. And I say that because there are certain aspects even in the tourism industry right now, if you look at some of what is happening in the region, countries like Barbados and others, they have gotten fiercely competitive and some of the things that we are backing out of the Hotel Incentives Act and we are going to a kind of flat production incentive regime, as you call it, but a lot of our competitors in the region are ramping up their incentives right now.

I noted recently where Barbados, depending on the type of investment, they have duty free incentives ranging from between 25 and 40 years. Down here we have been having 10 and 15 years and we have taken that away basically to go towards the Omnibus Incentive Legislation.

I simply make the point, Minister, I simply make the point that, to keep our tourism industry vibrant, to keep our investment climate competitive, we have to keep our Incentives Legislation in full view to make sure that it is in line and it's competitive in relation to what the other countries are offering to investors, and I think it is something that we should take into careful consideration and constant review.

The Deputy SPEAKER: Yes, Minister.

Mr. MAIR: Thank you, Mr. Speaker.

I would like to just raise a concern with this Resolution because what is being proposed here is a maximum of allocation of vehicles for different sectors. My concern is, who is going to decide who gets what, where and when? And you know that is an avenue for corruption.

I support the proposal in its essence, however, I would have preferred to see a proposal where you would say, for example, in the instance of the car rental sector, that a business that is operational that has registered 20 rent-a-cars, for example, he would be allocated, for example, 25 per cent, of the cars he has he would be allowed to import every two, three years so he could upgrade his fleet.

I think something like that would also be fair, because what happens if you give out these 1000 licences in the first instance and there comes somebody who really needs to bring in cars and they say, well, you know what, we have used all the 1000 licences so, tough luck, next year.

I think the way it is structured is wrong, it's opening an avenue for corruption, that's number one, and two, I think it would be fairer if everybody had a fair opportunity and it would be a percentage of the vehicles, once they prove that they are a valid operation because you don't want people to set up fictitious companies to bring in all these cars not paying duties. So, I just wanted to raise that concern to the Minister and see if he would take it into consideration.

Dr. PHILLIPS: Thank you, Mr. Speaker and I thank the Members.

Let me make just two observations. First of all, this is a response to the Association, the Car Rental Association or Jamaica Rent-a-car Association, I believe they call themselves, and they have traditionally been the people who within their membership determine the allocation so that they do it in relation to the size of the operations. So it's not an allocation determined by Government, so to speak though even so it's still not an ideal situation. Over time revenues permitting, growth in the economy permitting, what you hope is really to be able to reduce the duty rates, and there is a point at which we won't have to resort to this in order to keep them competitive. When you just do - you reduce the rates such that the rates don't constitute an uncompetitive factor in the operations of the rent-a-car sector, and hopefully that point is not too far in the distant future.

I take the point and I certainly can reassure the Member that we are not in the position of saying that any of the provisions are cast in stone, as far as the incentives that we have. In fact, some of these very amendments that we have made have been to accommodate, in the GCT amendments, for example, why we withdrew and put was to accommodate the productive sector. At the same time both sides of the equation have to be met. The public purse needs revenues it can't - take the tourism, the Tourism Sector has to understand that there have to be revenues to provide the roads, the water supplies and the security services and all those other things that are needed for the industry, and there is one of the developments within the region that I think certainly the CARICOM region needs to guard against, is a tendency for each member state to bid down the other as far as competitive tax rates are involved. It is a race to the bottom. It's not a race to improve the quality of life of everyone. So we have to be very careful about that as well.

I move, Mr. Speaker, that the Resolution be adopted.

The Deputy SPEAKER: Members, there are two Resolutions and we are going to take them.

Dr. PHILLIPS: No, just take that one.

The Deputy SPEAKER: Just one?

(Inaudible comments by Dr. Phillips)

The Deputy SPEAKER: Okay. All right.

The question is that the Resolution be approved.

Motion put to the House and agreed to.

Dr. PHILLIPS: Mr. Speaker, the other item at No. 10 on the Order Paper is really a confirmation Resolution it relates to the withholding tax on insurance premiums.

Recall the revenue measures of this financial year in which one of the main features was and introduction of a 15 per cent withholding tax on all insurance premiums paid by Jamaican residents to non-Jamaican residents. This was a revision from the initial 25 per cent proposed. The House was asked to consider and approve the introduction of the withholding tax on all insurance premiums paid by Jamaican residents.

Premiums paid to non-residents by registered Jamaican companies will be exempted. It is proposed that the withholding tax be charged at the rate of 15 per cent. We have already explained the policy rationale for this, Mr. Speaker; it was instituted by provisional order. It requires that this order be confirmed by the House in keeping with the confirmation Resolution that is before us.

I so move.

The Deputy SPEAKER: The question is that the Resolution be approved.

Motion put to the House and agreed to.

Dr. PHILLIPS: Mr. Speaker, I move suspension of the Standing Orders to enable me to take Customs Tariff (Revision) (Amendment) No. 3, notice of which I gave earlier.

The Deputy SPEAKER: The question is that the Standing Orders be suspended to allow for the Minister to move with respect to Standing Order 13, is it?

Dr. PHILLIPS: No, Customs (Revision) Order No. 3, notice of which I gave earlier.

The Deputy SPEAKER: Okay, the Customs Tariff (Revision) (Amendment) No. 3 Resolution, 2014.

Motion put to the House and agreed to.

Minister.

Dr. PHILLIPS: He has to say something else.

The Deputy SPEAKER: Okay.

(Laughter)

I am trying to move as fast as I can.

Dr. PHILLIPS: And it's very much appreciated.

Mr. SHAW: No, no, not so fast.

(Laughter)

Dr. PHILLIPS: Very much. But as they would say in relation to the last Resolution, hold your horses.

The Deputy SPEAKER: All right.

Dr. PHILLIPS: Mr. Speaker, this is straightforward. It relates to the reduction of the duty rates on solar water heaters, parts and LED bulbs. In the revision of the tariff of the Customs Act, in keeping with the customs tariff revisions that were made as part of the whole omnibus adjustments, a five per cent duty was attached to these rates which in fact would have raised the rates from zero to five. This amendment returns it to zero for LED bulbs and for solar water heaters in keeping with the Government's overall policy of encouraging energy conservation and the use of the most up-to-date and energy-efficient technologies in this regard. This returns us to what we might say, the status quo, and too, Mr. Speaker, of zero per cent duties on solar water heaters and on LED bulbs, and I so move.

(Applause)

Mr. SHAW: Mr. Speaker, I hope that the Minister can devise a mechanism to ensure

that those savings are passed on to the consumers.

The Deputy SPEAKER: The question is that the motion be approved.

Motion put to the House and agreed to.

Miss HANNA: Mr. Speaker, I want to thank the Minister of Finance for taking all of those in such a short order.

We want to have the Minister of National Security open the debate on AN ACT to Amend the Criminal Act, which is the rehabilitation of offenders, but suspend the debate so that we can continue with the motion from Minister Kellier. So Minister Kellier, the Minister is just opening this debate to suspend it.

The Deputy SPEAKER: Yes, Minister Bunting.

Mr. BUNTING: Thank you, Mr. Speaker.

The Bill before this Honourable House is entitled the Criminal Records (Rehabilitation of Offenders) (Amendment) Act, 2014. You will recall, Mr. Speaker, this Bill came from the Senate almost two months ago, and I think it is important that we move it along so that those who will benefit can enjoy its passage.

In 1988 the Criminal Records (Rehabilitation of Offenders) Act was promulgated to allow for some ex-offenders who had successfully refrained from reoffending for a specified period, to be considered rehabilitated and their convictions spent. So that they could, after passage of an additional rehabilitation apply to have their criminal records expunged.

Under the Act, expungement is only available to those ex-offenders who had been convicted of relatively minor offences, attracting either non-custodial sentences, or custodial sentences up to three years.

The total rehabilitation period for these ex-offenders to have their records expunged, span from a minimum of six years to a maximum of twenty years.

Mr. Speaker, compared to other jurisdictions, Jamaica has one of the most protracted pre-expungement requirements. The Jamaican Rehabilitation Scheme's first stage in which the conviction becomes spent, is on par with most other jurisdictions. That is, sentences ranging from non-custodial to a maximum of three years imprisonment attract rehabilitation periods of three years to ten years, respectively.

However, quite uniquely, Jamaica has an additional rehabilitation period which must elapse before the ex-offender may apply to have the spent conviction expunged from his or her record, and this doubles the duration of the total rehab period.

Concerns have been raised in regard to the length of time persons have to wait for their record to become expunged and their inability to attract gainful employment during that protracted period.

A clean police record is required to access several years of employment, such as the Farm Work Programme, Basic School Teachers, Security Guards, Bus Operators, and a myriad of other sectors of employment. A criminal record may also prevent persons from obtaining credit from financial institutions, or from travelling overseas, or emigrating from Jamaica.

The persons adversely affected by this are usually found in the lower economic strata of the society. They face significant hardship when denied basic access to employment, and by extension, survival.

The data reveal that many of the ex-offenders had committed minor offences, such as smoking-ganja, assault occasioning bodily harm, and malicious destruction of property. The data further shows that in many of these cases the offender would have been fined by the Resident Magistrate, with an alternative custodial sentence of up to thirty days.

Notably, most persons convicted of offences eligible for expungement were between the ages of eighteen and twenty-six years at the time of their conviction. Convictions which attract the maximum rehab period under the Act often result in young persons being denied the chance of gainful employment, and access to certain social and economic opportunities until after twenty years, which would carry them way into their forties, and they would have lost most of their productive years.

Concerns have also been expressed about the restrictive upper-limit on custodial sentences, which exclude many offenders from the benefit of expungement. The treatment of young offenders has also been an area of concern. This Bill seeks to reduce the damage that minor convictions have in later life on the employment and educational prospects for young people. Several other jurisdictions give special treatment for young offenders by providing for a rehabilitation period of a shorter duration than that applicable to adults convicted of a similar offence.

Mr. Speaker, in response to all these concerns, the Ministry of Justice embarked on a review of the Act. It recommended adjustments to alleviate some of the more pressing problems affecting Jamaica's expungement scheme, and the hardships these are currently causing ex-offenders who have paid their debt to society and need to get on with their lives unimpeded by a criminal record.

The Bill makes provision for expungement of criminal records similar to that which obtain in other jurisdictions mentioned, such as the Commonwealth and the United States of America. These include:

- the elimination of the doubling of the rehabilitation period and replacement with a single timeframe that ranges from three to ten years;
- adjusting the relevant rehabilitation periods as follows:-
  i) non-custodial sentence has been imposed, rehabilitation will be three years. This remains unchanged.
  ii) Where a term of imprisonment not exceeding six months is imposed, a rehab period of five years.
  iii) Where a term of imprisonment greater than six months, but less than thirty-six months is imposed, a rehabilitation period of seven years.
  iv) Where a term of imprisonment greater than thirty-six months but

less than sixty months is imposed, a rehabilitation period of ten years.

- We also introduced a schedule of rehabilitation period for young offenders, which will be one-half of the rehabilitation period that now applies to adult offenders. It increases the upper limit on the terms of imprisonment for convictions eligible for expungement, from three years to five years.

Importantly, Mr. Speaker, these provisions will apply to existing convictions as well as convictions in the future.

Mr. Speaker, the House will be aware that the Government is embarking on a reform of the laws relating to ganja. As a first step in this process, this Bill will amend the *Dangerous Drugs Act,* so that convictions for possession of two ounces or less of ganja or for smoking ganja, or possession of pipes or other smoking utensils, will not attract a criminal record.

There are a number of other steps. A lot of work is going on with respect to medicinal and industrial use and exploitation. But this is the first step, and at least we expect two other legislative and policy initiatives coming over time in this regard.

As regards past convictions, the criminal records for possession of ganja record the fine rather than the weight. And, accordingly, the Bill provides for the expungement of persons who, on conviction for possession of ganja, were fined a sum not exceeding a Thousand Dollars ($1,000.00). That sum has been used as the yardstick for past convictions, because although the prescribed fine for possession is One Hundred Dollars ($100.00) per ounce, the Ministry of Justice's research indicated that there had been occasions where persons were fined sundry amounts, such as Five Hundred Dollars ($500.00) for possession of a spliff, and, we did not want such persons to be denied the benefit of the expungement provision.

The Bill also provides for the expungement of the criminal records of persons who in the past were convicted of smoking ganja, or possession of pipes or other smoking utensils.

The criminal records, Mr. Speaker, are paper based, and there is currently no searchable database that would enable the expungement of these convictions to be implemented electronically and automatically. So provision is therefore made for these persons to apply to the Criminal Records Board for expungement without having to wait for the expiration of any period of time. The Board is obliged to issue a direction for the expungement of the record of those convictions, unless the Board is satisfied that the conviction was not for one of those offences.

Mr. Speaker, section 10 of the *Sexual Offences Act* is problematic, as it makes it a serious criminal offence for anyone to have sex with another person who is under the age of sixteen years, regardless of the circumstances. As the law now stands, this applies even in the case of consensual intercourse between teenagers in a boyfriend/girlfriend situation.

It is intended that this provision will be reviewed by the Joint Select Committee that has recently been appointed to review the *Sexual Offences Act*. However, in the meantime, this Bill will permit the Board to direct the expungement of a conviction under section 10 of the *Sexual Offences Act*, once the term of imprisonment does not exceed five years and the Board is satisfied that certain conditions are satisfied.

So Mr. Speaker, by way of summary, the Bill will, among other things -

- remove the additional rehabilitation period prescribed in the *Criminal Records (Rehabilitation of Offenders) Act, 1988;*
- it will adjust the rehabilitation period prescribed in the Act;
- it will provide for the automatic expungement of minor ganja-related offences; and
- it will permit the expungement of convictions under section 10 of the *Sexual Offences Act*, where the offence involves consensual intercourse between teenagers in a boyfriend/girlfriend situation.

And, finally -

- it will continue to exclude certain serious offences from the expungement regime.

I will now summarize each clause of the Bill for the benefit of the Members present.

Clause 1, the short title and construction. That is straightforward.

Clause 2, amendment of section 2. It includes a new definition for specified offence, as the existing definition which refers to the Schedule to the *Fingerprints Act*, has become problematic, since that Act was amended and the single Schedule was converted into two Schedules which no longer provide a coherent reference to the types of offences for which expungement is not available.

Clause 2 also introduces a definition of "suspended sentence" which references the meaning assigned to the phrase in the *Criminal Justice (Reform) Act.*

Clause 3 deals with the amendment to section 3. This clause addresses the applicability of the expungement regime to convictions where a non-custodial sentence is imposed, and indicates that expungement will not apply to the offences set out in the Third Schedule - the serious offences.

Clause 4 repeals and replaces section 5. This outlines the rehabilitation period for offenders eighteen years or older, and sets out the adjusted timeframes for the rehabilitation periods applicable to convictions where the sentence does not exceed five years.

Clause 5 which has an insertion of a new section 5(a) outlines the rehabilitation period for offenders under the age of eighteen years, where a non-custodial sentence or sentences up to five years have been imposed.

Clause 6 amends section 7. This clause specifically outlines the rehabilitation period for a suspended sentence.

Clause 7 repeals and replaces section 16. This clause repeals the definition of the additional rehabilitation period and all subsequent references in the Act are removed.

Clause 8 repeals section 17, which treated with the effects of a conviction during the additional rehabilitation period.

Clause 9 repeals and replaces section 20. This clause allows a person at the end of their rehabilitation period, to make an application to the Criminal Records Rehabilitation Board, for the expungement of their criminal record.

Clause 10 inserts a new provision in the Act, which explicitly outlines certain convictions that are ineligible for expungement.

Clause 11 inserts the new provision which provides for the automatic expungement of convictions for possession of ganja, where the fine was One Thousand Dollars ($1,000.00) or less. These persons may apply to the Criminal Records Board for expungement without having to wait for the expiration of any period of time. The Board is obliged to issue a direction for the expungement of the record of these convictions, unless the Board is satisfied that the conviction was not for one of these offences.

The clause also empowers the Minister - in this case the Minister of Justice - to prescribe the procedure and any other details which may be necessary for automatic expungement.

In this case, Mr. Speaker, I have asked the Minister of Justice to investigate whether any application for a Police Certificate, could not be deemed to be an application for automatic expungement of records. So there would be no need for two rounds of application, but anyone who is eligible for expungement and applies for a Police Certificate, would be deemed to have made an application for automatic expungement to the Criminal Records Board, who would then be obliged to issue a direction for the expungement of the record.

Clause 12, which amends section 30, inserts a new provision in relation to the liability of a credit bureau that knowingly discloses any specified information on a credit report.

Clause 13 increases the fines prescribed.

Clause 14 empowers the responsible Minister to vary, by order subject to affirmation, the Third Schedule of the Act as well as any fine under the Act.

Clause 15 introduces the new Third Schedule, which lists those offences which are ineligible for expungement.

Clause 16 deals with the consequential amendment to other laws such as the Dangerous Drugs Act.

Clause 17 provides for provisions of the Bill also to apply to existing convictions so that such persons will also benefit from the provisions of the Bill.

Mr. Speaker, this Bill aims to mitigate the harsh realities which have been faced by many minor offenders as a result of the existing burdensome requirements for the expungement of criminal records. As I said earlier, I am proposing to just open and to allow Members to make their comments next week or the next sitting of the House and I now commend the Bill to the Members of the House for their approval.

Mrs. FFOLKES-ABRAHAMS: Thank you, Minister of National Security. I now refer to No. 5, the House to continue debate –

(Cross talk)

Okay, we put the question to Speaker to move for the Debate to be suspended until next week.

The Deputy SPEAKER: The question is that the Debate be suspended until next week - next sitting of the House.

Put to the House and agreed to.

Mrs. FFOLKES-ABRAHAMS: Yes, Mr. Speaker, we now move to No. 5 on the agenda the House to continue debate on the Bill entitled: "AN ACT to Amend provisions relating hours and days of work in several enactments in order to facilitate the implementation of flexible working arrangements in Jamaica and for connected matters".

The Deputy SPEAKER: Mr. Charles, before you make your presentation, I just want to acknowledge, Members, that we have in the Gallery the Leadership of the Jamaica Employer's Federation, Mr. David Wan, President; Mrs. Brenda Cuthbert, CEO. We acknowledge their presence. (Applause)

Mr. Charles, you can now go ahead.

Mr. CHARLES: Mr. Speaker, I must say that I would have preferred to be speaking on this Bill with more than a quarter of the elected Members in the House. I personally would believe that after years and years of discussions - almost two decades, it would have been better and I would appeal that this matter be discussed next week because of the importance of it.

Mr. SHAW: You have less than a quarter right now.

Mr. CHARLES: If it pleases the House, Mr. Speaker, I would ask that the matter be deferred until next week.

The Deputy SPEAKER: Has the Minister left?

Mr. L. BUCHANAN: No.

Mr. CHARLES: It's not the Minister's prerogative.

(Cross talk)

(The Deputy Speaker leaves the Chair and the Acting Speaker presides)

The Acting SPEAKER: Members, we would like to gather the rest of the Members so that we can make a decision on this matter.

Mr. CHARLES: (To Mr. Kellier) Do you have a problem doing this next week? With the very important matter we don't even have a quarter of the membership in the House. We're asking that the matter be deferred until next week. No problem.

Mr. CHUCK: Yeah, we do it first next week.

(Cross talk)

Mr. CHARLES: We don't even have a quarter of the House. This thing is done for two decades. Minister, it's on you the Speaker would like to know if you have any objection?

(Cross talk)

Mr. KELLIER: Mr. Speaker, if I may. There are Members on this side that want to contribute to the Debate and I suggest those Members on this side, since the Member is not - would like to speak next week, there are Members on this side that want to speak. So I suggest that you proceed with the Members on this side who want to speak at this time.

(The Acting Speaker leaves the Chair and the Deputy Speaker presides)

Mr. CHUCK: Not today.

Mr. SHAW: Less than quarter of the House is... eeh, Member?

(Cross talk)

The Deputy SPEAKER: Members, it has been pointed that there is not a quorum presence in the House. Therefore within five minutes I will adjourn unless a quorum is present.

Mr. SHAW: Avoid the embarrassment by adjourning now.

Mr. CHARLES: Mr. Speaker.

Mr. SHAW: Avoid the embarrassment. Adjourn now. Minister Kellier, it's in your hands.

(Cross talk)

Mr. KELLIER: Mr. Speaker, if I may, the importance of this particular Bill and the far reaching effects that it will have for the country requires the attention of the full membership of this Parliament. (Applause)

And as such I would recommend, Mr. Speaker, in those circumstances and bearing in mind the hour, I would like to apologize to the members of the Jamaica Employer's Federation and other members who have come from 2.00 o'clock, because it is of importance to them as well as part of the tripartite, and suggest to you, Mr. Speaker that we entertain a motion to adjourn until next Tuesday through the House Leader who is acting.

Thank you very much.

Mr. SHAW: Hear, hear!

ADJOURNMENT

Mrs. FFOLKES-ABRAHAMS: Mr. Speaker, we move to adjourn the Debate for the next sitting of the House and the other motion is for the adjournment as it is not intended to do any further business for today.

The Deputy SPEAKER: Members, the question is that we move for the suspension of the Debate until the next sitting of the House.

The question is that this Honourable House now adjourns until next Tuesday, the 23rd of September, 2014.

The Deputy SPEAKER: (Gavels) This Honourable House now stands adjourned.

The House accordingly adjourned at approximately 6:46 p.m.

TUESDAY, September 23, 2014

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.30 p.m.

PRESENT

THE SPEAKER

HON. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern, Speaker of the House.

MR. LLOYD BARNES SMITH, (PNP), St. James, Central, Deputy Speaker

MEMBERS OF THE CABINET

THE HONOURABLES:

DR. THE HON. PETER DAVID PHILLIPS, (PNP), St. Andrew, East Central, Minister of Finance and Planning

HON. PETER MURCOTT BUNTING, (PNP), Manchester, Central, Minister of National Security

HON. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, Minister of Agriculture, Fisheries, Labour and Social Security

REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston, Central, Minister of Education

DR. THE HON. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing with responsibility for Housing

HON. NATALIE GAYE NEITA-HEADLEY, (PNP), St. Catherine, East Central, Minister without Portfolio in the Office of the Prime Minister with responsibility for Sports and Deputy Leader of the House

HON. EVON PATRICK CULLITON ATKINSON, QC, (PNP), Trelawny, Northern Attorney General

MINISTERS OF STATE

HON. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern, Minister of State in the Office of the Prime Minister

HON. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern, Minister of State in the Ministry of Local Government and Community Development

HON. SHARON FFOLKES-ABRAHAMS, (PNP), St. James, West Central, Minister of State in the Ministry of Industry, Investment and Commerce

HON. ARNALDO ALPHONSO BROWN, (PNP), St. Catherine, East Central, Minister of State in the Ministry of Foreign Affairs and Foreign Trade

OTHER MEMBERS

MR. EDMUND CURTIS BARTLETT, CD, (JLP), St. James, East Central

Dr. Lynvale George Bloomfield, (PNP), Portland Eastern

MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central

MRS. MARISA COLLEEN DALRYMPLE-PHILIBERT, (JLP), Trelawny, Southern

DR. DONALD KEITH DUNCAN, (PNP), Hanover, Eastern

MISS JOYCE DENISE DALEY, (PNP), St. Catherine, Eastern

DR. WINSTON LLOYD GREEN, (PNP), St. Mary, South Eastern

MR. FITZ ARTHUR JACKSON, (PNP), St. Catherine, Southern

MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern

MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern

MR. MIKAEL ASHER PHILLIPS, (PNP), Manchester, North Western

MR. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western

MR. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central

MR. AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern

MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary, Western

MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western

MR. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western

MR. CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western

PRAYERS

Prayers were offered by Mr. Mikael Phillips.

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

Before we get down to today's business, let us welcome from the University of the West Indies, 20 students from the Department of Dentistry who are visiting with us today. (Applause)

ANNOUNCEMENTS

The Clerk laid on the Table of the House a copy of the following:

- **Ministry Paper No. 129**
  Annual Report and Audited Financial Statements of the Office of Utilities Regulations (OUR) for the financial year 2013/2014
- **Consumer Affairs Commission (CAC)**
  Annual Report with Audited Financial Statements for the financial year 2012/2013

- Report of the Standing Committee of the House of Representatives Appointed to consider the delimitation of Constituencies
- **eGov Jamaica Limited (Formerly Fiscal Services Limited)**
  Annual Report with Audited Financial Statements for the year ended March 31, 2014
- **The Ports Management and Security Limited**
  Annual Report with Audited Financial Statements for the financial year 2013/2014

Mr. WARMINGTON: Mr. Speaker...

The SPEAKER: Yes, Mr. Warmington.

Mr. WARMINGTON: ...I need to comment on the Report of the Standing Committee of the House of Representatives appointed to deal with boundary changes. Attached is a copy of the *Jamaica Gazette* Tuesday, July 22, 2014. We as Members of Parliament we don't have access to these gazettes and what have you when they are published.

When I came here in 1980 on Fridays of every week Members of Parliament got a copy of the gazette, what was gazetted for that week, but unfortunately we don't have access to this anymore. What I would like to have happen is that we go back to the old days whereby we get a copy of what is gazetted, what is gazetted, Members of Parliament - you nah listen to me, Mr. Speaker.

The SPEAKER: Very much so.

Mr. WARMINGTON: Yuh nah listen. What I am saying we get a copy of what was gazetted as Members of Parliament but I came back here in 2002 and that seemed to have ceased. I would recommend or suggest that we go back to the days when Members of Parliament get copies so that they can know what are the issues that are gazetted. Every Friday in the '80s that I served we get a copy. I would recommend or suggest that we go back to that so that it can be shared with us as to the issues that are gazetted, so that we can talk to our constituents about it, that we can now what is gazetted, a nuh so, Miss Curtis?

The SPEAKER: I hear you, Mr. Warmington but in the interim, until we can deal with it, copies are in the Library.

Mr. WARMINGTON: In the where?

The SPEAKER: Copies of the gazette are in the Library.

Mr. WARMINGTON: Are you suggesting that when I get here I go to the Library to look at it? I suppose to have it at my desk in my office to share with my constituents. I cannot come here - Mr. Speaker, Mr. Speaker...

The SPEAKER: I said in the interim.

Mr. WARMINGTON: So you will take my suggestion on board then?

The SPEAKER: I will take your suggestion.

Mr. WARMINGTON: And you will act on it. Thank you.

REPORTS FROM COMMITTEES

The SPEAKER: Dr. Duncan.

Dr. DUNCAN: Mr. Speaker, I beg to lay on the Table of the House a copy of the

Report on the Standing Committee of the House of Representatives which was appointed to consider the delimitation of constituencies.

NOTICES OF MOTIONS GIVEN ORALLY

Dr. DUNCAN: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move:

> Be it Resolved that the Report of the Standing Finance Committee of the House of Representatives, which was appointed to consider the delimitation of constituencies, which was laid on the Table of the House on the 23rd day of September 2014, be approved.

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: House Leader.

Mrs. NEITA-HEADLEY: There are no questions to be answered today. There are a number of questions which I'm expecting to be answered next week.

The SPEAKER: Next week, okay.

PUBLIC BUSINESS

Mrs. NEITA-HEADLEY: Mr. Speaker, at Public Business today we will be taking through all its completing stages the debate on the Flexible Work Arrangements Bill and to complete the debate on the Criminal Records Bill and to also take Customs Amendment through all its stages.

Mr. Speaker, we will start with the Flexi-Work Arrangements Bill. We will have a number of contributors: North Central Clarendon, North East St. Andrew, East Central St. Catherine and West Central St. James.

The SPEAKER: Mr. Charles.

Mr. CHARLES: Thank you, Mr. Speaker.

Mr. Speaker, speaking on the Bill before Parliament, the Flexi-Work Week, I have a few comments, Mr. Speaker, that the flexi-work week is being discussed. It has been on the table for almost two decades. As long as I am in this House I have been hearing about the flexi-work week.

I want to state a few points on the background to the Bill. Flexi-working time or flexi-working hours is available work schedule in contrast to the traditional 9:00 a.m. to 5:00 p.m. work day or work arrangements as we have them today. Simply stated, Mr. Speaker, flexi-time will allow for variation in starting and ending time of a work day, the number of hours worked each day, the number of days work each week and which day of the week an employee will work.

> (MR. ANDREW MICHAEL HOLNESS, (JLP), St. Andrew West Central, Leader of Opposition, entered and took his seat.)
>
> (MR. RAYMOND FRANKLYN PRYCE, (PNP), St. Elizabeth, North Eastern, entered and took his seat.)

(MR. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, entered and took his seat.)

(MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, entered and took her seat.)

(MR. WILLIAM JAMES CHARLES HUTCHINSON, CD, (JLP), St. Elizabeth, North Western, entered and took his seat.)

Flexi-time, Mr. Speaker, is not new to Jamaica. It is not new to the labour market. It is evident in night shifts and weekend works in health, transportation, communication, hospitality, manufacturing and mining sector in particular. However, the focus is now on introducing flexi-time in the service and trade sectors. The need for flexibility in the service and trade sector became more evident in 1998-1999 when a company of the garment sector, as well as the Jamaica Employers' Federation submitted proposals to the Ministry of Labour, Ministry of National Security, introduced proposals for the introduction of flexi-time. These proposals highlighted the benefits that could possible derive from the implementation of flexi-time.

(MR. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western, entered and took his seat.)

(DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central, entered and took his seat.)

(DR. THE HON. OMAR LLOYD DAVIES, (PNP), St. Andrew, entered and took his seat.)

(MR. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern, entered and took his seat.)

The supporting arguments put forward Mr. Speaker, included an increase in employment as persons would be able to exploit part-time work and a second employment job and also job-sharing, and an increase in taxes as a result of increase in employment. I am sure the Minister of Finance would be very happy to hear that. More time for family and personal interest, the Ministry of Education was always interested in that. Increased productivity and cost effectiveness within companies as flexi-time would allow for weekend work without employers having to pay workers double for Saturdays and Sundays as these days would now become normal working days. Wide service to customers due to varied opening hours and more business days is proposed, and a reduction in absenteeism from workers because they now will be able to discuss time on and time off with the employer.

Following the submission of these proposals, extensive discussion took place among social partners at the Labour Advisory Committee but the matter remains unresolved. Consequently, Mr. Speaker, the Minister of Labour and Social Security appointed a flexi-work committee to discuss the implementation of the system. The Committee comprised of representatives of Jamaica Employers Federation, Jamaica Manufacturers' Association, JCC, JCTU and the UAWU which was not in the Union Organization then,

along with the Ministry of Labour and the Ministry of Foreign Affairs, the Ministry of Industry and Commerce, all these organizations and Ministries combined to discuss flexi-work week.

A Joint Select Committee was named to consider proposals for the implementation of a flexi-work arrangement. This Committee examined some of the unresolved issues at that time, such as the length of workday, the length of workweek, the matter of how to safeguard the worker's right to worship and to have a rest day, the matter of how overtime should be dealt with, gender issues in terms of night work for women, and the limit and daily hours of work for women. It was popular then that women up to today who are working in the nights are working illegally according to the present laws on the books.

Dr. DAVIES: Illegally?

Mr. CHARLES: That's correct. They can all be arrested and taken to court for working against what the law says.

Dr. DAVIES: Illegally?

Mr. CHARLES: The law says that they are not supposed to be working at nights. Women. The present law under your Cabinet leadership now, and you were there a long time with them. Both of us were there.

Dr. DAVIES: Is first time you look up from you -

Mr. CHARLES: The first time you know that?

Dr. DAVIES: The first time you look up from you - (Inaudible comment)

Dr. PHILLIPS: Is all right, man, gwaan read.

Mr. CHARLES: Well, amendments to be made to the restrictive clause in specific pieces of legislation, and there are probably 28 such pieces of legislations that have restrictions that the flexi-work week would have problem with.

(MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern, entered and took his seat.)

Provision for settlement of arbitration machinery which all workers both unionized and non-unionized with grievances arising from flexi-work issues will have their matter referred to conciliation and arbitration for determination and settlement. I need to point out, sir, that the IDT was specifically established then for unionized workers. An amendment was brought to this House where workers, whether they are members of the Union or not can have the Ministry of Labour consider their case and refer it to the IDT and flexi-work, as the Minister explained last week, will be one of those items that can be sent to the IDT.

Safeguarding workers right to worship and to have a day of rest was one of the crucial points to be settled between labour and capital, and I emphasize this because it took up much of the time over the years between the Church and the State in discussing rest day and worship day.

(MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern, Minister of State in the Office of

the Prime Minister, entered and took his seat.)

(THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, ON, (PNP), St. Andrew, South Western, Prime Minister and Minister of Defence, entered and took her seat.)

Mr. Speaker, I believe that we had a settlement when I was leading the Committee because all the churches were here and they made their presentation and we had some conclusion.

In opening the debate the Minister gave a very thorough presentation outlining the scope of the Bill, the compelling circumstances that have made it necessary and the extensive consultation with stakeholders that have taken place over the many years since the introduction of flexi-work week arrangements were recommended by the Labour Market Reform Committee, some 18 years ago.

(DR. KENNETH O'NEIL BAUGH, (JLP), St. Catherine, West Central, entered and took his seat.)

(MR. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, entered and took his seat.)

As Minister of Labour and Social Security sometime ago, sir, I had the privilege of presenting to this Parliament the report from the Joint Select Committee that deliberated extensively on the proposal, and I am pleased today to give my full support to the final stage of what has been a long, long process.

(Applause)

Indeed, Mr. Speaker, I would be the first to admit that this Bill has taken much too long which has resulted in the benefits to be derived being delayed. As the Minister pointed out, the implementation of these new work arrangements has implications for traditional religious norms that had to be approached cautiously with broad consultation, patience and understanding giving its effect on one of the most fundamental of all freedoms, the freedom of worship.

(DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern, Minister of Health, entered and took his seat.)

Both governments or both parties that had formed the government has exhibited patience, sought consultation, have had endless discussion as to how to arrive at an acceptable position.

The proposal made, in my opinion, Mr. Speaker, and I clearly say in my opinion, is a win/win for all parties.

(Applause)

Workers who had previously negotiated their day of rest can now do so with employers who previously were forced to pay massive overtime will now have alternative in scheduling employees. So workers who had problems with getting their day offs can now have discussion with their employers and this Bill, although not a law forcing anybody to do it, opens the word for negotiation and discussion between parties which the Ministry

of Labour has indicated their willingness to assist in coming to some final understanding.

Global circumstances, Mr. Speaker, have changed and continue to change. Virtually every aspect of the way we live, the way we work and the way we play. The workplace is no longer confined to a building or a site where employees gather to perform their task. It is no longer just self-employed people who work from their homes. A recent BBC documentary highlighted a company where hundreds of its employees hardly ever go to the office; they are constantly on the road and communicate with the office by laptop.

(MR. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western, Minister of Local Government and Community Development, entered and took his seat.)

We don't really have a choice if we stick with the old paradigms. If we insist on doing things the way we are accustomed to we will be left behind and instead of helping to shape history we will become part of history. There are too many instances, Mr. Speaker, and this is only one, in which our response to change is weak and muted and delayed.

In real term, Mr. Speaker, this legislation is mainly catching up with workplace arrangements that have already been practiced on a wide scale. What it does do, Mr. Speaker, however, is to provide legal framework, certitude and protection for those arrangements. And I want to repeat. It provides a scale of protection for the arrangements.

I want to commend the drafters who face a huge challenge in putting this Legislation together. That challenge arise from the fact that the laws and regulation governing the definition of a workday and a workweek, calculation of overtime and legal opening hours for different establishments do not reside in any one statute but are scattered among several Acts and regulations and ministerial Orders. The Schedule to the Bill lists some 40 different Acts, Mr. Speaker. Regulations and Orders that are being amended to give effect to this new arrangement - some 40 different Acts. This does not and perhaps could not include by-laws promulgated by local authority that affects opening days and hours of certain establishment. For example, there are various by-laws promulgated by the parish councils governing operations including open hours of business establishment, public markets, slaughter houses, *et cetera.* They also regulate the days and hours during which construction activities is legally permitted. These will need to be addressed if the new flexi-work arrangements ought to be applied universally.

For the new arrangement to work, Mr. Speaker, for them to work smoothly, there will have to be reasonableness and understanding on the part of both the employers and the employees. The Bill is not making it mandatory for a worker to work on his day of worship or to work at normal pay for more than eight hours in any day. I want to repeat

this; the Minister has stated it and I want you to understand that it is our position. This Bill is not making it mandatory for a worker to work on his day of worship or to work at normal pay for more than eight hours a day. It is simply providing a legal framework within which the employer and the employee can negotiate the days and hours that he or she would require to work while maintaining 40 hours as a normal work week.

(MS. JOYCE DENISE DALEY, (PNP), St. Catherine, Eastern, entered and took her seat.)

I don't know if we need to go much further. Many workers in the bauxite industry now finish their 40-hour work week in three days and maybe three and a half days, and they have a half a week to do the rest of their thing. Some find other jobs, some go to school, some work with their children. It is impossible for legislation to cater completely to every circumstance. Much attention has been focused on Saturday and Sunday worshipers but a devoted Muslim, for example, is expected to conduct five prayer sessions each day.

This may not be compatible with some jobs, example, if he is an air traffic controller. So, as I said, it is open, it has made it possible for them to negotiate. And there is going to be a time when the Minister and his staff are going to find it difficult to resolve certain problems.

There are certain health workers, communication workers, there are certain jobs that you can't find anybody who will do a one-day work. Some top jobs will not be easily solved - problems will not be easily solved, especially for workers who become Christians after they get the job. And I will give you an example. I had to reply to a number of Seventh-Day Adventists who were working in the telephone company, who took the jobs before they became Seventh-Day Adventists. And in the middle of this they now decide they would like to get Saturday off.

Dr. PHILLIPS: You converted them?

Mr. CHARLES: No, I was converted at birth.

Dr. PHILLIPS: You converted them?

Mr. CHARLES: Yes, put them in the right way. Took them from you.

But the fact is, Mr. Speaker, that reasonableness came on board when employers were able to sit with them and understand their situation. Where you are going to get a job you can negotiate that position, but where you have a job and was working on a Saturday, it is difficult for some employers to make the switch, and therefore we have to work with them.

Take for example, a small private ambulance service, it has to be on call 24 hours every seven days or 24 hours seven days a week. It will have a problem if one half of the drivers are unwilling to work on Saturdays and the other half unwilling to work on Sundays. I raise these hypothetical cases because the Minister said that disputes arising from application of these new arrangements could constitute an occupational detriment.

Now, Mr. Speaker - and I will have to consult with the Minister on this because that is sanctionable under the LRIDA. It is in extreme cases, and I hope they will be rare or non-existent; it may be onerous on an employer to make the adjustment necessary to comply with these new laws and the worker may have to look for another job that does not interfere with his worship practice. Because, as I say, some employers will not be able to find any worker to work one day and to give back the worker his other five days or four days.

So, Mr. Speaker, we have to make some proposals. As I said, I hope it will be rare, and that could make the adjustment necessary for them to comply with the law, with something that we can work out.

The question therefore arises as to whether Mr. Minister of Labour should not be asked to look at a moratorium, say, a one year, for some adjustments to be made where employers are finding it difficult to give the worker who was previously employed and working, the day off, before we put them to the task or the law at the IDT. The question, as I said, arises as to whether a moratorium, say, one year, ought to be provided before the occupational detriment - consequences arising from the new arrangement could be claimed. This would only apply to persons who are already employed when the new Act takes effect, since persons employed consequently after that would be able to negotiate the terms and conditions of their employment.

Mr. Speaker, as long as the Minister is making an appeal to both employers and workers to approach and adopt to the new arrangement with reasonableness, understanding and compassion, I ask the employers to be as accommodating as possible in dealing with employees whose commitment to their faith makes it difficult or impossible for them to work at certain times. Try as far as is possible without jeopardizing your business, to allow them to worship their God in a manner that their religion requires.

Mr. Speaker, the Church is still crying out that they would like to have a law which states that everybody can get his day. But we have a problem with that, as I pointed out before, because Seventh Day Adventists would want Saturday - from Friday evening to Saturday evening, the Sunday worshipers would want Sunday, the .Muslim would probably want Thursday. And if we are going to make a special day, we probably would have to specialize four days out of the week.

So, the Government then and the Government now, have decided to leave this to negotiation between the worker and the employer, and to state specifically that flexi-work week is not a law which says effective such and such a day you must do that. It is guaranteeing a framework in which the employer and the employee can work out a position, and we ask them to be reasonable with one another. And if there is an exploitation, the IDT will come in to have some settlement.

Mr. Speaker, I have a few more points and then I will close. I have had workers who say that they would like to have Sabbath off, and they get it, only that the employer called me to

say that they saw them at the race track. I have had people say they can't work on Sunday, and the employer called to say they saw them on the beach lying under coconut tree. So we have had all sorts of - and we have had employers who say, look, I am paying you, if you can't come, get out of my place. So we are trying to avoid those by the Government's presentation of a passage in which they can work and how they can help.

Flexi-Work Week then Mr. Speaker, as I have said, has occupied discussions for eighteen years, thousands of ream of paper, thousands of man-hours inside the Parliament and outside the Parliament.

We feel that it can make life better at the workplace between manager, between worker, between capital and labour. It is hoped that better relationship will come at the workplace, sir. It is hoped that we will get more employment as a result of the new arrangement as to how you can work your 40 hours. It is hoped that we will have more production, it will increase the productivity.
It is hoped that we will get - as the Minister of Finance is hoping - economic growth.

Mr. Speaker, the present Ministry of Labour is giving out thousands of work permits, because we don't have enough workers in Jamaica to fill the spots. This arrangement will give more Jamaican workers a chance to fill more of those jobs. It will be cheaper to hire a Jamaican than to pay hundreds of thousands of dollars to carry somebody from abroad, for hotel, transport and other things, to work in Jamaica.

So Mr. Speaker, it's the last stop on the search ladder for growth. As far as I am concerned, it can increase the growth. Everything else has been tried; we have tried almost everything else. And I hope, Mr. Speaker that the Church that has found it so difficult will understand that this is not a law which says any member is forced to work on their day. And I must repeat that. I push it every day because some ideas lack reality, this idea is real and can work if we want it to work.

Thank you, Mr. Speaker.

(Applause)

A Government MEMBER: Hear! Hear!

The SPEAKER: Mr. Chuck.

Mr. CHUCK: Mr. Speaker, I rise to support this piece of legislation. It was long in coming, but now that it is here I urge all parliamentarians not only to support it, but to engage in the provisions of this Bill, and when it is enacted to support all the provisions of the Bill.

Mr. Speaker, this Legislation can be a game changer. It is happening across the world, and the sooner we engage in this provision it will be the better for not only the working environment but for the possible prosperity and economic growth of our country.

I am aware Mr. Speaker, that there are concerns, especially from the religious community. But as I understand it from the Minister, there are provisions that the respect must be given to those workers who want to have their Sabbath, whether it is on a Saturday or on a Sunday.

Dr. PHILLIPS: Or a Friday.

Mr. CHUCK: Or any day, Mr. Speaker. Mr. Speaker, I was once an altar boy...

A MEMBER: What!

Mr. CHUCK: ...and I used to serve in the Anglican Church, and every day of the week we used to have service at 6:30. I mean, Sunday was the normal Sabbath day but during the week you go to communion service at 6:30 in the morning, and if that is your Sabbath you take that day off. And there is really no reason why anyone - any Christian, should not consider any day of the week to be a Sabbath, but if Sunday or Saturday is their Sabbath, we must respect it. Because, Mr. Speaker, the right to worship is one of the rights provided in our Constitution. And if a person chooses a Saturday, a Sunday or any day of the week, the rest of the country and the employer must respect it.

So Mr. Speaker, there is absolutely no reason why the Churches should really be opposed to this piece of legislation.

Mr. WARMINGTON: Hear! Hear! Hear! Hear!

Mr. CHUCK: Mr. Speaker, the possibility exists Mr. Speaker, that if this Legislation is properly implemented, that it could also increase employment. Because, Mr. Speaker, if there are businesses that are willing to take the risk to go beyond the 8-5 working hours, and are prepared to go beyond 8 hours to an 18-hour work week/work day, that is from 6 in the morning till 12 at night, it would require, Mr. Speaker, that more workers have to be employed, because no worker can work for more than 40 hours for the day (sic) unless they are going to work over time.

(*Sotto voce* comments)

Mr. CHUCK: No, 40 hours for the week. So there is no doubt, Mr. Speaker, the possibility exists that this bit of legislation, if properly utilized, could increase employment in the country.

The other benefit, Mr. Speaker, every morning and every evening there is - especially in the Corporate Area and in the cities that are really parking lots when you look, Mr. Speaker, at the road in the morning Mandela and the Causeway and Barbican Square, Manor Park between 7:00 and 9:30 in the morning, Mr. Speaker, these are parking lots where vehicles move at less than ten miles an hour. And I say, Mr. Speaker, if, in fact, businesses utilized this flexi-time the likelihood is that these parking lots could, in fact, be avoided. In other words, Mr. Speaker, all the vehicles could move throughout the day and even at nights if, in fact, the legislation was properly implemented.

I say, Mr. Speaker, that the Government - there is an obligation on the Government not only to promote this legislation but, in fact, to implement it within the civil service. Mr. Speaker, having been involved within the public service and see what is happening regrettably in spite of the committed, dedicated civil service and those who give more than 100 per cent service to this country, in most agencies of the Government very little happens before 10:00 o'clock. People come to work at 8:30 and 9:00 o'clock and very little happens before 10:00 o'clock. And I say, Mr.

Speaker, the Government as the biggest employer of labour in this country should start to enact the provisions of this legislation and the first place they should start, and the Minister of Finance would be very happy with this, is in the various agencies that collect taxes, fees, and whatever duties that need to be paid. Because I say to you, Minister of Finance, go to all the Collector of Taxes, go to all the Collector of Taxes and at lunch time you have an overflow, long lines. At the end of the month the last two or three days of the working days of every month long lines snaking around the Collector of Taxes.

So what can be done Minister? Put in place this flexi-time and recognize that especially at the end of the month, especially in March of the year, make provisions so that these Collector of Taxes can be opened not at 4:00 o'clock in the evening but they might be able to go to 6:00 and 8:00 o'clock in the nights. And I go further Mr. Speaker, and to you, Minister of Finance, most agencies now open between 9:00 and 3:00 o'clock when most people are at work and they have to get time off to go and pay the fees, or to go to these Collector of taxes, *et cetera.*

Dr. PHILLIPS: Bwoy, I agree with you. I just want you pass the legislation today.

Mr. CHUCK: That's what we are going to do but give me some time to explain *nuh.* (Laughter) So what I'm suggesting to you, Minister, is that if you open these agencies between 10:00 and 6:00 you will make some better opportunities for the people to pay their fees, their duties and their taxes because at the moment I have said it before, it is a frustration to go and pay your taxes, your fees and your duties.

Dr. PHILLIPS: Do it online.

Mr. CHUCK: You can do it online, but the truth is not many people take that opportunity. Make it available to them that they can go at 5:00 o'clock, 5:30 in the evening and pay. And, Mr. Speaker, having said that, there are agencies in this country that are holding up the progress of this country and the foremost - the one that is holding up the progress the most regrettably is the courthouse. You just have to go on a Monday morning to any courthouse across the country massive crowd and by 3:00 o'clock in the afternoon very few people. Why can't we arrange...

A MEMBER: ...1:00 o'clock.

Mr. CHUCK: By 1:00 o'clock. Why can't we arrange, Mr. Speaker, in the courthouses to vary not only mentioned days, not only you know when you're going to have the cases so that we can spread it out throughout the day? (Applause) Mr. Speaker, when you go across courthouses -

Dr. PHILLIPS: That is a very good suggestion.

Mr. CHUCK: When you go across the country it is a shame to see the number - the volume of people outside; the policeman has to come to the step and shout on the street.

Mr. BUNTING: So why when you were Minister of Justice you *neva* change it?

Mr. CHUCK: Believe me I tried. Believe me I tried, but it is a shocking disgrace how we serve the citizens of this country especially in the courtrooms. And I

say, Mr. Speaker, we have to ask the Chief Justice, we have to ask the lawyers and those involved in the administration of justice flexi-time has to be put in place in this area of governance.

There is no way Mr. Speaker that we can afford to work only five hours for the day. In other words, ten to one, two to three and we are lucky, Mr. Speaker, if we get four hours good working hours of the day or twenty hours for the week in any court. And I say we have to look at flexi-time in the courts; we have invested - this country have invested a lot of money into the courthouses and I dare say we are not getting value for money from these courthouses. And I'm not denying that many of them need repairs and maintenance but we have to look at flexi-time in the courts so that we should have at least two shifts governing ten hours minimum because, Mr. Speaker, if there is one place that there is a great amount of work with a lot of unemployment it is in the legal profession.

You have hundreds of lawyers now without work and yet you have so much work to be done in the courthouses. And I say, Mr. Speaker, it is about time that we ask the Chief Justice and we ask the administrators to look at how we can resolve the disputes in the courts. And it is not only for the benefit of the administrators of justice, but the citizens of this country are waiting patiently for their cases to be dealt with. And I say, Mr. Speaker, if flexi-time can be exposed to the court system the country will be better for it. So, Mr. Speaker, I urge the country to buy in to this legislation. Minister, I say go on a campaign and get all sections of the society; the police have been doing it, the nurses have been doing it, the hospitals have been doing it, let other sectors of the country engage in flexi-time and put this country to work.

(Applause)

The SPEAKER: Mr. Brown.

(Cross talk/Laughter)

Mr. A BROWN: Thank you Mr. Speaker.

Mr. Speaker, I'm going to try keep my intervention in this matter as succinct as is possible. But I must begin by indicating that I believe that this is a very important piece of legislation that has been brought before this Honourable House. And indeed Mr. Speaker, that the public education of which the last speaker spoke about, the Member from North East St. Andrew, begins by the debate of this piece of legislation and certainly the various perspectives that have been brought in relation to it. I want to say from the outset that I support the introduction of this piece of legislation but that my perspective is somewhat different from some of the speakers who went before me.

Mr. Speaker, I want to begin by saying that I believe that the timing of this legislation although it has been eighteen years in gestation but it has come at the right time. Why do I say that, Mr. Speaker? I say that because in 2011, we had the passage in this House of the Charter of Fundamental Rights and Freedoms, the constitutional (Amendment) Act of 2011 that interestingly is under the signature of the Member from North East St. Andrew who was Speaker of the House then. And it's therefore understandable

why his presentation was in the manner that it was, because that piece of legislation has dispelled the notion that constitutional rights up to that point were *nonjusticiable,* which meant that they could not be enforced in our courts. This has now given positive effect to the constitutional provision of freedom of worship and any member of the society who is aggrieved and who feels that they have been discriminated against on the basis of religious liberty and expression can take their matter before the Courts of Jamaica, and I think that is a positive development. (Applause)

In addition to that, Mr. Speaker, the very Charter of Fundamental Rights and Freedoms also speak about the issue of the right to freedom from discrimination on the ground of being male or female, race, place of origin, social class, colour, religion or political opinions. I want to make it very clear that from a constitutional framework, the right to worship is established. It is protected. The right to freedom from discrimination is protected and the right to freedom from discrimination on the basis of religion is protected, so that any worker who is seeking employment has recourse and protection under the laws of Jamaica in relation to their religious liberty. And it is in that context that I support the Bill that is being tabled before us this afternoon.

(Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. A. BROWN: But I want to go further, Mr. Speaker, because I believe that the flexi-week legislation rather than being a threat to religious liberty actually enhances religious liberty. And, I speak about the provision that the Minister made reference to, because there are a number of variables, a number of permutations that the legislation afford employers and employees to agree. One such is the compressed week where the worker, as the Member from North Central Clarendon said, can complete a work week in three and a half days to four days. It means that frees up Thursday, Friday and Saturday, or Friday, Saturday, Sunday for anybody who wants to worship during those period. So if there are Muslims that observe Friday, or there are Adventist that observe Saturday, or there are Sunday people that observe Sunday with the compressed work week they can, in fact, observe their religious day of worship without fear of reprisal.

Mr. Speaker, I also want to point out that the expansion to 12 maximum hours, also allows for that to happen, and the introduction of a rest day. And it has been made very clear in this Chamber and outside this Chamber that people can choose to have their rest days on their day of worship.

I want to say Mr. Speaker that the issue that arises is really the issue as far as I am concerned of scheduling. And I do not accept for any moment that there are any circumstances where it is impossible to schedule in such a manner that people's religious expressions are not trampled upon or that they are discriminated against.

I want to say to the Honourable Minister who has carriage of this Bill that I welcome his indication in this Honourable House that the LRIDA will be amended to treat with

matters related to occupational hazard, and unlike the Member from North Central, I am not calling for any moratorium in relation to this that this needs to proceed a pace in terms of the implementation of it because it is consistent with the protection of the rights of the workers. And I want to say, Mr. Speaker, that this piece of legislation that we are implementing in this Honourable House, once it is implemented in the proper context and in the proper spirit, is equal to the maternity with leave pay legislation. And it is equal with the equal work for equal pay legislation. This is a piece of legislation that has far reaching, profound and positive effect on the economy of Jamaica.

I want to say, Mr. Speaker that I have worked in a flexi-week environment. I have worked in flexi-week environment for two years, not as long as my colleague from Northern Trelawny. And what I have observed in relation to this flexi-week environment and work situation is that they respect the right of workers having regard to their religious persuasion. I had no difficulty whatsoever in terms of a day of rest or a day of worship, and this is a situation where in these countries they have a 24-hour cycle. And I agree with the Member from North East St. Andrew that it is imperative that we introduce these types of arrangements within our judicial system, within our public sector because what it will do, it will stimulate activity and stimulate employment.

We have 13.5% unemployment in Jamaica and I think that the flexi-week legislation provided that it is implemented in the right spirit, can allow for many persons to be gainfully employed and without compromising the religious rights of anyone at all.

So Mr. Speaker, with those few words, I would like to draw as I close, the attention of the Minister with carriage of this Bill to the Education Act that has a conscience clause in Clause 18 and I would say to the Minister that I would recommend that he look at that Clause and to see whether or not it can be adopted in any shape or form to enhance the business of protection of people's right to worship, because it is a fundamental right and a right that we must protect at all costs as a Parliament, as a Government and as a people.

Thank you very much, Mr. Speaker. (Applause)

The SPEAKER: Mrs. Ffolkes-Abrahams.

Mrs. FFOLKES-ABRAHAMS: Thank you very much, Mr. Speaker.

I just have a few short comments in favour of the Bill. I want to speak in particular with respect to the effect on women, and secondly, to the effect on religious right for accommodation in the workplace.

Mr. Speaker, I am seeking permission to speak from a seat other than my own.

The SPEAKER: You may proceed.

Mrs. FFOLKES-ABRAHAMS: Thank you.

The flexi-work week, Mr. Speaker, in studies it has shown to result in increase productivity and competitiveness, and in our environment, Mr. Speaker, I would suggest also perhaps an increase in investment in our country.

Mr. Speaker, when we look at the global logistics hub and the concept of a logistic centered economy this is a 24-hour operation and therefore, flexi-work week will be important in bringing about this logistics centered economy.

(Applause)

We are looking at the global environment, Mr. Speaker, and therefore, we must as a country integrate into the global environment.

Mr. Speaker, with respect to women, the ILO, the International Labour Organization has made some studies with respect to flexible working time and the effect on women and the availability of part-time work for women. And in particular, Mr. Speaker, I want to say when we talk about the banks that the banks should engage in a flexible work week... (Applause) ...we need more time in banks in order to do business, and as the country grows and the economy improves, Mr. Speaker, and more and more investments come into the country we need more banking hours available for work in Jamaica.

I would say, Mr. Speaker, that in designing any work/family reconciliation measures, it is necessary to carry out the complex and sensitive tasks of analyzing their impact on gender equality. Mr. Speaker, I would say that women, it has been proven and shown that women have the bulk of responsibility in the household and therefore a flexi-work arrangement would assist women in carrying out these responsibilities. And I am cutting my remarks very short given the fact that I understand that we must proceed with dispatch.

Mr. Speaker, with respect to the Constitutional Right, I would just like to read into the record Section 17 of the Constitution:

> *Every person shall have the right to freedom of religion including the freedom to change his religion and the right either alone or in community with others and both in public and in private to manifest and propagate his religion in worship, teaching, practice and observance.*

Therefore, Mr. Speaker, this right is a fundamental right enshrined in the Constitution of Jamaica. I applaud the Minister on his efforts to deal with the churches' concerns. And I applaud the churches for their efforts also to make contact with Government to speak about their concerns. Mr. Speaker, I believe that the LRIDA in fact that it will be amended to include occupational detriment will also speak to the fact that there must be accommodation in the workplace for religious concerns. (Applause) So therefore, Mr. Speaker, it is not now just about dismissal but also occupational detriment which could include the flexi-work arrangements and the fact that if a worker needs their rest day to coincide with their day of worship.

I just wanted to point out some statistics on the island that in fact, Mr. Speaker, there are over two million persons who state that they have religious affiliation and this is from the STATIN report 1.5 say that they are Christians and worship on a Sunday and about point five (.5) say that they worship on Saturday. And so therefore, this is of profound effect to the nation and the concern has been

registered by the Government and appropriately dealt with.

I would just go further Mr. Speaker that when we have our new Human Rights Institute that perhaps some of these concerns could also be dealt with in that arena.

I want to thank you Mr. Speaker, for allowing me these few minutes to speak.

(Applause)

The SPEAKER: Mr. Kellier.

Mr. KELLIER: Mr. Speaker, I wish to thank you for the opportunity to make this closing statement after such great cooperation on both sides.

In doing so Mr. Speaker, firstly, I wish to thank my colleagues on both sides of this House for their support during this debate on the Bill. And in particular Mr. Speaker, I wish to thank my Opposition counterpart on the other side of the aisle, the former Minister of Labour and Social Security and Member for North Central Clarendon for his very incisive and stimulating contribution.

Indeed, Mr. Speaker, his legacy along with others who have held the portfolio for Labour in the past, in the dynamic journey of this piece of legislation will long be remembered and I stand here today proud to say to him and all the others, thank you for your sense of participation and service and for your spirit of patriotism.

Mr. Speaker, judging from the depth of the various contributions made by my colleagues today, it is evident that there is bi-partisan appreciation of the fact that going forward, flexible work arrangements are critical to our national effort of achieving sustainable economic growth, improved levels of productivity and national development.

Mr. Speaker, the Government has taken keen note of all the substantive suggestions and recommendations flowing from the various contributions to the debate. And I wish to assure this Honourable House that we will be moving with the necessary alacrity to implement where practicable the recommendations and suggestions.

In addition, Mr. Speaker, I wish to reiterate to this House our commitment, our very strong commitment to intensify the Public Education Campaign surrounding this Bill.

It is imperative, Mr. Speaker, that employers and employees are cognizant of the respective rights under the new dispensation and that everyone appreciates that the freedom to negotiate is essential to the overall success of flexi-work. To this end Mr. Speaker, the Jamaica Information Service has been contracted to undertake further public education on the Ministry's behalf through the use of the print and electronic media. Advertisements have already commenced in the print media as some of my colleagues here and the general public may have noticed.

We in the Ministry of Labour and Social Security Mr. Speaker further propose to move full speed ahead with the process of institutional strengthening by ensuring that our labour officers throughout the island are further sensitized to the new modality under flexi-work.

We are confident Mr. Speaker that the future implications for the implementation of

this Bill is positive. Countries like Germany, the USA, UK, New Zealand, Spain, Venezuela, Japan, Italy, Norway, the Netherlands, India, the Republic of Korea and Sweden have all implemented flexi-work arrangements with positive effects.

Mr. Speaker, studies have shown furthermore that in those jurisdictions where flexi-work arrangements have been implemented, there have been less staff turnover, greater employee satisfaction, a greater sense of morale, a greater commitment to the job, and better integration between the workers and their family life.

In addition, Mr. Speaker, a recent World-at-Work Study conducted in the United States of America showed decisively that flexible work arrangements are of key component of offering employees more control and freedom in their work patterns and life in general.

In closing, Mr. Speaker, I wish to underscore the point that the success of this Bill will depend ultimately on the cooperation of all the stakeholders: workers, employers, civil society groups, and everyone in general. We will have to fortify our ability to work together instead of against each other. The spirit of compromise, Mr. Speaker, must prevail. I firmly believe that in the execution of this piece of Legislation, in the attainment of higher levels of productivity, growth, and development, we can show to the world that as a people, we have the capacity to demonstrate maturity of conscience, fixity of purpose, the capacity to unite in the interest of the national good, and bequeath to the next generation, a just and equitable society.

Once again, Mr. Speaker, I wish to thank the Members of this Honourable House for their support and cooperation in the Debate, surrounding the Employment (Flexible Work Arrangements) (Miscellaneous Provisions) Bill.

And on a final note, Mr. Speaker, I just want to let this Honourable House know, and indeed the public at large - because there has been a lot of talk about it - that the churches have met and discussed their concerns, and they have stated time and time again that they are not opposed to the Bill. In fact, they do support the Bill.

(Applause by Government Members)

But there are particular concerns that they had that they would have liked to see us address. And hence, we have moved to ensuring the amendment that we will take at Committee Stage, which is to be circulated - or has been circulated - so that we can give some amount of confidence in the issues that they had put forward but they are fully on board.

So Mr. Speaker, once again I wish to thank the Members and ask that the Bill be read a second time.

(Applause)

The SPEAKER: The question is that the Bill be read a second time.

Put to the Committee and agreed to.

Bill entitled:

AN ACT to amend provisions relating to hours and days of work in several enactments, in order to facilitate the implementation of flexible working arrangements in Jamaica; and for connected matters,

read a second time.

The SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

Mr. KELLIER: Mr. Chairman...

The CHAIRMAN: Yes Minister.

Mr. KELLIER: Mr. Chairman, the amendments have been circulated, so I think all the Members should have a copy - two very simple amendments, Mr. Chairman. In Schedule 1, the amendment in respect of the enactment listed in the first column as the Minimum Wage (Industrial Security Guards) Order, 1982; in Item 1, in the second column, delete the sum...

(*Sotto voce* comment)

Mr. KELLIER: Not circulated, well could you do that very quickly.

The CHAIRMAN: Minister, let us deal with the initial clauses first.

Clauses 1 and 2 put to the Committee and agreed to.

The CHAIRMAN: I put the Schedule.

Yes, Minister...

Mr. KELLIER: Yes, Mr. Speaker, in Schedule 1, where it is stated that they are asking to delete the sum $183.01, and substitute therefor, $204.97. This was a transposition error in the first place; it is $204.97. And two, to insert next after the amendments specified in relation to the enactment, Holidays with Pay Order, 1973, the following amendments in the appropriate columns as indicated. The enactment, Mr. Speaker...

(*Sotto voce* comment)

Mr. KELLIER: No, you have to put the first one first. You want to put the first, or you want me to do both of them?

The CHAIRMAN: No, we will just put the amendments *en bloc.*

Mr. KELLIER: Yes, okay. In the enactment, Mr. Speaker, under the Labour Relations and Industrial Dispute Act, section 2, in the definition of Industrial Disputes: (a), we want to insert in paragraph (c), immediately after the words in paragraph (a) or (b), the words, '*be in a dispute relating wholly or partly to',* and in b, insert next after paragraph (c), the following, as a new paragraph (d), that says:

> '*without limiting the effect of paragraph (a) or (b) being a dispute relating wholly or partly to the subjecting of any worker to an occupational detriment on the basis that the worker seeks to exercise, or has exercised his right to manifest and propagate his religion in worship observance'.*

That would constitute the amendments, Mr. Chairman.

The CHAIRMAN: I put the amendments as circulated and read.

Put to the Committee and agreed to.

The CHAIRMAN: I put the Schedule as amended.

Put to the Committee and agreed to.

The CHAIRMAN: The question is that I do report the Bill as having passed Committee

Stage with three (3) amendments.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage with three (3) amendments.

Mr. KELLIER: Mr. Speaker, I beg to move that the Bill be read a third time.

The SPEAKER: The question is that the Bill be read a third time.

Put to the House and agreed to.

Bill entitled:

AN ACT to Amend provisions relating to hours and days of work and several and enactments in order to facilitate the implementation of flexible working arrangements in Jamaica; and for connected matters,

read a third time and passed.

(Applause)

Mrs. NEITA-HEADLEY: Mr. Speaker, we will now take the amendments to the Customs Act.

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker, the Bill before us is the amendment to the Customs Act - to amend the Customs Act. And the essential purpose of this Bill...

(*Sotto voce* comments)

(The Speaker gavels)

Dr. PHILLIPS: ...Mr. Speaker is to facilitate the introduction of an electronic system for the submission of advanced cargo and passenger manifest information to accommodate the implementation and use of an Integrated Customs Management System at the Jamaica Customs Agency and to provide for matters connected to the administration and operation of this system.

Almost one decade ago, Mr. Speaker, the Government took the decision to develop its own Customs Automated System, known as CASE. Even with the implementation of CASE, however, there continues to be a total absence of automation for Customs procedures related to exports, personal imports, passenger declarations, bonded warehouses, breach and seizures, database and post clearance audit.

The JCA - that is to say the Jamaica Customs Agency, currently has a suite of over 20 different electronic systems hosted by e-Gov, Jamaica, and these systems are not themselves properly integrated into a single whole, and are therefore unable to provide full functionality required in a modern integrated customs management system.

While this system that now exists, the CASE system, represents a substantial improvement over what existed previous to its implementation, it nevertheless is a less than ideal system to be utilized by the Customs. And currently, I think all would agree that Customs is still burdened by complicated and burdensome bureaucratic procedures which involve the massive use and generation of paper and paper records, and that this has a negative effect on the efficiency of the operations of the organization. Worldwide - it is this that we are proposing to change, Mr. Speaker.

Worldwide, the new Customs paradigm, the new mode of operations for Customs is characterized by increasing demands for transparent, simple, and efficient procedures, improved trade facilitation, strengthened border protection, and compliance with international standards.

Consequent on the establishment of the Jamaica Customs Agency as an executive agency in 2013, the Customs has intensified its drive to adopt world-class procedures and standards in the execution of its functions.

Arising from Cabinet decisions, in 2012 and 2013, Cabinet approved the combined initiative of the Port Authority and the Jamaica Customs Agency to introduce a Port Community System, and the implementation of the latest version of the automated systems for Customs Data, ASYCUDA. ASYCUDA has been implemented in over 80 countries worldwide to facilitate the provision of more reliable and efficient services to the public, government agencies, trade operators and indeed, other stakeholders.

ASYCUDA World, which is the latest version of ASYCUDA, which, as I indicated is just the short for Automated Systems for Customs Data, offers advanced technological features, such as, inter-operability, a user-friendly interface, and document work-flow manageability.

Recent international developments in the field of Customs processes and procedures have been endorsed by the World Customs Organization, and indeed, it is in keeping with other international procedures.

Mr. Speaker, in order to implement these systems, substantial amendments must be made to the Customs Act. The Act is somewhat outdated and a comprehensive review is scheduled to be undertaken later. The decision of Cabinet to amend the Act, pending the completion of the comprehensive review will nevertheless facilitate the ongoing modernization, and facilitate the implementation of the ASYCUDA system.

The proposed amendments rest primarily on three particular pillars. First, the Advanced Cargo Manifest System, the Advanced Passenger Information System, and the establishment of an electronic customs system.

With respect to the Advanced Cargo Manifest System, this system will allow the Customs to request the advance submission of the Manifest, list of cargo with specific particulars for all vessels moving cargo to Jamaica before the cargo lands in Jamaica.

This will assist Customs in efficient risk analysis and improve its ability to detect potential violations of its rules, thereby strengthening its risk analysis and raising the level of compliance for its rules generally. It is also anticipated that trade will be positively affected as the data provided should allow for a speedier processing of customs clearance arrangements, an important consideration in today's global environment.

With respect to the Advance Passenger Information System, APIS is an electronic system established by other authorities, including notably in the US, it governs the

provision of a limited number of data elements, for example, identification details from commercial airline systems to the destination country. APIS requires passengers to provide information before checking prior to approval on the destination. This system will allow the Customs Authorities to better effect border control in an environment where terrorism, money laundering and organized crimes are real threats. In addition, the high volume of passenger traffic that results from Jamaica's status as an established tourist destination may be processed in a more efficient manner consistent with international best practices.

The current information technology solutions of the customs operations do not allow for the optimal integration of the various functions of the agencies. The implementation of the proposed new electronic system will reduce administrative cost associated with the processing and release of shipments to allow a minimum of 60% of the shipments to leave Jamaica's ports of entry on the same day on which those shipments arrive.

Mr. Speaker, this is going to be critical to facilitate our operations as part of a global port system. In addition, the technical feasibility study conducted by UNCTAD projects that the implementation of the proposed electronic system should result in a significant increase in the revenue collections of the Jamaica Customs Agency. The Act in its current state does not require mandatory use of any system and this deficiency has proven to be an impediment to the JCA's operation. This Bill proposes to amend the Act in such a manner as will ensure the mandatory use of the new IT systems and all future electronic systems.

Mr. Speaker, as far as the detailed considerations of the Act are concerned Clause 1 gives the short title and construction.

Clause 2 sets the implementation dates to take effect in October 1, 2014.

Clause 3 is a savings clause ensuring that the continued validity of actions done under the principal Act before the coming into operation of this Act.

Clause 4 sets out additional definitions to be incorporated in the Act. There is a new section 5 of the principal Act which imposes an obligation for secrecy is placed on persons administering the Act. Disclosure of information is only allowed in circumstances specified, the circumstances related to the implementation of the Act, assisting other government agencies in performing their functions and honouring Jamaica's international obligations.

Clause 6 is the repeal and replacement of section 14 of the principal Act and outlines the main provisions of the Act which I had set out and Clause 7 amends section 19 of the principal Act, and it provides guidance as to how values are to be calculated where there is need to conduct local currency and other details.

Mr. Speaker, section 9 provides for repeal and replacement of sections 65 to 68. There is a new section 65. These sections provide for the reporting procedure to be effected within 24 hours of when a ship or aircraft arrives in the island. The new section 65 requires that a

Master or agent must submit a report on a ship 24 hours before the ship arrives in Jamaica and in the case of an aircraft 15 minutes after the aircraft leaves its point of origin for Jamaica.

The Minister may, by order, prescribe a change in these times. The clause also details the information to be provided in the report. The Commissioner is allowed limited discretion if the report is not submitted within the specified time.

I should point out, Mr. Speaker, that these Bills - these are generally accepted international standards. And indeed, as far as the Advanced Passenger Information System is concerned, most aircrafts in this hemisphere and indeed this region has been using this system as far back as 2004, 2005 with the implementation of Cricket World Cup. But this now provides a legal basis in the Customs Act to facilitate these operations.

There is a new section 66 where goods are not listed, goods may be forfeited. The section also empowers the Commissioner to refuse clearance of an aircraft or ship until either the report is submitted or the requisite fine is paid, whichever is later.

Section 67, and there is an amendment to be offered here, simple amendment requires that the Master or owner proceeds directly to a customs area upon arrival. The goods are also to be brought into a customs area upon arrival. The goods are also to be brought into a customs area. Non-compliance incurs a criminal liability.

Section 68 accounts for - provides for the procedures for accounting for discharged cargo. Further details are set out in the new section 72 which outlines activities associated with the breaking of (Inaudible) and sets out the penalties involved for non-compliance.

Mr. Speaker, the Act really represents an effort to bring Jamaica's customs operations into conformity with generally accepted global procedures and I commend it to the House for second reading.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Thank you very much.

Mr. Speaker, the Minister has promised much more extensive review of the Customs Act and has therefore indicated that this is an interim step.

Mr. Speaker, there are two main concerns that I have with the Bill and I would like to just take them in turn and ask the Minister to comment on them and, if necessary, to make the appropriate adjustments.

The first concern, Mr. Speaker that I have is in section 6 where section 14 of the principal Act is being amended. And the concern that I have there Mr. Speaker is that the stated purpose of this Bill, and repeated by the Minister, is to streamline and to make the systems more efficient and to cause Customs to operate more smoothly. And I am just wondering if section 14, as amended, is going to do that. Because the old section 14, Mr. Speaker, which is at the back of the Bill, is very specific. It says all goods deposited in any warehouse without payment of duty on the first importation thereof, or which may be imported or exported and shall not have been entered for use within the island or for exportation as the case may be, shall, upon

being entered for use within the island or for exportation as the case may be, be subject to such duties as may be due and payable on the like sort of goods under the customs laws in force at the time when the same are entered save in cases where special provision shall be made to the contrary.

I bring this point forward, Mr. Speaker, if that is the old Act and the old Act is very specific in referring to the landing of the goods or the arrival of the goods in Jamaica, very specific, and in fact that is also consistent with section 236 of the Customs Act, which itself refers to goods landed to which duties shall apply, goods that are landed to which duties are applied.

In the new section 14 the specificity of landing or arrival appears to be not quite as pronounced as it is in the old section 14 and refers in the first section in 14(l)(a) to the time when the declaration is first registered in the customs system.

Now obviously I recognize Mr. Speaker that what this is seeking to do is to work within the context of the electronic registration and so on. But the concerns that I have is that goods could come in at a particular time today and if not entered into the system, let us say it is actually entered at another time and another occasion when a different duty rate might apply depending on whether the Minister has changed a particular duty structure.

It just seems to me, Mr. Speaker, that there is some tidying up that is needed. I don't know - I don't want to preempt the Minister, I take note of subsection (c) in which it refers to any other case at the time of the importation or exportation of the goods. But I was just wondering why can't we achieve the results of conforming to the new electronic system while, at the same time, making it absolutely specific that duties apply when the goods are landed.

> Because if you read subsection (a) it says, "In the case of imported goods, where a declaration in respect of the importation of the goods is submitted at the time when the declaration is first registered in the Custom System."

So, it's weighting itself towards the declaration, the registration, rather than the landing and the arrival of the goods, and I think there should be some reconciliation of that. I think it is needed. I think clarity, Mr. Speaker, is needed in this matter. And that is the first concern that I have.

I don't know, Mr. Speaker, if I am nitpicking too much or appearing to be nitpicking, but it is not clear also in this amendment who should be required to do the registration. It's not clear. In the old section 14 it's clear who is to do the registration, it says so. The importer is to set out a specific set of forms, form this, form that, so on, it's very clear as to the forms that must be filled out by the importer. In this amendment it seems to leave it somewhat ambiguous, as to who by law is required to make the declaration when first registered in the Custom System. As I said, in the old system the importer is required and that is stated, and all of the different forms that have to be filled out are stated and whether it's the importer or the broker that's

doing it, it is very specific in there, it's not as specific in this amendment, and I am just bringing it to the Minister's attention because the objective of simplicity and the objective of streamlining needs to be achieved, if we want to achieve it then we need to remove all doubt in the Legislation.

Now, the third area then of concern relates to section 11, Mr. Speaker. The Commissioner may establish electronic communication systems - the establishment of an electronic communication system.

Mr. Speaker, I draw your attention to 206A subsection (2), and I read from it. "No person other than an officer" - and I presume there that an officer is a customs officer - "shall use the custom system unless that person has been authorized by the Commissioner to use the system." I am just wondering here, Minister, what do we have here? The introduction of a - we are trying to simplify, we are trying to make it easier, we are trying to speed up the process but now anybody who is not a customs officer will have to now apply to the Commissioner to be able to use the system, and the Commissioner now, hereinafter called an applicant, the person applying called an applicant, may apply to the Commissioner for authorization to use the custom system by submitting an application to the Commissioner in a form and manner prescribed in rules made under section 206F. What is this? Is this a new layer of bureaucracy that is being introduced here? What is it? Why it's there? What has happened to the customs brokers? I need to understand, Mr. Speaker, what has happened to the customs brokers? And I know the Minister is consulting now but this is a critical point and I am prepared to pause because I need the Minister's undivided attention on this particular point.

I asked the question, why is it that in introducing this new electronic system this law is now proposing to pretty much sideline customs brokers? Yes, that's what it is going to do. Customs brokers, which we must remind ourselves, were institutionalized into the law under Regulation 147 subsection (c) of the Customs Regulation; it mandates that the services of a licensed customs broker is required for goods of a value in excess of $5000. That maybe you want to adjust that minimum figure now, but that's what is there, and the Act sets out a registration system required for the broker to be an integral part of the system.

I want to know Minister whether the broker remains an integral part or he does not remain an integral part, and if he remains and integral part, why implicit in this clause does it mean that the broker is now going to have to apply to the Commissioner every year for access to the new Customs System? That needs to be made clear. It needs to be made clear, and if that is ambiguous then I would certainly recommend that in that subsection (2) where it says, "No person other than an officer shall use the custom system unless that person has been authorized by the Commissioner to use the system." I would respectfully recommend that in view of the substantial role that we have carved out for the customs brokers as the intermediaries, on

behalf of the customers, that to avoid ambiguity and to avoid bureaucracy, bureaucracy which could even open up a new avenue of potential victimization of customs brokers. Inserting there, I am suggesting Minister, "No person other than an officer and a licensed customs broker under the Customs Act." Insert that in there. Don't require that a customs broker that already has a licence to operate now will have to go and apply to the Commissioner to get a licence or to get access to the customs system, that doesn't make sense. If you want to streamline the thing and make it less bureaucratic, that is going to make it more bureaucratic, and I suggest that you give that your serious deliberation and consideration.

And the final point I will make which is tangential in nature, is the fact that we have tried to - and we are implementing, as I am aware, and started sometime ago, the electronic filing of GCT returns. But what some of the accountants are telling me now Minister is that the system is not working perfectly but we know that systems will, overtime have kinks that have to be worked out. But what I have been advised is that complaints are being received that the electronic filing system of GCT return is not working properly. Oftentimes people are filing their returns, TAJ is telling them "we don't see the returns", they then have to go now, go spend time providing proof, line up in line at the tax office to provide proof, yes I have filed it and finally they say, yes, "we find it", but until such time the threat of penalties and interests continues to be an issue. So you might want to take a look at that, and indeed, in trashing out that problem it might help you to anticipate problems that might arrive in electronic system at the Customs Department. Those are my observations that I leave with you.

Thank you, Mr. Speaker.

Mr. SAMUDA: Just very brief, I just would like to ask you, Minister.

These three systems, I am particularly struck by the advanced information with respect to each, well, the two particularly, the cargo and the passenger manifest. That infers that there is a mechanism locally and a research capability to do something about any person or type of cargo that may be listed. What assurance do you have that we have reached a level of sophistication to be able to do something about what information is given to us? You see, it's one thing to implement a system, and it is good, admirable, but do we have the mechanism in place to act on it? And then the other thing I would like to ask is the question of the point made by previous speaker, my colleague. For the licensed customs broker to access the system, what is the criteria by which the Commissioner will decide that permission is granted? There must be a basis. Is it by being licensed? Is it by having a legitimate business? Is it by not having a previous offence? Is it by not having done anything that contravenes the rules and regulations? What is the basis on which permission is given? And if there is no fundamental basis then eliminate that process.

Thank you.

Dr. PHILLIPS: When you ask me all those official questions I have to give you official answers but let me say this.

Mr. SAMUDA: Reminds you... (Inaudible comment)

Dr. PHILLIPS: Oh bwoy.

(Inaudible comment by Government Member)

Dr. PHILLIPS: No man, no, no, no! No, if I was I would have slid as far back as him.

(Laughter)

Let me deal with - I want to thank both colleagues for their contributions. Let me deal first of all with the question of the availability - of our ability to deal with the information.

There are, as you know, levels of cooperation internationally certainly in relation to passenger manifest, there are watch lists which are shared with the appropriate authorities, the Government of Jamaica would have also persons of interest, which it would have in its databases whether because of our international conventions to which we have subscribed, or because of local law enforcement or other interests, and yes, this ability does exist now. Certainly it used to exist in my time and I am certain as Minister of National Security and I am certain it does exist now to utilize that information.

And in relation to cargo manifest, the interest is not so much at that point border protection but a revenue interest, and what you are saying is, declare beforehand. The Act provides the power that if you have an incorrect, fraudulent representation of the cargo then there are powers given to the Commissioner of Customs to dispose of that cargo by forfeiture and sale, *et cetera.* But it also, on the positive side, facilitates speedy processing. The intention being to process most of that cargo on a same-day basis.

Mr. SAMUDA: So that's the 60 per cent?

Dr. PHILLIPS: Yes. Well, you might not get all, yes, but on a same-day basis. Some things may be more difficult than others.

In relation to the second point raised by the Opposition spokesman and the second point raised by yourself, the whole purpose of the Act in that section 11 and the authorization is precisely to enable the brokers to get authorization. You couldn't just say, so the structure of the law is to say one, is that you have officers of the Customs who have automatic access to the electronic systems that are there, and two, other persons, the other persons are precisely the brokers.

Now, if it will give you greater comfort to say a licensed broker, subject to advice, I don't think there is any problem with making that amendment, right, just to give you comfort, since you are naturally suspicious.

(Inaudible comment from Mr. Shaw)

Dr. PHILLIPS: No, but that licensed broker will have to get authorization but on the basis that they are appropriately licensed. And any other person who may be not a broker now but may be a law enforcement or enforcement person that needs to be given. But, if you want the provision to be made that licensed brokers in good standing have access, I have no problem.

Mr. SHAW: Automatic access.

Dr. PHILLIPS: Yes - no, it's automatic by virtue of being licensed. But it means that the license has to be a good thing. We will draft an appropriate amendment.

But I want to make it plain that that was the precise need. You can't just have any and anybody having access to your Customs systems.

Mr. SHAW: You have licensed brokers.

Dr. PHILLIPS: You have licensed broker, and that broker has to be of good standing. That means you can't go get a licence in 2002 and breach all kind of laws and just get - but that shouldn't be a problem.

In relation to the...

(Dr. Phillips confers with Mr. Dalley)

It will not be, as I said, only brokers that will have that access. But we can find a form of words that include them and other categories, shipping agents, *et cetera*, that would be inclusive but not exhaustive, right. I am doing that to give you and those who advise you comfort though it ought not to be necessary. But there will have to be a set of rules and regulations which will be drafted as a companion piece of this which will incorporate those particular measures.

And I think in relation to Clause 6 and section 14, the question is that you are providing, one, for an electronic system, two, you are providing for a complex set of movements, especially as you get into transshipment and logistics operations, import, re-export of cargo. What this provides for, remember, is that there is a declaration on the Manifest to be made by the importer which says - which is when that declaration is, that is from the point of declaration that the goods - the duty becomes payable at the rate in force at the time of declaration. Goods may come in but not for the domestic customs territory. They may be re-exported, they may be held in-bond, and all of those various transactions which are what are being contemplated in this system. So the law is adjusted here, in section 14, which was the issue you raised.

First of all, it is clear that it is the importer who makes the declaration. It is at the point of declaration and the value in force at the time of declaration that applies in that regard.

Mr. Speaker, as had been said earlier, there will still have to be in the course of the next year - '15 - a full-fledged review of the Customs Act, which will come here. But, immediately, we need to put in place the provisions that bring Jamaica into the electronic age...

A MEMBER: Hear! Hear!

Dr. PHILLIPS: ...finally and completely, as far as Customs processing is concerned, as far as Tax Administration is concerned - and I note your information which I will enquire into - but these amendments facilitate us entering the digital electronic age to move to the paperless processing of Customs transactions, and thus it takes us a far way forward, Mr. Speaker.

And so I move that the Act be read a second time.

The SPEAKER: The question is that the Bill be read a second time.

Put to the House and agreed to.

Bill entitled:

AN ACT to Amend the Customs Act,
read a second time.

The SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

Dr. PHILLIPS: Chairman...

The CHAIRMAN: Yes, Minister.

Dr. PHILLIPS: ...there is an amendment that has already been circulated, which is at Clause 67 - no, Clause 9, where we delete the words, "the agent of the Master or" and substitute the word, "the".

Mr. CHUCK: Subclause (1)?

Dr. PHILLIPS: Yes, subclause (1).

It is also being proposed, in keeping with the commitment just given - can I get what is the proposed amendment, please? In relation to - which clause is this, 20G?

The CHAIRMAN: You have an additional amendment or the Shaw amendment?

Dr. PHILLIPS: What? There is no 206 in this?

Mr. SHAW: 206A.

Dr. PHILLIPS: 206A, yes, 206A.

The CHAIRMAN: That's Clause 11.

Dr. PHILLIPS: Clause 11, right, precisely.

206A in Clause 11, in relation to 206A subsection (2), the words should read: "Insert the words, 'and a Customs Broker licensed under this Act', after the word, 'officer'."

Mr. DALLEY: Read it fully.

Mr. PHILLIPS: It would now read:

"No person other than an officer and a Customs Broker licensed under this Act."

So Mr. Speaker, with those amendments, I am proposing that we could consider the...

The CHAIRMAN: And you said there would be some regulations...

Dr. PHILLIPS: ...will come...

The CHAIRMAN: ...specifying how the Customs Broker gets recognized.

Dr. PHILLIPS: ...subsequent - eh?

The CHAIRMAN: And there will be regulations?

Dr. PHILLIPS: Regulations will be drafted.

The CHAIRMAN: Yes. That's to satisfy certain criteria.

(*Sotto voce* comments)

Dr. PHILLIPS: Yeah, well, licensed Customs Broker, it means he has to have a licence that is valid.

The CHAIRMAN: Okay. When we get to those clauses we will make the appropriate amendments.

I put Clause 1. Those in favour?

Clause 1 put to the Committee and agreed to.

Clause 2 put to the Committee and agreed to.

Clause 3 put to the Committee and agreed to.

Clause 4 put to the Committee and agreed to.

Clause 5 put to the Committee and agreed to.

Clause 6 put to the Committee and agreed to.

Clause 7 put to the Committee and agreed to.

Clause 8 put to the Committee and agreed to.

I put Clause 9.

Dr. PHILLIPS: Clause 9, there is an amendment.

The CHAIRMAN: I put the amendment as circulated.

The amendment as circulated in Clause 9 put to the Committee and agreed to.

The CHAIRMAN: I put Clause 9 as amended.

Clause 9 as amended put to the Committee and agreed to.

Clause 10 put to the Committee and agreed to.

The CHAIRMAN: I put Clause 11.

Dr. PHILLIPS: There is an amendment here.

The CHAIRMAN: There is an amendment to 11.

Dr. PHILLIPS: 206A subsection (2).

The CHAIRMAN: I put the amendment as read by the Minister.

The amendment as read put to the Committee and agreed to.

Clause 11 as amended put to the Committee and agreed to.

Clause 12 put to the Committee and agreed to.

The Title and the Enacting Clause put to the Committee and agreed to.

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage with two (2) amendments.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage with two (2) amendments.

Dr. PHILLIPS: Mr. Speaker I move third reading of the Bill.

The SPEAKER: The question is that the Bill be read a third time.

Put to the House and agreed to.

Bill entitled:

"AN ACT to Amend the Customs Act,"

read a third time and passed.

(Applause)

The SPEAKER: House Leader.

Mr. DALLEY: Thank you very much, Mr. Speaker.

Mr. Speaker, we intend to do one final piece of business this afternoon, to conclude the debate on this revolutionary piece of Bill called the Criminal Records (Rehabilitation of Offenders) (Amendment) 2014 and the Minister of National Security will conclude the debate today. We intend to take it through and the Opposition Spokesman on Justice and former Minister of Justice will be speaking but we intend to conclude this afternoon.

Thank you, sir.

(Cross talk)

Mr. D. SMITH: Mr. Speaker, the Opposition welcomes the new provisions included in the Criminal Records (Rehabilitation of Offenders) (Amendment) Act.

(Applause)

Dr. PHILLIPS: Hear, hear! So you can sit down now.

(Cross talk)

Mr. SMITH: As it offers a more humane approach in how we deal with persons who get convicted for what we consider misdemeanors and their chances of rehabilitation.

Mr. Speaker, we recognized that there is a very thin line between right and wrong in some cases. And we do not believe persons should be condemned for life for what could easily be a moment of indiscretion, if that person is genuinely sorry and his worth being forgiven. However, my concern about the debate on this Bill has been how it has been handled so far in the Parliament, is the way that the provisions pertaining to the use of ganja have been highlighted as if to give the impression that steps are being taken to decriminalize the use and procession of ganja in Jamaica. For example, I noted that the *Daily Telegraph* in London on June 17 carried a headline which said, "*Ganja to be Decriminalized in Jamaica*". The article stated and I quote:

"*Jamaica, home of the Cannabis using Rastafari movement is to decriminalize possession of the drug".*

Mr. Speaker, I think we have to be much more careful about the kind of signals we send out there, especially to visitors and Jamaicans in the Diaspora who might be led to believe that we have gone much further than we've actually gone.

Mr. Speaker, the Minister of Justice constantly uses the argument that under these amendments conviction for possession of two ounces or less of ganja, or for smoking ganja, or possession of pipes and other smoking utensils will not attract a criminal record while ignoring the other crimes affected by the Bill. It is obvious that the Minister saw this as an opportunity to gain some mileage in terms of how the Government reacts to appeals for decriminalization...

Dr. PHILLIPS: Shame on you, shame on you.

Mr. D. SMITH: But I detected a certain amount of youthful exuberance in terms of how he focused the provisions pertaining to the use of ganja.

Dr. PHILLIPS: You should be ashamed of yourself.

Mr. D. SMITH: Mr. Speaker, I also noted that the Acting Public Defender recently raised the issue when he said that listening to the limited discussion on the Bill one could be excused for thinking that it only dealt with the expungement of ganja-related crimes.

Mr. Speaker, when I listen to JIS, I get the clear impression that this Bill relates only to ganja expungement of small uses of ganja. We on this side, Mr. Speaker, have consistently supported many of the proposed amendments to the Dangerous Drugs law proposed by the National Commission on Ganja in 2004. In fact, this House may recall that during the deliberations of the Committee the former Minister of Justice, Member of Parliament for North East St. Andrew proposed a new formula on an earlier recommendation to read and I quote:

"The Dangerous Drugs Act should be amended so that the use of small quantities of marijuana in public be made

a minor offence to be tried in the Petty Session of the Resident Magistrate's Court".

Mr. Speaker, nothing was done about that for several years until November 2011 when he announced that a submission had been made to Cabinet that certain ganja cases be heard in the Petty Session Court as part of an effort to reduce the backlog of cases in the Resident Magistrate's Court. So it is obvious that process of reducing the blockage created by the number of minor offences from clogging up the courts is really ongoing and we fully support the continuation of the process.

Mr. Speaker, we sympathized with the fact that the additional rehabilitation period under the current law is an unnecessary hurdle and we welcome the adjustments which are proposed. We are looking forward to the outcome of the Joint Select Committee's deliberation on the issue of teenage sexual intercourse involving children under the age of consent and hope that a viable amendment will come forth.

Mr. Speaker, we acknowledge that a clean police record is required to access employment in certain cases, including the farm work programme teaching, security guards and so on, and criminal a record may even prevent people from obtaining credit from financial institutions, or from traveling overseas, or immigrating to other countries and we agree that every effort be made to ensure that the law does not become a victim of its own objectives.

Mr. Speaker, one of my concerns about the provision of this Bill, and I also noted that the Acting Public Defender recently raised it as well, is the provision for appeal to the Minister from the Criminal Records (Rehabilitation of Offenders) Board. I believe that we should protect the statutory right of appeal to the Supreme Court of Judicature instead of giving this power to the Minister.

The Board is being mandated under the Act to consider applications from persons who take the view that having served the rehabilitation period their criminal past should be expunged. If the Board rejects the application made to it, the applicant can apply within twenty-four months, but should the Board reject the application the second time the citizen would then have to apply to the Minister.

Mr. Speaker, the Minister would have to hear the appeal against the Board's decision is also the person who selected the Board in the first place. This raises some alarm among those of us who believe in the concept of fairness especially when it is noted that the Minister will be asked to be looking at when considering an appeal, as set out in the statute, is whether the Board has failed to consider relevant factors. This opens up the process to bias and/or discrimination and in order to remove any doubt about the integrity of the process I think that the statutory right of appeal should be far more constitutional by ensuring that the system is independent of political direction.

Mr. Speaker, I wish to remind the Minister of National Security and the Government in general that the programme of rehabilitation does not start with expungement

process, it starts with incarceration in the prison system which has adopted a rehabilitation policy over the years but just recently the Auditor General released a report in her performance audit of the rehabilitative process in the correctional institutions, which stated that they have not been determining the risk profile and rehabilitation needs of inmates entering the facilities. In fact, she said that the Department of Correctional Services could not demonstrate to her Office their rehabilitations activities and are meeting the needs of the inmates. She said that they were no structured rehabilitation opportunities to address the needs of certain categories of adult offenders, including mentally challenged inmates and those convicted for sexual and drug abuse offences. Mr. Speaker, this performance audit was planned to determine whether the Department of Correctional Services have effective strategies and programmes in place to rehabilitate inmates with previous non-custodial sentences, which is necessary to contribute to achieving the national development targets under Vision 2030.

If I may Mr. Speaker point out some of the other points raised by the Auditor General, of a sample of 226 inmates....

(Inaudible comment by a Member)

Mr. D. SMITH: …Say what you what? 226 inmates, 12 offenders were charged with sexual offences and the Department of Correctional Services only recommended rehabilitation activities for two of these offenders. However, up to the time she released her Report none of them were involved in any rehabilitation activity the Report stated. And, Mr. Speaker, I quote from the report:

> *"We have found that inmate charged with sexual touching of a child and sentenced for four years was only recommended for brick-laying vocational activity".*
>
> (Cross talk)
>
> *"There were no recommendation rehabilitation activities for another inmate charged with the sexual intercourse with a minor who was sentenced for one year.*
>
> *The third inmate charged with carnal abuse and serving five years imprisonment was recommended for a combination of counseling, social group sessions, prison school and vocational trade.*
>
> *We found another three sexual offenders who were not assessed, involved in brick-laying, farming and prison school and the Department of Correctional Services was unable to explain how the participation of these inmates in such activities would be an adequate intervention for sexual offences.*

She said:

> *The remaining six (6) inmates charged with sexual offences such as rape, incest, carnal abuse, statutory rape and serving sentences ranging from two years to 18 years were neither assessed nor involved in any rehabilitation programme.*

The Auditor General, Mr. Speaker, also pointed out*:*

> *The lack of targeted rehabilitation activities focused on sexual offenders which would result in sexual offenders*

returning to the society without the basic counselling and life-skills to make choices to refrain from criminal activities. As a result, inmates release without meaningful intervention may return to their sexual deviances.

Mr. Speaker, my concern here is that while this report has been in the public domain since July, I have not heard any official response either from the Minister, the Permanent Secretary or the head of the Correctional Services.

We must ensure that the rehabilitation process starts during incarceration, however short or long the sentences are, because unless we do this we may end up operating crime factories instead of correctional services. And it makes it even harder for persons who are convicted and incarcerated to redeem themselves.

Mr. Speaker, I am hoping that the Minister is in a position this afternoon, to give an update on what has been going on to improve the rehabilitative capacity of the Department of Correctional Services to reduce the emphasis on the process of expungement to seek to reclaim the souls which have obviously gone astray.

Mr. Speaker, having said that, I repeat the Opposition's position that we are happy about the amendment this afternoon, and we support it fully, but we do look forward to the Minister having some comments in relation, at least, to some of the points raised.

Thank you, Mr. Speaker. (Applause)

Mr. DALLEY: Mr. Speaker, when I introduced to the House that we would be concluding this revolutionary piece of amendment, I said so because for hundreds, thousands and tens of thousands of Jamaican young people, this amendment this afternoon is going to relieve them of the criminal records that they have carried and been afraid to go to the Criminal Records Office to get a police record.

There are thousands of young people all over Jamaica, who when they were 16 years, 17 years old were inveigled to smoke a spliff or found themselves in a position where they committed an act by possessing a small quantity of marijuana and that criminal record follow them up to now.

You said in your earlier speech that your previous administration tried to do something about it. I heard the former Minister of Justice spoke about it when he was Minister of Justice, but he only talk, this Administration is going to correct it and that is what we are doing today.

(*Sotto voce* comments by a Member)

Mr. DALLEY: That is what we are doing today. That is something that we want to do, not talk, no talk, talk, talk do something about it. And I am happy that the Opposition is supporting this revolutionary amendment.

(*Sotto voce* comments by Members)

Mr. DALLEY: All these young people sitting down understand that this is simple what it means, that if you are caught with a small quantity of marijuana, this is the crux of the matter. Don't go around the corner and talk about offences and criminals at Correctional Office and say - just stand up and say we support this amendment today and let

all of Jamaica say that the Parliament supports this amendment.

Mr. McKENZIE: Sit down, sit down.

(Cross talk)

The Deputy SPEAKER: (Gavels) Kindly move on in your capacity as Acting House Leader.

Mr. DALLEY: Mr. Speaker, I would like to commend the Minister of National Security... (Applause) ...I would like to commend the Minister of Justice, I would like to commend the Minister of Justice. The Cabinet of which I am apart, when this thing came to the Cabinet the Prime Minister has been asking, when you are going to take it? When you are going to take it? Free up the young people them who have this police record over a little spliff. And I am glad that this Administration and this Minister is going to make that happen today. (Applause) And in so doing, my constituency, my constituency....

Mr. McKENZIE: Sit down.

Mr. DALLEY: ...has asked me to say that we are happy, Minister that this is being done today to relieve those young people of those records that they have had.

Thank you, Mr. Speaker. (Applause)

Mr. WARMINGTON: Mr. Speaker.

The Deputy SPEAKER: Just a moment, Mr. Warmington. I need some order here.

Mr. Chuck, you will yield to Mr. Warmington?

Mr. CHUCK: I will yield.

The Deputy SPEAKER: Okay, go ahead, Mr. Warmington.

Mr. WARMINGTON: Mr. Speaker, I did not wish to speak today, but when....

Dr. DAVIES: Well, don't go against your wish.

Mr. WARMINGTON: The only person who can tell me that from South West St Catherine, when the Member spoke about the other administration did not act and this Administration act. You know, I am led to think of the case in St James of Mario Deane with one spliff that lost his life in a jail. And I am happy that this is here, but it needs to go further, because they are talking about what you have and they won't decimalize the entire stuff of having marijuana or what have you, or ganja as you say in Jamaica. But when you look at the issue with Mario Deane, you have a situation where a man was picked up for smoking one little spliff, have one little spiff and he went to the jail and because he said he don't like police he lost his life.

The Deputy SPEAKER: Mr. Warmington, this particular...

Mr. McKENZIE: How you never stop Mr....

The Deputy SPEAKER: Wait a moment. Mr. McKenzie, you don't know where I am going.

(*Sotto voce* comments by Mr. McKenzie)

The Deputy SPEAKER: Mr. McKenzie, you do not know where I am going. I am saying that the matter relating to the Mario Deane's case is now *sub judice* isn't it, sir? Yes, it is.

(*Sotto voce* comments by Mr. McKenzie)

The Deputy SPEAKER: Persons have been charged.

(Heckling by Members)

(*Sotto voce* comments by Mr. McKenzie)

The Deputy SPEAKER: That is not the point, sir.

Mr. WARMINGTON: Mr. Speaker, this is the highest Court of the land. Now, Mr. Substitute Speaker or Acting Speaker or Deputy Speaker...

A MEMBER: Don't be rude.

Mr. WARMINGTON: I am sorry, Mr. Deputy Speaker, Mr. Speaker Acting, or the Deputy Speaker of the House...

Mr. SHAW: No, Mr. Speaker.

Mr. WARMINGTON: …this is the highest authority in the land and I am speaking...

The Deputy SPEAKER: Mr. Warmington, make your point, sir, go ahead.

Mr. WARMINGTON: I am speaking as one of the people's representatives, elected by the people of South West St Catherine don't try to muzzle me. I am saying here, I am saying that the issue....

(*Sotto voce* comments by a Member)

Mr. WARMINGTON: The what? You better keep quiet because the issue is that the Villa in Portland answer your question so leave me alone to speak.

(Laughter)

(Heckling by Members)

I am saying that the issue of this one spliff, he was taken into jail for that and because he said he don't like police he lost his life. And what we need to look in the whole stuff here, it is claimed that he was killed by two mad men and one person who was deaf and mute...

The Deputy SPEAKER: (Gavels) Mr. Warmington.

Mr. WARMINGTON: I have the right to speak, Mr. Speaker.

The Deputy SPEAKER: No, but what you are saying is irrelevant.

Mr. WARMINGTON: Of course, it is not irrelevant. I am saying there...

(*Sotto voce* comments by Mr. McKenzie)

Mr. WARMINGTON: Mr. Speaker, stop harassing me let me speak. I am saying that it is said that the - Mario Deane was killed by two mad men and one deaf and mute man.

The Deputy SPEAKER: That is not...

Mr. WARMINGTON: It has to do with the same Bill here, a spliff, it has to do with a spiff, please look at the Bill before you and allow me to speak.

(*Sotto voce* comments by Members)

Mr. WARMINGTON: It says that it was. But we need to look at the whole fact. Why was it that conveniently this young man was placed in a cell with a mad - two mad men and a deaf and mute man who cannot talk today. When the police went to...

The Deputy SPEAKER: (Gavels) Mr. Warmington...

Mr. WARMINGTON: No, no!

The Deputy SPEAKER: Mr. Warmington, please sit, sit.

Mr. WARMINGTON: Hold on, you want to name me? Name me. I am speaking for the poor people of this country; don't tell me to sit down. You are crying...

(Heckling by Members)

The Deputy SPEAKER: But, Mr. Warmington....

Mr. WARMINGTON: But, you are crying in church on Sunday.

The Deputy SPEAKER: ....some of what you are saying is not true, sir.

Mr. WARMINGTON: Not true.

The Deputy SPEAKER: ....There were not two mad men in the cell.

Mr. WARMIGNTON: Don't tell me that it is not true - the police when they went to Cornwall Regional they said the man fall off the bed. Isn't it what they said? They said, the man - they said Mario Deane fell off the bed. Now it is changed that he was killed by one...

The Deputy SPEAKER: Mr. Acting House Leader, I need you to act on this.

Mr. WARMINGTON: ....madman and one deaf/mute man who cannot defend himself. So I am saying here....

Mr. BUNTING: Mr. Speaker, on a point of order.

(Heckling)

Mr. WARMINGTON: It seems as if the man was killed and thrown in the mad man cell.

The Deputy SPEAKER: Sit, please sit.

Mr. WARMINGTON: No, no, don't quiet me.

The DEPUTY SPEAKER: Sit.

Mr. WARMINGTON: Did he say on a Point of Order?

The Deputy SPEAKER: Yes, he did.

Mr. WARMINGTON: I did not hear that. You want to name me?

(Heckling)

The Deputy SPEAKER: Please sit, Mr. Warmington, sit.

Mr. WARMINGTON: Do you want to name me?

A MEMBER: That is pointless, man.

Mr. BUNTING: Mr. Speaker, the Point of Order, the Standing Orders....

Mr. SHAW: You better come good you know.

Mr. BUNTING: Section 35, subsection (2)...

Mr. WARMINGTON: It is the first you ever see it....

Mr. BUNTING:

Reference shall not be made to any matter on which a judicial decision is pending in such a way as might...

The Deputy SPEAKER: Which is what I said.

Mr. BUNTING:

...In the opinion of the Chair, prejudice the interest of the parties thereto.

Mr. Speaker, the Member from South West St. Catherine is speaking in a manner that clearly prejudices the parties who have an interest in this case, and it is out of order and he shall...

(Heckling)

The Deputy SPEAKER: Two persons have been charged.

(Heckling)

Mr. D. SMITH: Mr. Speaker.

The Deputy SPEAKER: Yes, Mr. Smith.

Mr. D. SMITH: The Member from...

Mr. WARMINGTON: I am your senior, 45 years; I am the oldest one in this House...

A MEMBER: Forty-five (45) years I in what?

(Heckling)

Mr. D. SMITH: The Member from South West St Catherine is indeed germane in his presentation, because the whole matter of

ganja was forcefully brought into the debate by the Acting House Leader and he is in fact speaking about the extreme penalty of a small amount of marijuana. So I don't know what nonsense is being brought to the House by the Minister about...

(*Sotto voce* comments by Mr. Warmington)

Mr. D. SMITH: He is just responding to what was brought here. He is very much germane in the thing.

(Heckling)

Mr. WARMINGTON: Mr. Speaker, I am surprise of the Attorney General saying that it is not germane to the Standing Order.

The Deputy SPEAKER: Mr. Warmington, I am going to ask if you could just wrap up with what you are saying and do not...

Mr. WARMINGTON: No, no there is no limitation Mr. Speaker....

(Heckling by Members)

The Deputy SPEAKER: Because he is going off on a tangent.

Mr. WARMINGTON: No, no, a member is allowed to speak up to 20 minutes, so I go above that you can.... But what the Member is saying here, what I am saying does not prejudice anything at all because nobody is charged with that. And the question that needs to be asked, nobody is charged.

A MEMBER: Yes.

Mr. WARMINGTON: Two madmen and one deaf man, deaf and dumb man. The issue is, what we need to ask is, if the report from the police stated that the man fell of the bed and injury himself, then it says that the two deaf man - two mad man and one deaf man kill the man...

(Heckling)

Hold on, first the report to Cornwall Regional from the police said that it was two madman and one deaf man kill the man, and then they change the whole stuff. The Minister needs to...

(*Sotto voce* comments by a Member)

Mr. WARMINGTON: What you said, disgrace? For an Attorney General who is supposed to be a lawyer you come and talk rubbish to say me talking disgrace? Don't talk about disgrace because you lost a case for him in the court, you lost a case for him in the Appeals Court, so don't go down that place...

The Deputy SPEAKER: Acting House Leader I am going to adjourn, you know.

Mr. WARMINGTON: You don't know where you are? You should talk about the case you lost for him in the Appeals Court.

The Deputy SPEAKER: I am going to adjourn.

Mr. WARMINGTON: Let me finish no, no. I am not sitting down; I am not taking that seat.

(Heckling by Members)

Mr. WARMINGTON: I am elected more than you…

The Deputy SPEAKER: Mr. Acting House Leader.

Mr. WARMINGTON: I got more votes than you.

The Deputy SPEAKER: (Gavels)

Mr. WARMINGTON: I am not taking my seat, let me finish I have two minutes leave.

The Deputy SPEAKER: I am going to adjourn. (Gavels) I am adjourning the session.

Mr. WARMINGTON: I am not taking my seat. About what? I am not sitting.

(Heckling)

The Deputy SPEAKER: This House stands adjourn.

The House accordingly adjourned its sitting at 5:17 p.m.

TUESDAY, September 30, 2014

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.27 p.m.

PRESENT

THE SPEAKER

HON. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern, Speaker of the House.

MEMBERS OF THE CABINET

THE HONOURABLES:

HON. PHILLIP FEANNY PAULWELL, (PNP), Eastern Kingston & Port Royal, Minister of Science, Technology, Energy and Mining and Leader of the House

DR. THE HON. PETER DAVID PHILLIPS, (PNP), St. Andrew, East Central, Minister of Finance and Planning

HON. PETER MURCOTT BUNTING, (PNP), Manchester, Central, Minister of National Security

HON. LISA RENÉ SHANTI HANNA, (PNP), St. Ann, South Eastern, Minister of Youth and Culture

REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston, Central, Minister of Education

HON. HORACE WASHINGTON DALLEY, (PNP), Clarendon, Northern, Minister without Portfolio in the Ministry of Finance and Planning with responsibility for the Public Service

HON. EVON PATRICK CULLITON ATKINSON, QC, (PNP), Trelawny, Northern Attorney General

MINISTERS OF STATE

HON. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern, Minister of State in the Office of the Prime Minister

HON. JULIAN JAY ROBINSON, (PNP), St. Andrew, South Eastern, Minister of State in the Ministry of Science, Technology, Energy and Mining

HON. IAN DAVE HAYLES, (PNP), Hanover, Western, Minister of State in the Ministry of Agriculture and Fisheries

HON. SHARON FFOLKES-ABRAHAMS, (PNP), St. James, West Central, Minister of State in the Ministry of Industry, Investment and Commerce

HON. ARNALDO ALPHONSO BROWN, (PNP), St. Catherine, East Central, Minister of State in the Ministry of Foreign Affairs and Foreign Trade

OTHER MEMBERS

DR. LYNVALE GEORGE BLOOMFIELD, (PNP), Portland Eastern

MR. HUGH CARL BUCHANAN, (PNP), St. Elizabeth, South Western,

DR. DAYTON RICARDO CAMPBELL, (PNP), St. Ann, North Western

HON. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern
MRS. MARISA COLLEEN DALRYMPLE-PHILIBERT, (JLP), Trelawny, Southern
MISS JOYCE DENISE DALEY, (PNP), St. Catherine, Eastern
DR. WINSTON LLOYD GREEN, (PNP), St. Mary, South Eastern
MR. WILLIAM JAMES CHARLES HUTCHINSON, CD, (JLP), St. Elizabeth, North Western
MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern
MR. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western
MR. RICHARD ANTHONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern
MR. MIKAEL ASHER PHILLIPS, (PNP), Manchester, North Western
MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern
MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western
MR. CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western
DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central

PRAYERS

Prayers were offered by Mr. Hugh Buchanan

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

Before we get down to today's business, let us welcome from the University of the West Indies, the MSc Nursing, 20 graduate students and their lecturer. (Applause)

ANNOUNCEMENTS

The Clerk laid on the Table of the House a copy of the following:

- **Ministry Paper No. 130**
  Annual Report and Audited Financial Statements of the Financial Services Commission for the financial year 2012/2013
- **Ministry Papers 131 to 133**
  Cabinet Agenda issues for August 18, August 25 and September 1, 2014;
- Petrojam Limited Annual Report with audited financial statements for the financial year 2010/2011.

BILLS BROUGHT FROM THE SENATE

The Clerk read the following message from the President of the Senate:

"To the Honourable House of Representatives:

I have the honour to advise the Honourable House of Representatives that on the 26th day of September 2014, a Bill entitled: "AN ACT to Amend the Customs

Act" and a Bill entitled: "AN ACT to Amend the General Consumption Tax Act" were passed in the Senate with two (2) amendments respectively, for which the Honourable Senate desires the concurrence of this Honourable House."

And the amendments have been circulated.

Signed: Floyd E. Morris,
President of the Senate"

(HON. COLIN ALFRED A FAGAN, (PNP), St. Catherine, Southern Eastern, Minister of State in the Ministry of Local Government and Community Development, entered and took his seat.)

The SPEAKER: Mr. Phillips.

Dr. PHILLIPS: Mr. Speaker, I now move that the Senate amendments to the Bills be now considered and indeed approved. They in fact are primarily clarificatory and strengthen provisions already moved here.

The SPEAKER: Is that the wish of the House?

Put to the House and agreed to.

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Mrs. Ffolkes-Abrahams.

Mrs. FFOLKES-ABRAHAMS: Mr. Speaker, I seek permission to speak from a seat other than my own.

The SPEAKER: You may proceed.

Mrs. FFOLKES-ABRAHAMS: Thank you.

Mr. Speaker, on behalf of the Minister of Industry, Investment and Commerce, I beg to give notice at the next meeting of the House, that he will move to introduce and have read a first time, A Bill shortly entitled: "The Insolvency Act 2014".

Mr. Speaker, further, I also beg to give notice that the debate on the Bill will commence at the next session of Parliament.

The SPEAKER: Mr. Paulwell.

Mr. PAULWELL: Mr. Speaker, I beg to give notice that on behalf of the Minister of Local Government, that at the next meeting of the House I will move to introduce and have read a first time, A Bill shortly entitled: "The Constitution (Amendment) Local Government Act, 2014".

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Mr. Smith.

Mr. D. SMITH: Mr. Speaker, on behalf of the Member from St. Catherine North East, at the expiration of 21 days he intends to ask the Minister of Science, Technology, Energy and Mining the following questions:

Question 1:

Would the Minister advise how many computer devices, known as tablets, have been, or will be distributed to children by the Government?

Question 2:

Would the Minister state whether or not the tablets have been purchased by the Government, and if so, at what cost?

Question 3:

Would the Minister advise if these tablets are gifts to the children, and how the recipients are selected?

Question 4:

Would the Minister advise what is the main purpose of this distribution?

Question 5:

Would the Minister advise what measures the Government has put in place to ensure that children in possession of these tablets do not have access to violent, pornographic and other similar websites?

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, we will commence Public Business with the Minister without Portfolio in the Ministry of Finance to establish a Joint Select Committee of Parliament.

Mr. DALLEY: Mr. Speaker, reference is made to the Bill shortly entitled: "The Public Procurement Act, 2014" listed at Item No. 10 on the Oder of Business and which stands in my name. It is my intention to refer the Bill to a Joint Select Committee comprising Members of both Houses of this Parliament, for consideration and report. In order for this to be done I now ask for second reading of the Bill, Mr. Speaker.

The SPEAKER: The question is that the Bill be read a second time.

Motion put to the House and agreed to.

(MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary, Western, entered and took his seat.)

Bill entitled:

"AN ACT to consolidate and modernize the Law relating to the public procurement of goods, works and services and for related matters,"

read a second time.

Mr. DALLEY: Mr. Speaker, I now move:

Be it Resolved that this Honourable House appoint a committee comprising the following Members:

Honourable Horace Dalley, Chairman;
Honourable Dr. Morais Guy;
Honourable Ian Hayles;
Honourable Sharon Ffolkes-Abrahams;
Mr. Paul Buchanan;
Dr. Horace Chang,
Mr. Everald "bad boy" Warmington
(Laughter)
Mr. Daryl Vaz,
to sit jointly -
(Heckling by Mr. Warmington)
Mr. Everald Warmington,
to sit jointly with a similar committee to be appointed by the Senate to consider and report on a Bill shortly entitled, "The Public Procurement Act, 2014".

Mr. WARMINGTON: Mr. Speaker, I would like a correction to my name.

A Government MEMBER: He corrected it already.

Mr. WARMINGTON: I am signed here as -

A Government MEMBER: He corrected it.

Mr. WARMINGTON: No, he did not.

The SPEAKER: He corrected it.

Mr. WARMINGTON: No, he did not.

The SPEAKER: Yes, Mr. Warmington.

Mr. WARMINGTON: I am registered here as Clifford Warmington.

The SPEAKER: Okay.

Mr. WARMINGTON: And that's what he ought to say. (Laughter)

Mr. DALLEY: Mr. Clifford Warmington.

The SPEAKER: Thank you.

Motion put to the House and agreed to.

(DR. DONALD KEITH DUNCAN, (PNP), Hanover, Eastern, entered and took his seat.)

Mr. PAULWELL: Mr. Speaker, I move for the recommittal of Item, 'Announcement'.

The SPEAKER: The question is for the recommittal of Item, 'Announcements'.

Put to the House and agreed to.

(DR. KENNETH WYKEHAM MCNEILL, (PNP), Westmoreland, Western, Minister of Tourism and Entertainment, entered and took his seat.)

ANNOUNCEMENTS

The Clerk also laid on the Table of the House a copy of the following:

Laid on the Table of the House today are the International Monetary Fund, Letter of Intent Memorandum of Economic and Financial Policies and Technical Memorandum of Understanding.

Mr. PAULWELL: Mr. Speaker we revert to Public Business.

This afternoon we will attempt once more to conclude the debate on the Criminal Records Rehabilitation of Offenders (Amendment) Bill, and thereafter we will commence debate on: "An Act to Amend the Representation of the People Act".

I think, Mr. Speaker, the Member for - Mr. Speaker, you will indicate.

The SPEAKER: Mr. Pryce.

Mr. PRYCE: Thank you, Mr. Speaker. Permission to speak from a seat other than my own.

The SPEAKER: You may proceed.

(MR. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, entered and took his seat.)

Mr. PRYCE: Thank you, sir.

Mr. Speaker, I rise to add my voice in support of the Bill before us today, not only representing my constituents of North Eastern St. Elizabeth, but also a wider non-geographic constituency of Jamaican families that have had their progress suspended because a member, usually a male, is haunted by a criminal record arising from the possession simpliciter or simple possession of ganja.

Mr. Speaker, I place on record in this debate the following two points: The first is an acknowledgement that the Bill before us goes

wider and deeper than matters to do with criminal offences arising from the Dangerous Drugs Act. The second is a reminder that through a Private Member's Motion, already debated and passed by this Parliament, I have been explicit in my call for amendments if not full repeal of section 7, specifically 7(b), 7(c) and 7(d) of the Dangerous Drugs Act. Having stated those, Mr. Speaker, let me declare that I fully accept the cautious approach being displayed by the Administration with respect to the reform of the Dangerous Drugs Act. Further, that it seems to be the will of this Parliament to move increments towards ganja reform more broadly.

While I keep reserve my views on the pace for now, I am optimistic that the reform shall in fact take place. My optimism is derived, Mr. Speaker, from the fact that in a comparatively short period of time and as announced by the Justice Minister on June 12, 2014, the Cabinet by way of a sub-committee is presently reviewing the task environment locally and globally in which ganja reform can be pursued. As an advocate for such reform, I am further pleased that at Section 10 of the Bill before us and at the new Section 20(a)(1)(b), it is proposed that where a person has been convicted of three or more offences, that those offences by a process detailed in that Act, an application can be made for the expungement of the record.

In my consultations within my constituency and throughout the broader Jamaica, and overseas, this development is most positively defined as an incremental step but a step just the same in the right direction. I have used my skills as a representative in meeting with other persons involved in ganja law reform advocacy to support this new development even as I telegraph their abiding anxiety that there is still some amount of ambivalence and ambiguity with respect to the pace and the scope of the reform we ultimately seek.

Our hope, Mr. Speaker, is further supported by the announcement during our summer recess, that a new protocol has been agreed after consultation with the Minister of National Security and the Attorney General to treat with persons found with possession of small quantities of ganja. In all cases Mr. Speaker, we recommend and ask for an appropriately creative and robust public education campaign to involve law enforcement agents, the judiciary, alleged offenders, those who presently have records and the wider public to include insurance, credit and other financial entities so that there is absolute clarity of the process for the expungement of records since offences under section 7 of the Dangerous Act is not automatically expunged.

(MR. FITZ ARTHUR JACKSON, (PNP), St. Catherine, Southern, entered and took his seat.)

Further, Mr. Speaker, and finally that once these records have been expunged or cleared, there shall be no permissible or ongoing prejudice with respect to employment, attainment of financial services or any other natural entitlement by citizens of this country

who previously would have had criminal records arising from the simple possession of small quantities of ganja.

Mr. Speaker, if these be the case, my constituents in North Eastern St. Elizabeth and those beyond that geographic constituency -

A MEMBER: Hanover.

Mr. PRYCE: - with an interest - and in Hanover - with an interest in these matters of ganja law reform, happily accept this incremental step in the right direction as led here today by the Honourable Minister of National Security.

Until the subsequent new and deeper amendments come before us, this Bill receives our full support.

And I commend the Honourable Minister, the Member from Central Manchester... (Applause)

A Government MEMBER: Hear! Hear!

Mr. PRYCE: ...for his boldness and his leadership on all such matters.

Mr. Speaker, I close simply by saying that there are persons across this country whose names we will never hear, whose faces we will never see, but who, upon the successful conclusion of this matter being carried in this House of Representatives today, will have received a breath of new air and of fresh air to again recover their career ideals, their developmental path, and to do so as all of us are able to do without the smear or the haunting or any related stigmata of a criminal record for the simple possession of ganja. (Applause) Or simply, Mr. Speaker, in many cases, for their parents and grandparents utilizing folk remedies and bush medicine to assist the ailment such as fits, otherwise known as epilepsy, or for those persons of the Rastafari faith, who handle and possess ganja in pursuit of their holy sacrament. (Applause)

If it pleases you, Mr. Speaker.

Thank you. (Applause)

The SPEAKER: Mr. Chuck.

Mr. CHUCK: Mr. Speaker, let me say at the outset that I support this Bill fully...

Mr. McKENZIE: Wholeheartedly.

Mr. CHUCK: ...wholeheartedly, and commend the Government for bringing it at this time.

The history of it should be noted however, Mr. Speaker. When this Bill was first enacted in 1988, a lot of hope was expressed that persons who, having served their sentence or having been convicted, that over - after a period of time without any further conviction, they could have their records expunged.

And Mr. Speaker, one of the problems that many convicted offenders face is that, having a conviction, whether it is for a minor offence, sometimes they plea guilty but once having pleaded guilty and the record is there, they have great difficulty getting jobs, getting visas, and really, their future tends to be affected significantly.

Mr. Speaker, it was when I served as Minister of Justice for a short period, that this Bill came to my attention. Because a personality in the media came to see me about her brother who had pleaded guilty to a very minor offence, and having pleaded guilty to a minor offence, was fined. But seven years later when he sought to get a job and the employer asked for his criminal record, they

saw that he had been convicted for a real minor offence, and therefore he couldn't get the job.

And Mr. Speaker, this media personality, she said to me, her mother is so distraught she doesn't know what to do. And I said, but, if you have served seven years for this minor offence, you really should have it expunged.

(MR. RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, entered and took his seat.)

And when I spoke to the legal officers at the Ministry of Justice, they said no, he has to serve another seven years without it being expunged. I said, you are mad! This can't be so and I argued with them Mr. Speaker; in the Ministry it is seven years, it can't be fourteen years. And it turned out, Mr. Speaker, that at that point they said, not only is it seven years, but in fact, persons who had served sentences less than five years, it's ten years, the first rehabilitation period, but a further ten years. So you couldn't get an expungement unless you had served fourteen years or twenty years.

How, Mr. Speaker, it could be so enacted or so interpreted, was beyond me. But when I looked at it, it appeared that they were correct. So I immediately, at that time said, we have to get this thing corrected immediately. And, really, it was a second punishment.

And I say, Mr. Speaker, around the same time the then Commissioner - we had planned to lay a Bill in Parliament to remove small amounts of marijuana from the criminal records, and also, to ensure that they were dealt with in the Petty Sessions Court rather than in the Magistrate's Court. And the then Commissioner of Police came to see me with his - and we discussed how to deal with this small amount of marijuana. And he said to me, you know, Mr. Speaker, there are so many young men that could serve well in the police force, but when they looked at the criminal records they had been convicted for a spliff. And I said, but it is ridiculous. And he said, unless we expunge these records for small convictions, so many hundreds of young men, especially, would be affected.

And so, Mr. Speaker, at the time directions were given in the Ministry of Justice for us to look at not only the correction of this Bill, but also at the expungement of the small amounts of marijuana.

And I want to commend the Minister and the Ministry for finally getting it to Parliament. It is long overdue.

(Applause/*Sotto voce* comments)

Mr. CHUCK: But I must say, you know, Member from Northern Clarendon, I give you all the credit, I take none. But always remember, always remember, a lot can be accomplished if it doesn't matter who gets the credit. (Applause)

So Mr. Speaker, I want to commend the Government for bringing this Bill. And also to ensure that in a short period of time, that those persons - and for persons - convicted persons to know that they can now apply for expungement of their records if they have led a straight life - straight and honest life, having been convicted whether by pleading guilty or having been sentenced, and having served

their time in prison, or having lived in the community for a period of time - and this, Mr. Speaker, is indeed a sort of carrot to persons who have been convicted, who have served their time in prison to know that if you have served your time in prison, if you come back into the community and live an honest and decent life, after a period of time you can ask for your record to be expunged. It is very important, Mr. Speaker, for persons to know that they can get a second chance, and this Bill is indeed allowing persons who have fallen by the wayside to know that they can get a second chance.

So it is a very important Bill, especially to persons who have been convicted, but more so Mr. Speaker, to those young men who tried a thing by smoking a spliff or having a spliff - and women, but mainly men - and having pleaded guilty to having a spliff, now they know that there could be expungement. And it will not affect their record, so they can go on the Farm Work Programme.

Mr. Speaker, hundreds of young men and women have not been able to go on the Farm Work Programme, have not been able to get visa, can't get promotion because of these criminal records. And I say, they must now know that they can ask for the expungement, and they can now hopefully apply on the Farm Work Programme, apply for their visa, because the record will no longer show.

Mr. Speaker, I say that this Bill only deals with convictions where the sentence is less than five years. We can't ignore the fact, Mr. Speaker, that there are persons who are first-time offenders who, having been convicted, have been sentenced to more than five years. This Bill, unfortunately, Mr. Speaker, does not affect them. But it is something, Mr. Speaker that we can't ignore. There are persons, it may well be, that they were caught with a gun, it may well be that in an act of spontaneous violence they have committed a violent criminal act. It may well be that they have committed a significant or major crime for which they had been sentenced for more than five years. It does not mean Mr. Speaker, that these persons - convicted persons, should not get the benefit of a second chance.

And while we appreciate that this Bill restricts to sentences under five years, we can't ignore the fact that there are others who have been sentenced to more than five years, who deserve a second chance.

Mr. Speaker, I would like to say to such persons that at the moment the way to go is to apply under the Constitution, section 90(1)(a), to ask the Governor-General for pardon.

But Mr. Speaker regrettably, this is a difficult course of action. There is no doubt Mr. Speaker, that if a person, having been sentenced to more than five years and having lived in the community well, and has done fairly well for a period of time, they can apply to the Governor-General for pardon. But the experience, Mr. Speaker, and the information I have is that it rarely ever happens. But the Constitution Mr. Speaker, provides for that pardon, but somehow we don't seem to really apply it for persons to benefit from that section 90(1)(a) of the Constitution.

And therefore Mr. Speaker - and I put it to the Minister of National Security and to the

Government, and we here, in Parliament - if this Bill works, we should look perhaps in two years' or five years' time to revise or have a secondary Bill to look at persons who, having served whatever period of time, if they have lived in the community, honestly, uprightly, decently, that they can apply to have their records expunged. And, whether it comes before a Committee of the Minister of National Security and Justice, or of Parliament, the opportunity should be given to them so that they, too, can benefit from the rehabilitation process and the expungement of their records. (Applause)

(MR. KARL GEORGE SAMUDA, (JLP), St. Andrew, North Central, entered and took his seat.)

So Mr. Speaker, while I support this Bill, I urge that in a few years' time we should look at a companion Bill, either to expand it or to have another Bill to ensure that persons who have infringed and fallen by the wayside, that they, too, can get a second chance.

Having said so Mr. Speaker, I fully support the Bill. (Applause)

The SPEAKER: Mr. Henry.

Mr. HENRY: Mr. Speaker, I think the House will grant me the privilege in speaking on this matter very briefly, to merely record for posterity, the passing of Mr. Philimore Alvaranga, OD, one of the leading proponents for reparation and repatriation, who died at ninety-four years of age two days ago.

He was the leader of that first delegation in 1961, to Africa, and who had pursued those issues with the British Government and this Parliament. And I would like to record my sadness at his passing, and I am sure my colleagues will want to express their regrets to his family as I briefly intervene here.

Some things, Mr. Speaker, have to await time. I want to commend the Government and the Minister for this presentation today, without going back into the historical position that I have held, and to equally compliment the younger members who are leading the charge in some areas that we have left unattended.

Suffice it to say, I will continue to record the fact that if indeed at our independence our founding fathers had found the right to say to the British Government that marijuana was used by an indigenous set of persons in Jamaica, then it would have not become a crime whatsoever, right at independence.

Therefore we are correcting a right to that generation who have come along. And as my colleague said, the incremental steps we're still making is a step which I applaud, which I accept and which I compliment the Government on bringing. I wish, however, we would take it further to the aspect of recognizing that the religious right and freedom is a fight against the individual rights of everyone. And indeed, if we recognize the indigenous use of marijuana by the Rastafari faith, then it will be a crime against their religion to persecute them for the utilization, for the movement and for the issues that it relates to.

But that being part of our affrocentricity for which we have not wished to recognized,

that created the problems which we face and the suffering that my colleagues have spoken to of all the young people of Jamaica, inadvertently or advertently, is very important for us to correct today or whether the education process must flow equally, because as one of my colleague just said, I am not sure that the public out there watches everything we do here. I'm not sure all the reporting is going to be able to put in place how you proceed from here. And I saw one of my colleagues comment on the fact of even the farm work programme. This opens the door for thousands of young persons even in terms of qualifying for some benefits from Government where this would prevent them from participating.

So I therefore support the Bill wholeheartedly. I ask for the next steps that will take us to the real end of the road. I therefore will seek to plea to my colleagues and to the House Leader, let's get the Reparations and Repatriations Bill debated and completed. So that we can really take that monumental step which will free us from mental slavery and by extension, let us really be masters of our own house. I support the Bill wholeheartedly. I congratulate the whole development that has taken place. I congratulate those young Members of Parliament who continue to fight for this new era of light and I therefore, am happy today to participate and give my blessings to something which nearly thirty years ago I argued on this side as I reviewed the notes that relate and the committees that I have served on. And I thank the Minister and the Government for bringing this here day. (Applause)

Mr. BUNTING: Thank you, Mr. Speaker.

Let me thank all the Members for their contributions and in the main wholehearted support for this Bill. And I know Mr. Speaker, were you down here with us you would also have something to say on this matter. As I recall in many years previous when I was, in fact, in my first term, I remember you making a strident intervention on this very same matter during that time.

(Inaudible comment by Mr. D. Smith)

Mr. BUNTING: And I'm sure it hasn't changed.

Mr. Speaker, by way of summary, I'll just remind what this Bill will do. First, it will remove the additional rehabilitation period prescribed in the Criminal Records (Rehabilitation of Offenders) Act, 1988. Second, it will adjust the rehabilitation period prescribed in the Act. Third, it will provide for the automatic expungement of minor ganja-related offences.

(Applause)

And Mr. Speaker, I've actually been in discussion with the Minister of Justice to ask him, if possible, to deal with regulations that any application for a police certificate will deemed as an application for expungement to reduce the administrative bureaucracy. (Applause)

(Cross talk)

Mr. L. BUCHANAN: Twenty-first Century thinking....

Mr. BUNTING: Fourth Mr. Speaker, it will permit the expungement of convictions

under section 10 of the Sexual Offences Act where the offence involves consensual intercourse between precocious teenagers in a boyfriend/girlfriend situation. And finally, Mr. Speaker, it will continue to exclude certain serious offences from the expungement regime.

Now Mr. Speaker, I want to turn to some of the comments made by Members and see if I can address them. First, the Member from North West St. Andrew, the Opposition Spokesman on National Security, while supporting the bill and speaking generally on behalf of the Opposition, he however expressed some unhappiness with the impression being given that the Bill is only about decriminalization of small quantities of ganja and to support that he cited articles in local and overseas media. Mr. Speaker, first of all we do not control what the media chooses to carry or to emphasize....

Mr. D. SMITH: Including JIS.

Mr. BUNTING: ...but what I can say is that there is absolutely no doubt that the vast majority of persons who will benefit from this Bill are those who have been convicted of possession of small quantities of ganja.

Mr. Speaker, we're talking about the thousands and thousands of Jamaicans who have been in a sense consigned to the backwater of the economy, because with a criminal record there are many jobs they can't get, many countries they can't visit because they needed a clean police certificate for a visa, they can't participate in the farm work programme, they can't be recruited for many, many offences; students loans, they're not allowed to access that system. So, Mr. Speaker, if the media is giving emphasis on that, it is because it is important. It is a critical piece of social engineering that is taking place here today.

(Applause)

A Government MEMBER: Hear, hear!

Mr. BUNTING: Mr. Speaker, the reference to the Auditor General's Performance Audit on the Department of Correctional Services, I believe that is not the type of rehabilitation this is dealing with and we can deal with that more substantively on another occasion.

Mr. Speaker, with respect to the intervention, I wouldn't call it a contribution, the intervention by the Member from South West St. Catherine, (Laughter) let me just say I don't think it would be appropriate to dignify it with a response. (Applause) Mr. Speaker, the Member from North East St. Elizabeth supported the Bill and has been very active in his advocacy for what he prescribed as the cautious way in which we are proceeding, incrementally. The Member from North East St. Andrew, again, while supporting the Bill, reminded us that he had given directions to start the research on this matter. And I would say in a way similar to what the great Roger Clarke would say, if he were here, he would say to Hutchie, you conceptualize, we implement, (Applause) but I acknowledge that you did start the process.

Mr. Speaker, another important point that the Member from North East St. Andrew raised is this whole matter of pardon and the fact that as our Constitution is now, the

Governor-General, advised by his privy counsellors, is they who would have to deal with this and the truth of the matter is they seemed to have taken a relatively conservative approach to this matter. If we look, for example, many countries in celebrating their fiftieth Anniversary of Independence, pardoned fifty convicts, many who are already back on the streets, on parole or you know serving out the expungement period, rehabilitation period. Some who want to join families overseas and can't because they're not pardoned. Now that, as you correctly say, is not dealt with by this Bill.

(Cross talk)

It is interesting that other countries in CARICOM with similar histories to us such as Trinidad, they have put in a new mechanism to deal with this. They have something called a Mercy Committee, which is the committee that makes the recommendations to their President or in our case Governor-General. That Committee is chaired by the Minister of National Security and comprises the Minister of Justice, the Attorney General and the Director of Public Prosecutions. And they, for example, in celebration of their fiftieth Anniversary recommended fifty persons to be pardoned to their President.

Mr. Speaker, I believe this is something that Government and Opposition could work together on to look at updating our arrangements for the Governor-General to exercise his priority of mercy and perhaps look at bringing a similar committee into being, whether this is feasible in our system and whether it is desirable. I certainly would be happy to work with the Opposition on this matter.

Mr. Speaker, this first step - in a sense today this first legislative step in the whole process of dealing with modernizing our approach to the issue of marijuana or ganja - whatever you prefer. The expungement of the records is the first step. The second step is to really make possession of small quantities of ganja a non-arrestable offence…. (Applause)

Mr. CHUCK: Hear, hear!

Mr. BUNTING: ...and to make provisions, for example, for religious use. This Bill that will deal with that second step has already been drafted. (Applause)

Mr. PARCHMENT: What! Working, working.

Mr. BUNTING: It will go to Legislative Committee for some final tweaking and expect the Minister of Justice to be in a position to table that Bill not too long from now.

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. BUNTING: And then, Mr. Speaker, the third in a sense from a commercial perspective, perhaps the most important is that this afternoon, perhaps as I speak right now, the Minister of Justice is holding a press conference treating with the medical and industrial use of marijuana.

(Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

A Government MEMBER: Hear, hear!

Mr. BUNTING: Cabinet has already approved a regulatory framework to govern

these activities and has issued drafting instructions on the way forward and the Minister of Justice is elaborating on these measures as we are here, Mr. Speaker, he's holding a press conference at the Ministry of Justice. So what you see is a very deliberate process albeit we would like it to be overnight, but we have to proceed carefully because there are important issues in terms of regulation and protection.

And I would just finally say so that there is not any confusion at this time, the whole issue of trafficking, dealing, export of ganja for non-medicinal or other purposes, that is not on the table at this time. I just want to make it very clear that the police will still be vigorously enforcing the law and our obligations under various international treaties.

However Mr. Speaker, apart from that one area, I would say that today as we close the debate on the Bill dealing with the Criminal Records (Rehabilitation of Offenders) Act, this is in a sense the end of the beginning and we will be moving quickly to the second and third phases. And I believe at the end of those three phases, we will have a much more socially enlightened framework. We will have one where we can exploit for medical, for other commercial purposes. Perhaps a certain cache that Jamaican marijuana may enjoy in the international market. And I note, I note that there are many persons who are putting themselves in position....

Mrs. NEITA-HEADLEY: Yes, yes!

Mr. BUNTING: ...to move quickly to capitalize on this.

(*Sotto voce* comments)

Mr. BUNTING: And I want to acknowledge the tremendous amount of work in public education that the various lobbies have been doing in expanding the knowledge of the general public on this issue.

So Mr. Speaker, with those comments, let me close the debate on the Bill and ask that the Bill be read a second time. (Applause)

The SPEAKER: The question is that the Bill be read a second time?

Put to the House and agreed to.

Bill entitled:

"AN ACT to amend the Criminal Records (Rehabilitation of Offenders) Act",

read a second time.

The SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

The CHAIRMAN: Any amendments?

Mr. BUNTING: Mr. Chairman, we are not proposing any amendments.

The CHAIRMAN: Okay, we'll proceed then.

Clauses 1 through to 17 put to the Committee and agreed to.

The Title and Enacting Clause put to the Committee and agreed to.

The question is that I do report the Bill as having passed Committee Stage with no amendments.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage without amendment.

Mr. BUNTING: Mr. Speaker, I now ask that the Bill be read a third time.

The SPEAKER: The question is that the Bill be read a third time?

Bill entitled:

"AN ACT to amend the Criminal Records (Rehabilitation of Offenders) Act",

read a third time and passed.

(Applause by both sides)

Mr. McKENZIE: So who a go light the chalice now?

Mr. PAULWELL: Mr. Speaker, I will now commence debate on Item 12 on the Order Paper and to alert the Parliament that in keeping with the spirit of reforms that we have had over many decades of a united approach, bi-partisan approach, we acknowledge that the Leader of the Opposition won't be here and so we will not conclude debate until he's back to get his full support as is the custom.

The Bill before this Honourable House Mr. Speaker has had a long history and is the product of the recommendations made by the Electoral Commission of Jamaica - we refer to it as the Commission - in its Report to Parliament on Political Party Registration and Financing, July 2010. It was tabled in this House on the 12th of October and approved on the 2nd of November.

The Bill, an amendment of the Representation of the People Act, we call it ROPA, seeks to achieve a number of things. Some concepts are completely new and seek to make new ground on party registration and financing, while other provisions set out a strengthening of provisions that presently exist under the Act.

Just to give you a background, Mr. Speaker. At present, there is no requirement for political parties in Jamaica to be registered or for their financial arrangements in their capacity as political parties to be regulated.

Given the vital and important role that political parties play in the life of our country, the ECJ has the profound view that the situation occasioned by this oversight is no longer tenable. The ECJ urged further that consideration be given to statutorily provide for the mandatory registration of political parties and that political parties be given State funding to facilitate this institutional strengthening of the parties. An institutional strong and adequately financed political party will serve as a critical component of a robust democracy.

In November 2002, Mr. Speaker, following consultation and discussion with the leadership of the political parties recognized by the predecessor to the ECJ, which was the Electoral Advisory Committee, and the civic organization, Citizen Action for Free and Fair Elections (CAFFE), the EAC established a six-item Agenda to guide its actions in the continuing development of the electoral system in Jamaica. Political party and campaign financing was one of the six items on the agenda, so we had that consultation in 2003.

Pursuant to that commitment in July 2006, the EAC held another, this time a two-day

Conference on Political Parties and Campaign Financing. The organization invited to send representatives to this Conference included the Jamaica Labour Party, the People's National Party, the National Democratic Party, Citizens Action for Free and Fair Elections (CAFFE), the Friedrich Ebert Stiftung Foundation (FES), the International Federation of Electoral System, Elections Canada and the Carter Center. Each of these organizations was asked to present a paper setting out its views and positions on political party and campaign financing.

The Conference concluded with Principles of Agreement being determined and was submitted to the political parties that participated in the Conference for confirmation and subsequently accepted by the EAC.

On receipt of these confirmations, the Principles of Agreement were subsequently adopted by the EAC. Under the Principles of Agreement as the base, the ECJ drafted a Report to Parliament on the subject of political party registration and campaign financing.

Consistent with its practice of consultation and consensus as the cornerstone of compliance, the ECJ was in the final stages of seeking agreement on the matter of limits to campaign financing and disclosure of contributions when the 2007 General Elections were announced and Parliament was dissolved. So in January 2008, the ECJ after conducting broad-based consultation again, they developed another six-item Agenda for the continued development and enhancement of the electoral system in Jamaica. Registration, political party and campaign financing became the first item on that agenda. Pursuant to this commitment and taking account of sticking points in the previous dialogue, the ECJ amongst other things did the following:

First they Commission a poll to canvass public opinion. Then they held Town Hall Meetings in Port Antonio, Mandeville, Montego Bay and Kingston at which opinion leaders could posit their views and at which these views could be fully discussed, then they had consultations with the parties, political parties through the nominated members of the ECJ.

These activities culminated in the tabling of the Report I mentioned earlier in October 2010, and which was approved by this House November 2010.

The ECJ Report has proposed the amendment of the Representation of the People Act to include provision for the registration and financing of political parties. In its Report, the ECJ recommended that all political parties that intend to contest the polls in parliamentary elections, Parish council Elections, KSAC Elections, Municipal Elections and Referenda be registered with the ECJ. Specifically, the recommendations dealt with matters such as:

- the requirement for registration and the procedure for registration.
- the refusal of applications for registration
- the procedure for application for State funding
- qualification for State funding

- obligations of registered political parties that qualify for State funding
- financing of political parties
- use of State funds by the political parties
- financial reporting requirements for political parties
- required disclosure by political parties and their contributors, and finally,
- the establishment of a political party Finance Disclosure Committee.

Consequent of the accessing of State funding is the need for political parties to comply with the established guidelines as set out in the Financial Administration and Audit Act and the Public Bodies Act of Transparency, Accountability and Sound Management.

Mr. Speaker, registered political parties shall maintain financial records prepared in accordance with generally accepted accounting principles. The financial records of a registered political party shall be audited by an independent auditor, approved by the Commission. Every registered political party will be required to firstly nominate an officer to be designated as the accountable officer, who shall be fully responsible for all the party's financial matters. It would also have to file an Annual Financial Report with the Electoral Commission and it will have to notify the Commission of all banks in which the party's accounts are held and the nature of the account.

(DR. KENNETH O'NEIL BAUGH, (JLP), St. Catherine West Central, entered and took his seat.)

In relation to state funding, a registered political party may apply to the Commission for state funding, by application made in writing, provided it satisfies the eligibility criteria.

Mr. Speaker, a political party may apply to the ECJ for state funding if, amongst other criteria, it satisfies the requirement for appointment of scrutineers under Section 12 of the ROPA, and if it has its annual financial statement independently audited by a registered public accountant.

It is proposed Mr. Speaker, that state funding for a political party should not exceed 40% of the total income of the political party in any single year, and that the amount approved by Parliament shall be divided equally among the parties qualified to receive state funding. There'll be complete transparency in the allocation of funding to political parties and it would be part of the Government's annual budget process, and as such, will be a matter of public record.

Mr. Speaker, the ECJ will be empowered to suspend the disbursement of state funding to a political party under the condition set out in section 52 AJ of the Bill. The eligibility to receive state funding is not a guarantee for a political party as strict conditions have to be met, and in the absence of those conditions, the ECJ is being empowered to suspend such disbursements. Every registered political party that receives state funding is held to a high level standard of accountability. Annual returns must be submitted to the Commission for its perusal. An annual financial report prescribed at the party's annual general

meeting must also be submitted to the Commission.

Additionally, a political party must also treat all the monies donated and/or contributed as trust funds. Statutory bodies within the Government shall be forbidden to make contributions of cash or kind to any political party. Public announcements may be made of any failure by a political party to file returns by the established deadlines. Full disclosure should be made to a committee of the ECJ that is comprised of the selected members, the commission to be called the Political Party Finance Disclosure Committee. The expenditure of political parties shall be summarized and published in the national *Daily Newspapers* and on the Commission's website.

Mr. Speaker, the state funds allocated to a political party must be applied for - must be audited by an independent auditor. The state funds allocated to a political party must be applied for specified purposes, namely the financing of the following in respect of the party's headquarters:

- Light bills
- Water bills
- Telephone bills
- Stationery and materials
- Salaries of administrators; and in respect of constituency operations, the administration and organization.

(Inaudible comment by Mr. McKenzie)

Mr. PAULWELL: Under the Bill, a new committee, the Political Party Finance Disclosure Committee is formed, and the Committee shall have the power to investigate the veracity of all applications received for state funding as well as returns filed with the ECJ. The Committee shall have the power to summon before it the officials of any registered political party. This Committee shall be supported by a staff of forensic auditors for the purpose of carrying out any required investigation.

Mr. Speaker, I will now move to a clause by clause examination of the Bill. Clause 1 deals with the Short Title and construction of the Bill, Representation of the People Amendment Act 2014.

Clause 2 introduces new definitions in the existing Act and also strengthens some of the existing definitions. Some of the notable new definitions are the following:

1. Contributions or donations
2. Independent candidate
3. Political party; and
4. State funding.

These are all with new definitions.

Clause 3 of the Bill introduces a new Part V(b) to the Act. This Part now introduces several new proposed sections to the existing Act.

New section 52C - section 52C now makes it mandatory for any candidate desirous to contest an election that that candidate must be from a registered political party or be an independent candidate. This proposed new section therefore introduces the concept of compulsory registration of political parties in order for the parties to contest elections.

New Section 52D - the proposed new Section 52D of the Bill deals with the

application procedure for the registration of a political party. The application for registration should be made to the Commission, which is the ECJ. The section speaks to the documents that should accompany the application forms such as the copy of the constitution of the political party and the registration fee.

There's a new Section 52E. The proposed new Section 52E prohibits the registration of political parties during certain periods. These periods are:

a) From the date of dissolution of Parliament for the holding of general elections until the date of the next sitting of Parliament;
b) From the date of the issue of a writ of election for or by election, to the date of the election of the Member of Parliament or Councillor as the case may be;
c) From the date of proclamation for the holding of Parish Council election to the election date itself; and
d) From the date of the announcement of the holding of a verification until the verification itself.

There's a new Section 52G, Mr. Speaker, this proposed new section allows for the lodging of an objection to the registration of political parties - people can object. These objections are outlined in this section and also the procedure and the grounds for objections laid out.

There's a new Section 52H, which deals with how the Commission should treat objections made to registration. Where the Commission is of the view that the objection is permissible, the Commission shall allow or give notice of the objections to the applicant party, then allow the applicant 14 days to respond to the objection.

The new Section 52I deals with grounds for refusal of registration. There are several grounds under which the Commission may refuse to register a political party, including filing inaccurate information and the filing of defective application. Also, if the applicant/political party has a name which is similar to an already registered political party, the Commission may refuse registration.

The new Section 52K gives the Commission the power of investigation to ascertain the truthfulness and accuracy of particular submitted with an application.

There's also, Mr. Speaker, a new Section 52M that gives the Commission the power if it's satisfied that the applicant/political party meets all the requirements of the Act, to so register the party.

Then in 52O to M - 52M - these deal with deregistration of political parties. Deregistration can be done voluntarily or by the Commission. The Commission may deregister a political party where the party fails to comply with the provisions of the Act or refuses to submit annual financial reports or financial records as required under the Act. The Commission may also deregister a political party where the party has failed to nominate a candidate for three consecutive elections after just first registered. The Commission is prohibited from deregistering a

political party during the period starting from the date of announcement of an election to the date of the election.

The new Section 52X introduces a new division of the Electoral Commission of Jamaica to be known as the Office of the Registrar of Political Parties. The functions of this Office will include receiving and processing applications for registration of political parties, to verify particulars submitted and to keep and maintain an up-to-date register.

The proposed new Section 52Y deals with the establishment of a register of political parties. The register will contain all the pertinent information on every registered political party and is opened for inspection by members of the public.

The new Section 52AD now makes it mandatory for every registered political party to keep and maintain proper accounting records and file an annual financial report with the Commission. There's the added requirement for the political party must keep accounting records for at least six years, from the end of the financial year in which they're made. The accounting records must conform with established accounting principles.

A new Section 52AE which requires that registered political parties must on or before April 1, of every year, prepare and submit to the Commission for the preceding financial year:

1. An annual financial report prepared by a registered public accountant; and
2. A statement showing sources of the funds of the political party.

Under this provision, a person who willfully makes or causes to be made any false entry or omission in any financial statement or accounting records commits an offence and shall be liable on conviction for a fine not exceeding $1 Million or to imprisonment for a term not exceeding 12 months or to both fine and imprisonment.

The proposed new Section 52AF states that the Commission may cause the account of a political party to be audited by an independent auditor appointed by the Commission at his own expense.

The proposed new Section 52AG requires that every registered political party that:

1) Meets the requirements of Section 12(1); and
2) Has its annual financial statement independently audited by a registered public accountant within the meaning of Section 2 of the Act, shall be entitled to receive state funding. Also state funding shall not be available in any financial year to a registered political party that has been formed in the previous financial year by five or more Members of Parliament who contested as independent candidates or registered - or candidates of a registered political party at a general election.

So that persons who cross the floor can't, in that period, form by themselves a political party.

The proposed new section 52AH requires that funds allocated to a registered political

party shall be used solely and exclusively for the development of the political party, the offsetting of the operating expenses to the political party, that is to say, its headquarters and constituency offices, the salaries of party administrators, electricity, water, telephone bills, party recruitment and civic education, research and policy development of the political party, education and training of members of the political party and other reasonable logistical and operation expenses to strengthen the political party as a democratic institution.

The new section 52AJ states that where a political party that has received state funding:-

a) Fails to comply in with obligations under this Act; or
b) Submits information to the Commission that contains or is based on a false or misleading representation or information, which is false in a material particular, it ceases to be entitled to receive state funding.

So, Mr. Speaker, those are the main provisions of what ought to be seen as another major step in the reforms that have been led by EAC at one time, now ECJ, a body that both sides will agree, has been a remarkable institutions in our country. It has gained tremendous credence; it has operated professionally, it has enabled us to have a democracy that we have faith and confidence in, and we want to, at this time, salute the members of the EAC - of the ECJ and to understand that both of us in this House - the Government side and the Opposition side - we have equal membership in that ECJ and it is a show of the maturity of our democracy, that we've always accepted, as a custom, the recommendations of the ECJ.

Indeed, Mr. Speaker, you should know that this Bill that I am speaking to, had its genesis, not by this side but by a submission that was approved by the previous Cabinet, and we want to commend them for the foresight... (Applause) ...and the expected consistency in the support that I anticipate would be forthcoming.

Mr. SAMUDA: Those were part of the four missing years.

Mr. PAULWELL: I want to commend other arms of the Government who had worked on this: the Chief Parliamentary Counsel Office, I think they deserve tremendous commendation for the work that they have put into this. It wasn't easy and we went through laboriously, to ensure that we got to this point; the Attorney General's Chambers, Legal Reform, and all the others who have contributed to making this a reality.

So, Mr. Speaker, as I open, and looking forward to closing these Debates as soon as we have received the response of the Members, I believe that it is going to take our democracy one step higher.

A MEMBER: Hear! Hear!

Mr. PAULWELL: It will enable greater accountability, greater transparency in institutions that are critical to the continued development of our democracy as a young country, and I therefore commend these provisions to the Members for their acceptance.

Thank you very much, Mr. Speaker.

(Applause)

Mr. WARMINGTON: Mr. Speaker, when the Report came here and I asked about recommendations for financing political parties, I notice that the Bill now does not include the section about contributions because they lay out some strict stuff of who can contribute, and how many years before and after you can get a contract from government. I maintain then, and I maintain now that the Report coming from the Electoral Commission to finance political parties is over-reaching. That was not part of the mandate of the Electoral Commission.

I am not saying they haven't done good work, but I maintained over the years that they haven't had enough work to do. And I spoke about the salary, and I came here with recommendation to change the salary structure because what I saw was that the Electoral Commission work for an average of four hours per month with a salary of $8 Million and $10 Million a year. All right... The issue is, I maintained then...

Mr. PAULWELL: There is a lot more work to do.

Mr. WARMINGTON: That is why they are seeking work to do now, so it confirms what I said before. It confirms what I said before. They had no work to do for $8 Million and $10 Million, so you are saying now, a lot more work for them to do. So they are finding work to do now for the $8 Million and $10 Million, but in the wrong way.

This thing here says: *The Government has decided to enact legislation for the registration, regulation and funding of political parties.* What the Minister is saying, the Government has decided, and it's based on the recommendation that came from them. I have a problem with 52AH... 52AF... And the issue is that I don't see how we are going to ask the poor taxpayers of this country again, coming to ask them to finance political parties and political campaigns. If a party can't finance itself, it should fold. If a constituency cannot afford the financing, that person who is in charge should leave, but we shouldn't ask the taxpayers to foot these bills.

(*Sotto voce* comments)

Mr. WARMINGTON: We cannot. This is where now when you talk about wicked government then; you say you love the poor. I wanted to ask whether this funding... this function... if financing was going to come from international donors, from loans abroad, or from the taxpayers, but it says here that the financing will be taken from the funding from Parliament, from the - it says: *made available through the Consolidated Fund,* but I believe they meant, made available from the Consolidated Fund.

Mr. BUCHANAN: What kind of argument that - *bout* you say you love the poor?

Mr. WARMINGTON: I don't believe people who did not get the right from the electors of this country should have the right to be spending taxpayers' money like this. Parliament has the right so to spend taxpayers' money because they are elected by taxpayers. The Members of the Commission aren't elected by any taxpayer. So why do they want to spend taxpayers' money the way they want,

and to dole it out how they want to dole out taxpayers' money? It says here that '*political parties shall be entitled, in each financial year, to receive State funding from the sum referred to in this section'.* So each year, they *gwine* finance political parties from the Budget Consolidated Funds. 52AH says:

> "The funds allocated to a registered political party shall be used to develop the political party to offset - offsetting of the operating expenses of political party, that is to say, its headquarters and constituency offices, the salaries of political party administrators, electricity, water, telephone, light bills, party recruitment and civic functions – education, research and policy development of the political party, education and training of the members of the political party, other reasonable logistical operating expenses to strengthen the political party as a democratic institution".

These are functions of the parties. The taxpayer should not be asked to pay for a constituency office, the secretaries... it should not be.

> (DR. THE HON. FENTON RUDYARD FERGUSON, CD, (PNP), St. Thomas, Eastern, Minister of Health, entered and took his seat.)

So I asked the last time when the Report came here that where political parties are to be financed, and where political campaigns are to be financed by taxpayers, there should be an opportunity, or a clause for a member not to participate; that a constituency or member can withdraw from such arrangement. I have no intention of asking the poor people of this country to finance my constituency office or finance my campaign. I will not ask them to do it.

Mr. PARCHMENT: You pay your rent and light bill. (Heckling)

Mr. WARMINGTON: Mr. Speaker... what money? I will not ask the taxpayers. These guys don't understand. Look how many taxpayers out there today - poor people - are on PATH programme. Many want to get on PATH programme and the Government does not have the money to finance that. There are many out there.

> (DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, entered and took his seat.)

Mr. L. BUCHANAN: What you do with your constituency upkeep money?

(*Sotto voce* comments)

Mr. WARMINGTON: Oh shut up and listen, you nincompoop. Mr. Speaker, I am asking your protection to give me a chance to speak. I am asking for a chance to speak. They will have a chance to speak after this.

(The Speaker gavels)

They have a chance to speak if they so want to speak.

Mr. McKENZIE: Allow the Member to speak, man.

Mr. PICKERSGILL: Dishonest.

Mr. WARMINGTON: But I am saying that there are many poor persons today who

live nowhere. They need an indigent house and the Government does not provide shelter for the poor. If it was not for Food-for-the-Poor, a lot of poor people in Jamaica today would not have houses - have nowhere to live.

(Heckling)

Dr. WHEATLEY: Exploit poor people.

Mr. WARMINGTON: And yes, we are unable to provide the basic needs for the poor of this country, but yet we want to give money to Electoral Commission to finance political campaigns and political parties, yet we can't provide the houses for poor people. We can't provide education for the poor people; we can't provide adequate schools for poor people; we can't provide adequate roads for poor people; we can't provide adequate water supply for poor people, yet we want to take poor people money, and give it to the Electoral Commission to finance political parties.

(*Sotto voce* comments)

Mr. WARMINGTON: Mr. Speaker, there is no way that I could, with any justification, support this. I cannot justifiably ask the poor people of South West St. Catherine to finance my political campaign. If you cannot finance your own campaign, don't run election, and you get the prestige and privileges.

(Heckling)

Mr. L. BUCHANAN: Poor man mustn't come a Parliament; only rich people must come here.

(The Speaker gavels)

Mr. WARMINGTON: I tell you, you know, sometimes it is embarrassing to see what comes to the House.

(Heckling/The Speaker gavels)

Go find your own money. Let me tell you something, it is demeaning and insulting.

The SPEAKER: (Gavels) Members... Each Member has the opportunity to speak if they do so desire, but one at a time.

Mr. Warmington.

Mr. WARMINGTON: Mr. Speaker, what I am saying, I cannot ask poor people to finance my campaign. It has never happened. If this is to be passed... as I asked before...

(*Sotto voce* comment)

Mr. WARMINGTON: But I left nobody crying. There is nobody who can call me... (Inaudible) ...that I stole any from them. That's why you should have people who can afford it come here who don't have to thief poor people money. That's why you should have people come here who can afford it.

(Cross talk)

(*Sotto voce* comment by Mr. L. Buchanan)

Mr. WARMINGTON: I am saying - but hear this little fool!

(The Speaker gavels)

Mr. Speaker, what I am saying here, if this is to be passed, I am asking for a clause - I am asking for an amendment whereby a Member who does not wish to participate in public financing can so withdraw from it. I'll ask for that. But what I am saying here, seeing that everybody - all right, I am not supporting those two clauses that ask for poor people financing to finance political parties and... (Inaudible) What I will do, Mr. Speaker, since everybody have big mouth and talking, I will call for divide. When the time comes to vote, I will call for divide on these clauses. These

clauses - I am going to call for divide. Let Jamaica see those who want to take their hard-earned money to go run campaign. And I will go further than that...

Mr. PAULWELL: Just a point of order; just a point of order.

(*Sotto voce* comments)

Mr. PAULWELL: Mr. Speaker, I think we need to be clear on what we are speaking about. There is in fact, legislation that will come to deal with campaign finance reform. This really has nothing to do with campaign. It has to deal with funding of political parties for some specific purposes and reasons - has nothing to do with campaign. So let us be clear about that.

Mr. WARMINGTON: The same way taxpayers' money go *inna* party coffer *fi* go *tek* care of *dem* expenses, it is same thing; is same poor people money. What I will do, Mr. Speaker, since we have *dem* loud, *yuh nuh*, loud mouth, and what have you, making noise, I will ask for a divide - I will ask for divide on these clauses, then Jamaica will see those in the House who so wish to use their money to finance their campaign, or to finance their party - to finance their parties.

(*Sotto voce* comment by the Speaker)

Mr. WARMINGTON: They will see those who wish to use their public money to finance political activities. And I am prepared...

Mr. PARCHMENT: You a *dis* poor people.

Mr. L. BUCHANAN: That is what Andrew tell his representatives to come vote for.

Mr. WARMINGTON: It is not my fault why you poor you know, so don't tell me say I *dis* poor people; it is not my fault why *yuh* poor. It is not my fault why you are poor.

(Heckling)

It is not my fault why you poor; it's not my fault. So Mr. Speaker, as I said before, it is wrong. I say it is wrong, and we should not go down this path... (Heckling)

Mr. McKENZIE: Whole *a wi* in *ya* poor.

Mr. WARMINGTON: ...of using taxpayers' money to finance political activities. I will ask for divide when the time comes, and go further than that. I am prepared also to run public advertisements come election time, and remind Jamaica of all of those who voted to support *dem* public money going to finance their campaign.

Thank you, Mr. Speaker.

(*Sotto voce* comments)

The SPEAKER: Dr. Duncan.

Mr. L. BUCHANAN: You remember when you were on your knees begging not to go to prison.

Mr. WARMINGTON: What!

Mr. L. BUCHANAN: You were on your knees begging not to go to prison.

Mr. WARMINGTON: Begging who?

(The Speaker gavels)

Mr. WARMINGTON: Mr. Speaker, I want him withdraw that statement about me on my knees begging not to go to prison, for what. I want him to withdraw that statement this minute. Out of order and feisty! *Mi look like a tief. Mi look like a tief.* Nobody can put handcuff on these hands for *tief* young boy, nobody can do that. I don't rape, I don't *tief*,

nothing like that. You and I are not in the same camp.

(The Speaker gavels)

The SPEAKER: What you want me to do, which Member?

(*Sotto voce* remarks by Mr. Warmington)

(Cross talk)

The SPEAKER: Mr. Warmington, do you want me to deal with the matter?

Mr. WARMINGTON: That one from East Westmoreland.

The SPEAKER: Mr. Buchanan, did you make such a statement?

Mr. L. BUCHANAN: What statement?

(Heckling)

(The Speaker gavels)

Dr. CAMPBELL: Yuh drunk!

(*Sotto voce* remarks by Mrs. Neita-Headley)

Mr. WARMINGTON: Natalie, you don't say you didn't hear, why don't you clean out your ears.

The SPEAKER: Mr. Warmington, what was the statement made by Mr. Buchanan?

Mr. WARMINGTON: That I was on my knees begging not to go to prison.

Mr. PICKERSGILL: Nobody said that.

Mr. WARMINGTON: You are a senior citizen, you need to follow example.

The SPEAKER: (Gavels) Okay, Members. Let us continue with the debate.

(*Sotto voce* remarks by Government Member)

Mr. WARMINGTON: You went there for child abuse.

Mr. McKENZIE: Child abuse, who is that?

Mr. WARMINGTON: Carnal abuse, the two of them.

Dr. DUNCAN: Thank you very much, Mr. Speaker.

It was not unexpected that there would be a critical examination of this Bill that is before the Parliament, and I think all of us who speak in this debate on this matter should start from recognizing that when new ground is being broken there will be many varying points of views.

This particular Bill Mr. Speaker comes at a time when Jamaica will celebrate its 70th Anniversary of Universal Adult Suffrage. It also comes at a time of the 35th Anniversary of the setting up of an Independent Management System, a system for the independent management of Jamaica's Electoral System. Neither the 70 years nor the 35 years is a very long time in the sweep of history. As a matter of fact, when we recall, as the House Leader explained, that this particular Bill has been in its working gestation from as far back as 2003, but in its conceptual stage it dates much further back, it's been in the 70s and probably before that questions of how we finance our political process have arisen. There have been several concerns, many, many concerns by some people that the role of money, the capital in the political process can sometimes result in negative outcomes. I am sorry the Member for South West St. Catherine who...

Mr. WARMINGTON: I have not left. I am right here.

Dr. DUNCAN: ...he is not in his seat. So I can remind him that most of the reform, if not all of the reforms to our political process have

been carefully crafted and discussed and debated, some areas disagreed upon but anticipating an outcome, the results of which are to the benefit of all the Jamaican people, especially those who from time to time cannot afford to be leaders in the political process because of financial restraints, *et cetera*.

Once again Jamaica is leading the way through this Bill in the deepening of our democracy using our own experience buttressed by best practices elsewhere. And I want to repeat for emphasis that it is the using of our own experiences which is the dominant factor, but in situations like these it is critical and fundamental that you search for best practices.

What we should be concentrating on in the first instance, Mr. Speaker, are the principles that are at the basis of the proposals that are being proposed through the Bill. One of the famous - a famous philosopher once said that the price of freedom - is it the price of freedom or the price of liberty, is eternal vigilance. The price of liberty and the price of freedom is eternal vigilance. And we can say proudly in Jamaica that over the years, whether it is out of self-interest or not, the Jamaican people and our leaders, in relation to our electoral process, have been very vigilant in one form or another, and that is commendable. (Applause)

The House Leader has pointed out some of the history behind this Bill. But I think I would like to, Mr. Speaker, with your permission to just go through, not all of it but some of it in response to my colleague from South West St. Catherine and others who may feel a sense of fear of changes that may take place in our daily lives and in our political lives.

Mr. WARMINGTON: I don't fear.

Dr. DUNCAN: First of all, Mr. Speaker, it has been suggested that what is in front of us is not the mandate of the ECJ; the ECJ does not function on its own behalf, for those of us who can recall and who are aware of how the EAC/ECJ has evolved. So it might be useful to remind the Member and the general public that the ECJ was given this mandate specifically by Parliament when the interim Act was passed in this Parliament.

Mr. WARMINGTON: To spend poor people money.

Dr. DUNCAN: The ECJ.

Mr. WARMINGTON: So why you bring it here now.

(*Sotto voce* remarks by Mrs. Neita-Headley

Dr. DUNCAN: Just a second. Let me deal quietly and in a reasonable manner with my friend.

(*Sotto voce* remarks by Mr. Silvera)

Dr. DUNCAN: Don't take him on yet, Jolyan, let me take him on quietly, one by one and decent because he is my friend.

As I said, the ECJ was specifically mandated by this Parliament to take on this task on behalf of the sovereign Parliament.

Mr. WARMINGTON: To change one word.

Dr. DUNCAN: The interim Act specified that the objects of the Commission "*shall be to safeguard the democratic foundations of Jamaica by enabling electors to elect through*

free and fair elections their representatives to govern Jamaica". The Act specified that the Commission would have 15 functions A to O. Function G says to approve political party eligible to receive state funding with respect to any or all aspects of the political process; H - at H, to administer electoral funding and financial disclosure requirements. So I want to be very clear both for the mighty Press and my colleague and the Parliament, Mr. Speaker, that these - the Member stated very clearly in his opening, 15 words that this is not a part of the ECJ's mandate. I hope we have cleared that up, Mr. Speaker.

Secondly, so it is carrying out as well as the other 13 functions which you don't need to go to now, it is in the interim Act that these are the two that we are discussing today having carried it out. Further, it has not only recently been carrying out this function, but as far back as July 2010, tabled in this House, as the House Leader said, in August the Report to Parliament as to how they would suggest to Parliament that this Act be carried out.

Mr. PARCHMENT: Him never opposed it then.

Mr. WARMINGTON: Shut your mouth, you weren't here.

Mr. PARCHMENT: You never opposed it then when you were over this side.

Mr. WARMINGTON: You weren't here, you just come.

Dr. DUNCAN: The Act, Mr. Speaker, I know you will recall, calls for a particular composition of the Electoral Commission, ECJ, which has been mandated by the Parliament to bring this Bill to you and to Parliament, and it sets out the composition of the Commission.

(*Sotto voce* remarks by Mr. Warmington)

Dr. DUNCAN: It says the four nominating members and the Director of Elections as well as two Members from each of the existing major political parties; I mean two from PNP, two from JLP.

In the course of preparing this Report of July, which was tabled in 2010 in this Parliament, which later became the basis for the preparation of a Cabinet submission during those years…

A Government MEMBER: Yes.

Dr. DUNCAN: …the four years.

Mr. WARMINGTON: It doesn't matter, you never supported those stuff.

Dr. DUNCAN: And including, Mr. Speaker, as the House Leader mentioned, discussions since 2003 with both political parties as to the way to proceed. The assumption of the Act which establishes the ECJ, is that these four persons, two from the People's National Party, two from the Jamaica Labour Party, nominated by the Leader of the Opposition and the Prime Minister, whoever is in office at the time, assumes that there is dialogue between the two representatives and their parties. It assumes there is continuous dialogue, because we meet, we have two full meetings of the Commission per month and meetings every week of six separate committees, subcommittees of the ECJ which takes up at least a minimum of ten days, four hours per meeting day.

Mr. WARMINGTON: You agreeing with me now that it's four hours.

Dr. DUNCAN: No, no. Where is your maths?

Mr. ROBINSON: He don't understand maths.

(Heckling)

Dr. DUNCAN: If you meet at the four meetings, Mr. Speaker, from 8:00 a.m. sometimes until 2:00 p.m. every Wednesday, plus six separate subcommittees which meet on alternate Wednesdays and sometimes two on a particular day. It is expected that the representatives at those meetings roughly calculated about 30 to 40 hours per month, at least. Meeting hours, because there are hours where we, where the Commission prepare for meetings. They just don't go in to listen. The Commissioners prepare for meetings. But the point I am not making today, I am not discussing the motion which the Member has put in relation to how busy we are, I am trying to speak to the particular issue of the Bill and the foundation for it, in relation to what the Parliament required of us, and so, therefore, the two representatives from each of the major political parties, it is assumed, and discussions take place in that way, that we on an ongoing basis have dialogue with our respective parties, and I can assure you, we do that in the People's National Party, and I am of the firm impression that the two Members on the JLP side, when we meet, also do the same, because they report from their parties to…

(Inaudible comment by Mr. Bunting)

Dr. DUNCAN: And so, Mr. Speaker, out of that came this Report, because we are all required at the end of the day, when we report to Parliament to sign the Report to Parliament, and this Report on Political Party Registration and Financing was signed…

Mr. PARCHMENT: A who did sign it? A who did sign it?

Mr. WARMINGTON: We don't care who sign it, I don't - (Inaudible comment) - I sit here as Member of Parliament for St. Catherine.

Dr. DUNCAN: …by Mr. Peter Bunting and Mr. Donald Buchanan as nominated Commissions on the P.N.P. side, and the Honourable Minister Karl Samuda and Senator Thomas Tavares-Finson, at the moment, on the J.L.P. side…

Mr. WARMINGTON: There should not have been any J.L.P. or P.N.P.

Dr. DUNCAN: …as well as the selected Commissioners.

(Heckling)

So, Mr. Speaker, I hope that puts to rest the second observation about seeking work to do. This is work that the Commissioner is mandated as a creature of Parliament to do and to report in a particular way in consultation with both political parties as well as civil society and all other stakeholders in this our democracy.

So as the House Leader said, the particular active part of this process developed by 2003. By 2006 both political parties as well as other stakeholders met and worked out an agenda for how to proceed on the question of the financing of the political process to protect the majority of Jamaicans from the abuse of that process and to allow them to have access to that process, and those are the two points that

I really want to finish on, Mr. Speaker. Access prevent them from abuse of that process, and having access to that process.

So therefore in this question of the financing of the political process, the decision was taken in consultation with various civil society groups and the two political parties, that there should be a two-stage process to the financing of the political process, and so it's divided and they agreed that the first stage would be to deal with what was reported on in 2010.

Mr. BUNTING: And which was not contentious.

Dr. DUNCAN: And there is no conflict or controversy over this at that time. So, that's years ago. Four years ago. While after this was completed the discussions around campaign financing then proceeded and was tabled in this Parliament, and adopted, reported to this Parliament two years ago, and there has been robust discussions on that matter and those discussions and the critique of those, of what was presented was now incorporated in a revised report which came here again after that and which is now in the process of going to CPC, *et cetera*.

So, Mr. Speaker, there has been a lot of opportunities…

Mr. BUNTING: Exhaustive.

Dr. DUNCAN: …for discussions around this matter, however, as the convention which has developed over the last 35 years of the existence of this approach to having an independent management of our electoral system, as the conventions have developed it has been very clear, and I quote from the draft document being prepared by the Electoral Commission of the short history of the EAC-ECJ. It says, Mr. Speaker:

> "*All matters coming to Parliament on electoral matters including boundaries were referred to the EAC for consideration and recommendation*."

That's during the EAC time which continued. In other words, while Members of the Senate and House retained the right to bring electoral matters before Parliament, the governing Party chose not to use its majority to act on any electoral or boundary matter. Meaning that in this case the convention is followed with both political parties, their representatives, have their dialogue, the elements of participation with their Members then the Report comes to the Parliament, and Parliament being sovereign the Member from southwest and others may speak despite the convention, but the convention has been, that having gone through all that work on behalf of the Parliament when it comes to Parliament most of the dialogue that has to be taken place has already taken place.

Mr. Speaker, despite the twist that can be put on the question of the financing of political parties, especially in the economic climate that now faces us, can reflect a dangerous kind of populism and I would really ask that we start out from the basic principles, then move towards the details of the Bill, which the House Leader has gone through, but at all times in considering the various sections remember what it is that we are trying to achieve and then whatever amendments are to come, they come against the background of

the need for the deepening of our democracy, the need for participation which has been done, the need for transparency, and the need for accountability.

Now the principle as I understand it Mr. Speaker is a relatively simple one but as I said, it can be derailed under certain circumstances. The principle behind the registration of political parties I think is clear and noncontroversial. If we agree what the Report from 2010 said, and the discussions that our political parties are critical institutions in this country, it's out of the competition between the political parties that we are here in this Parliament; it's not the Parliament that created the political parties, the political parties created the Members of Parliament. We sit here on behalf of our political parties having gone to the people, through those institutions, and when I say, therefore, that it's based on our experience in the main that these proposals have come, is because that is the way that we have evolved. Jamaica is a - under the Constitution we are a multiparty democracy but in practice it has been made a two-party situation. To preserve that aspect of the Constitution and the freedom and liberty of Jamaican people, certain aspects of this Bill speak to how other political parties, other persons can form political parties, and how those parties themselves can become State financed. For the existing political parties, it's not a matter of taking away anything from the poor, it's a question of ensuring that the poor continue to have a voice.

Mr. WARMINGTON: But they don't have a voice now. (Applause)

Dr. DUNCAN: The two Bills continue to have it.

Mr. BUCHANAN: Hear! Hear!

Dr. DUNCAN: We are in danger as many political parties across the globe, we are in danger of being influenced other than the things that we have corrected so far, boundaries, voters list, *et cetera*, we are now at another stage where the deepening of democracy…

(Cross talk)

…require that the people continue to have a relevant and real voice.

(Cross talk)

Mr. WARMINGTON: They do.

Dr. DUNCAN: In our circumstances as we have evolved…

Mr. WARMINGTON: Leave them alone.

Dr. DUNCAN: …big capital and big money can influence the way we operate in our parties and at election time and the possibility and the potential is there for influencing policies and outcomes.

(Cross talk)

The two political parties, therefore, and others that may come, therefore have to be sustained or be sustainable. If, however, you are going to say as the Parliament has agreed, in terms of campaign financing that you have to have like disclosure, you have to have limits, *et cetera*, which is the same thing being proposed here in this part of the Bill, then you are knocking out aspects of financing, big money, big corporate financing which you want to in any case tame, that you run the risk of having set limits on contributions that your political parties can be less than viable. And in

the same way, therefore, the less money that you can achieve, you can be engaged with, allows for all kinds of other moneys to influence your system, and that's why you will have the cross fertilization of some of the things in this Bill, with the Campaign Finance Bill in relation to money that is being laundered, dirty money, whatever other kind of things, so as to keep the system under control as much as is possible, but in so doing you run the risk of degrading the capacity of the political parties to sustain themselves in such a way as to protect the people who are elected on their behalf to come to the Parliament.

Mr. WARMINGTON: Leave poor people money alone.

Dr. DUNCAN: So, therefore, it is to the Parliament which has asked the ECJ, on their behalf, to propose a system.

Mr. WARMINGTON: When? They didn't ask that!

Dr. DUNCAN: It is in the Interim Act.

Mr. WARMINGTON: They didn't ask that!

Dr. DUNCAN: It is in the Interim Act. You are having a short memory, because I just said it. I said it three times in the last fifteen/twenty minutes.

(*Sotto voce* comments)

Dr. DUNCAN: So, Mr. Speaker, it is a question of attempting the kind of political and social engineering to allow for the tried and tested political system that we have to improve on itself, and to ensure that those rights that were gained seventy-five years ago through Universal Adult Suffrage, which allowed anybody, regardless of their financial status, to be allowed to be elected to this Parliament.

And rather than being a block, it is an incentive to continue to allow that all persons of all classes, colour, creed, *et cetera*, can continue to have access, to be able through the - apart from - we have gotten rid of the aspects of the integrity of the system, in terms of over-voting, *et cetera, et cetera*, we now have to encourage the fact that if only some people can finance the political parties and candidates, others will be left out.

A MEMBER: Yes, true!

Dr. DUNCAN: So, it is critical that we keep that door open for everybody to be allowed to come through that door. And, therefore, the principle of the political parties, in order to establish the financial constraints in relation to where you raise your funds from, you get a situation where you can't do it unless you register the political party as an entity. Mr. Attorney General, would that be correct? They have to be registered. So I say, therefore, the registration we assume, is uncontroversial.

However, since we are going to put the cap on all kinds of ways of raising finance, the political parties, having agreed to the rules and regulations for the registering of political parties can then, if they wish, apply for State funding - if they wish. And that State funding is capped in relation to the expenditure of the political parties, bearing in mind their audited returns to the particular institution that's going to examine and receive those audits.

So all efforts are being put in place. And I

am pretty sure that even at this stage - and not even at this stage, but down the line whatever Bill is passed in this Parliament can be refined to ensure that the philosophical underpinnings, the principles under which this is grounded can be refined to achieve the outcomes that we want, that every single Jamaican citizen will have the right, regardless of his financial position...

A MEMBER: That's right!

Dr. DUNCAN: ...to be able to participate in and lead this political process.

A MEMBER: Hear! Hear!

The SPEAKER: (Gavels - 4:35 p.m.) The Member's time for speaking has expired.

Dr. DUNCAN: Five minutes.

Mr. WARMINGTON: Five more minutes to do what!

Dr. DUNCAN: To answer two more things that you said, just five.

Mr. PAULWELL: Mr. Speaker, I move that the Member's time for speaking be extended by five minutes to allow him to complete his presentation.

The SPEAKER: The question is that the Member's time be extended by five minutes to allow him to complete his presentation.

Put to the House and agreed to.

Dr. DUNCAN: Thank you, Mr. Speaker, and both sides of the aisle for the support in the arguments that are being proposed.

I think the House Leader responded to the suggestion that we are asking poor people to finance their election campaign, by explaining that this Bill is separate and apart from the...

(*Sotto voce* comments)

Dr. DUNCAN: Yes. However, it's the same principle that is being applied.

Mr. Speaker, on another note, I must depart from my colleague when he says that we can't provide for poor people. Providing for poor people is not just a little more bread, a little more butter. (Applause)

Mr. PRYCE: Hear! Hear!

Dr. DUNCAN: Providing for poor people is also providing for raising the level of their consciousness, and lifting and empowering them about their capacity to be leaders, to take their own decisions about whether they want to be poor or not! (Applause)

Mr. McKENZIE: Propaganda! Rhetoric!

(Cross talk)

Dr. DUNCAN: So Mr. Speaker, I am reminded Mr. Speaker that to my friend from North West, that some principles are timeless.

Mr. WARMINGTON: Even when they become dinosaurs!

Dr. DUNCAN: So, Mr. Speaker, that's part of the reason why I made the comment about our evolving democracy.

Those of us who can't react, even criticism about change, and accept the force of principled discussions and arguments, will not last long in a parliament of this kind.

I close by reminding ourselves that the conventions that have been developed, the electoral process over the last thirty-five years, allow for this kind of debate to take place. No elected leader is muzzled in relation to their capacity or ability to speak or having the opportunity to speak.

Mr. BUNTING: Even when they are chatting nonsense, like Warmington.

Mr. McKENZIE: Den a nonsense you did a talk 'bout down a de villa?

Dr. DUNCAN: But we know that we have responsible leaders, Mr. Speaker, on both sides of this Parliament who, having set up a process, would not want to derail it. And I expect that the overwhelming majority of this Parliament will be in full support of the Bill, while looking to improve on its quality.

Thank you very much, Mr. Speaker. (Applause)

Mr. PAULWELL: Mr. Speaker, I move for the suspension of the debate at this time.

The SPEAKER: Is that the wish of the House?

The MEMBERS: Yes.

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker, it is not intended for us to do any further business this afternoon. I therefore move for the adjournment of the Parliament until next Tuesday, October 7th , at 2:00 p.m.

The SPEAKER: The question is that the House do adjourn to Tuesday, October 7th at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: The House stands adjourned.

The Honourable House of Representatives was adjourned at approximately 4:40 p.m. to resume on Tuesday, October 7, 2014, at 2:00 p.m.

TUESDAY, October 7, 2014

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.30 p.m.

PRESENT

THE SPEAKER

HON. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern, Speaker of the House.

MR. LLOYD BARNES SMITH, (PNP), St. James, Central, Deputy Speaker

MEMBERS OF THE CABINET

THE HONOURABLES:

HON. PETER MURCOTT BUNTING, (PNP), Manchester, Central, Minister of National Security

HON. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western, Minister of Industry, Investment and Commerce

REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston, Central, Minister of Education

HON. LISA RENÉ SHANTI HANNA, (PNP), St. Ann, South Eastern, Minister of Youth and Culture

HON. HORACE WASHINGTON DALLEY, (PNP), Clarendon, Northern, Minister without Portfolio in the Ministry of Finance and Planning with responsibility for the Public Service

DR. THE HON. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing with responsibility for Housing

HON. NATALIE GAYE NEITA-HEADLEY, (PNP), St. Catherine, East Central, Minister without Portfolio in the Office of the Prime Minister with responsibility for Sports and Deputy Leader of the House

HON. EVON PATRICK CULLITON ATKINSON, QC, (PNP), Trelawny, Northern Attorney General

MINISTERS OF STATE

HON. IAN DAVE HAYLES, (PNP), Hanover, Western, Minister of State in the Ministry of Agriculture and Fisheries

HON. ARNALDO ALPHONSO BROWN, (PNP), St. Catherine, East Central, Minister of State in the Ministry of Foreign Affairs and Foreign Trade

OTHER MEMBERS

MR. EDMUND CURTIS BARTLETT, CD, (JLP), St. James, East Central

MR. HUGH CARL BUCHANAN, (PNP), St. Elizabeth, South Western,

DR. DAYTON RICARDO CAMPBELL, (PNP), St. Ann, North Western

DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western

MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central

MISS JOYCE DENISE DALEY, (PNP), St. Catherine, Eastern

MRS. MARISA COLLEEN DALRYMPLE-PHILIBERT, (JLP), Trelawny, Southern

DR. WINSTON LLOYD GREEN, (PNP), St. Mary, South Eastern

MR. WILLIAM JAMES CHARLES HUTCHINSON, CD, (JLP), St. Elizabeth, North Western

MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern

MR. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western

MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern

MR. MIKAEL ASHER PHILLIPS, (PNP), Manchester, North Western

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern

MR. AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern

MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western

MR. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western

MR. DWAYNE FRANCOIS ST. MICHAEL VAZ, (PNP), Westmoreland, Central

MR. CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western

DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central

PRAYERS

Prayers were offered by Dr. Dayton Campbell.

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

Before we get down to today's business, let us welcome from the University of Technology, School of Business Administration, 16 students and one lecturer. (Applause)

Honourable Members, it is with deep regret that I inform you of the passing of Dr. William Shija, Secretary General of the Commonwealth Parliamentary Association, who died on October 4, 2014 in London, England. Dr. Shija served as Secretary General of the Commonwealth Parliamentary Association from the 1st of January, 2007 to 4th of October, 2014. He was the first black African Secretary General in the Association's history.

Dr. Shija was educated in Dar es Salaam, Tanzania, his native country, in New Delhi, India and in the United States where he obtained a PhD in Mass Communication from Howard University in Washington D.C.

(DR. THE HON. FENTON RUDYARD FERGUSON, CD, (PNP), St. Thomas, Eastern, Minister of Health, entered and took his seat.)

(HON LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern, Minister of State in the Office of the Prime Minister, entered and took his seat.)

(HON NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western, Minister of Local Government and Community Development, entered and took his seat.)

(MR. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, entered and took his seat.)

He served in the Public Sector of Tanzania, following which he pursued a political career as Member of the National Assembly of Tanzania from 1990 to 2005. During his time he served as a Government Minister holding several portfolios. He also served as member of different parliamentary committees and held the position of Chairman of the Foreign Affairs Committee. He was also a Member of the Pan African Parliament. He authored numerous academic, government and parliamentary policy papers in political economy, education, communications and development issues.

As the CPA's Chief Executive Officer, Dr. Shija was responsible for the interpretation and the implementation of the CPA's policies and the enhancement of its activities, as well as the day-to-day running of the CPA Secretariat.

Dr. Shija is survived by his wife Mrs. Getruda Shija and five children. We will ask the Clerk to send our condolences to the family.

ANNOUNCEMENTS

The Clerk laid on the Table of the House, a copy of the following:

- **Ministry Papers 134 to 135**
  Cabinet Agenda Issues dated September 8 and September 16, respectively
- Office of the Public Defender Special Report on the death of a mentally-ill inmate at the Tower Street Adult Correction Centre - Reasons and Solutions
- **Certified Appropriation Accounts**
  Office of the Contractor General, Office of the Prime Minister 2012/2013; Office of the Cabinet 2011/2012;
  Ministry of Housing, Environment, Water and Local Government 2011/2012; Bellevue Hospital 2010/2011

QUESTIONS AND ANSWERS TO QUESTIONS

Dr. WHEATLEY: Mr. Speaker, at the expiration of twenty-one (21) days I will be asking the Minister of Science, Technology,

Energy and Mining the following questions.

Part 1:

Would the Minister please advise the House of the purpose and status of the Telecommunications Advisory Council (TAC)?

Part 2:

Would the Minister please indicate who the Members of the TAC are?

Part 3:

Would the Minister please advise the House of the remuneration status of the TAC members?

Part 4:

Would the Minister please say when the last meeting of the TAC was held?

Part 5:

Would the Minister please indicate whether or not the TAC has been consulted by the Office of Utilities Regulation (OUR) or himself, on the current VoIP blocking actions taken by the telecommunications providers?

Part 1:

Would the Minister please provide details on the status of the Universal Service Fund (USF) and give details on what drove the move from the UAF to the USF?

Part 2:

Would the Minister please update the House on any issues raised by international carriers and the Federal Communications Commission (FCC) regarding the levy imposed on international call termination rates to Jamaica?

Part 3:

Would the Minister please advise the House as to what the revenue for the USF for financial years 2012/2013 and 2013/2014 was, and state what the projections for the current financial year 2014/2015 are?

Part 4:

Would the Minister please indicate whether or not any independent audit of the USF was carried out during the financial years referenced in Part 3 (i.e. following the Fund's change from the Universal Access Fund to the Universal Service Fund)?

Part 5:

If the answer to Part 4 is in the negative, would the Minister please advise the House as to the reason no audit has been undertaken since the change from UAF to USF?

The SPEAKER: Mr. Smith.

Mr. SMITH: Mr. Speaker, I believe the acting House Leader would like to bring the House up to date as to when those long outstanding questions on the Question Notice Paper will be answered.

The SPEAKER: House Leader.

Mrs. NEITA-HEADLEY: Mr. Speaker, I am aware of a number of questions which are due for answer, a few of which are now ready. However, two of those Members are absent today and I believe there are two questions which the Minister of Culture will be answering at the next sitting.

The SPEAKER: At the?

Mrs. NEITA-HEADLEY: Next sitting - the sitting following because she will be travelling next week.

The SPEAKER: I didn't get that.

Mrs. NEITA-HEADLEY: The sitting following this one.

The SPEAKER: Okay,

Mrs. NEITA-HEADLEY: But the other two Members are unavoidably absent today so we won't be having those answers today.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

The SPEAKER: Yes, Mr. Hylton.

Mr. HYLTON: Mr. Speaker, I now move to introduce and have read a first time a Bill shortly entitled: "The Insolvency Act, 2014".

Bill shortly entitled:

"The Insolvency Act, 2014"

read a first time.

Mr. HYLTON: Mr. Speaker, I beg to give notice of second reading of the Bill and I further beg to give notice that at a later stage today I will move for the suspension of the Standing Orders to enable me to take second reading of the Bill and to take it through all its concluding stages.

The SPEAKER: Mr. Arscott.

Mr. ARSCOTT: Mr. Speaker, I now move to introduce and have read a first time a Bill shortly entitled: "The Constitution (Amendment) Local Government Act, 2014".

Bill shortly entitled:

"The Constitution (Amendment) Local Government Act, 2014",

read a first time.

Mr. ARSCOTT: Mr. Speaker, I beg to give notice of second reading of the Bill.

PUBLIC BUSINESS

Mrs. NEITA-HEADLEY: Mr. Speaker, at Public Business today we will be debating the Insolvency Act to be taken by the Minister of Industry, Investment and Commerce; The Disaster Risk Management Act will be taken by the Minister of Local Government and the Timeshares Vacation Act, 2014. We will be commencing with the Insolvency Act.

The SPEAKER: Minister Hylton.

Mr. HYLTON: Mr. Speaker, I now move for the suspension of the Standing Orders to enable me to take second reading of the Bill entitled: "AN ACT to Repeal the Bankruptcy Act and make new provision for the regulation of insolvency, to make provisions for corporate and individual insolvency, to provide for the rehabilitation of insolvent debtor, to create the office of Supervisor of Insolvency and for connected matters", notice of which I gave earlier and also for me to take it through all its concluding stages.

The SPEAKER: The question is for the suspension of the Standing Orders to allow the Minister to take the Bill as outlined.

Put to the House and agreed to.

The SPEAKER: Yes, Minister.

Mr. HYLTON: Mr. Speaker, modern

insolvency legislation is one of the most important pieces of legislation and it is quite timely given the Government's efforts to implement the Doing Business Reform Agenda. The Insolvency Bill proposes to significantly improve the framework for resolving business insolvency in Jamaica.

The Jamaican law Mr. Speaker in bankruptcy and insolvency is currently contained in two pieces of legislation, the Bankruptcy Act which covers personal and individual insolvency and the Companies Act which contains provisions which deal with the winding-up of insolvent corporate bodies. After much consultation Mr. Speaker, it was agreed that the need for reform was clear.

Mr. Speaker, the Insolvency Bill proposes to repeal the Bankruptcy Act to do the following:

1. To make new provision for regulation of insolvency;
2. To make provisions for corporate and individual insolvency;
3. Provides for the rehabilitation of the insolvent debtor;
4. To create the Office of Supervisor of Insolvency; and
5. For matters connected with or incidental to the foregoing, including the amendment of the Companies Act.

The Bill, Mr. Speaker, essentially consolidates the law relating to bankruptcy, insolvency, receiverships, provision in supervision and winding-up. It seeks to create an environment which supports:

a) the rehabilitation of debtors and the preservation of viable companies having due regard to the protection as a rights of creditors and other stakeholders and, Mr. Speaker, in
b) a fair allocation of the cost of insolvencies with the overriding interest of strengthening and protecting the country's economic and financial system and the availability and flow of credit within the economy.

Mr. Speaker, the existing bankruptcy and insolvency law is deficient, it is old and outdated. Indeed, the legislative framework for business insolvency has remained largely unchanged since the advent of the Bankruptcy Act and the Companies Act of 1965. And if we are serious about growing the Jamaican economy, if we want to create jobs, if we want to encourage new business start-ups and to foster entrepreneurship, then changes will have to be made to the existing laws. The Bankruptcy Act dates from 1880; it covers insolvency as one amongst many other topics. The procedural rules are outdated and conflicts with the rules that govern other court proceedings and have not kept pace with the modern legislative policies and practices that deal with insolvency.

As a result of these Mr. Speaker, the following factors have had to be taken into account:

- the existing insolvency process is time consuming and costly;
- the existing law does not attempt to address the stigma of personal

bankruptcy or corporate insolvency. The damage caused by the stigma, Mr. Speaker, is both personal and national;

- Under the existing law, the interests of creditors are given paramount consideration above all stakeholders;
- the existing law makes little or no provision for rehabilitation or reorganization of the business and affairs of the debtor;
- no provision exists for individual and corporate voluntary arrangements out of court or which are sanctioned by the court which might involve moratoriums or temporary stays allowing the debtor to carefully consider his or her options;
- as well Mr. Speaker, few practitioners including a small number of lawyers and public accountants are involved insolvency practice.

(MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary, Western, entered and took his seat.)

Mr. Speaker, we cannot simply go forward with the current insolvency law if we are serious about our commitment to enterprise and to growth. The reform of the insolvency and bankruptcy laws are of paramount importance not just in terms of streamlining the process, but also in terms of establishing an insolvency framework that increases direct investments and encourages greater risk taking. The law, Mr. Speaker, has to be more predictable and must be designed to remove the stigma associated with business failure.

Additionally, Mr. Speaker, a modern insolvency law is essential for financial stability and efficiency. In essence, this Insolvency Bill modernizes the framework for treating with bankruptcy and business insolvency, and provides options to debtors and companies that need them. The modern environment for addressing insolvency must reflect the fact that business insolvency is a natural part of the business landscape, and must be addressed as a normal circumstance of business operations. It helps good companies to survive, it encourages entrepreneurs to take risks, and it affects the terms on which lenders will lend. And, if necessary Mr. Speaker, it provides an orderly way for businesses to close down businesses or to close down companies.

A modern framework for resolving business insolvency, Mr. Speaker, will help fuel the economy with huge benefits to society in ways not available in a liquidation only system, which is what we have currently. Mr. Speaker, it allows for a greater return for creditors, for protecting assets, for the saving of jobs, for suppliers to keep their customers and for owners to retain a viable company.

(HON RICHARD EDWARD AZAN, (PNP), Clarendon, North Western, Minister of State in the Ministry of Transport, Works and Housing, entered and took his seat.)
(HON SHARON FFOLKES-ABRAHAMS, (PNP), St. James, West Central, Minister

of State in the Ministry of Industry, Investment and Commerce, entered and took her seat.)

(HON COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern, Minister of State in the Ministry of Local Government and Community Development, entered and took his seat.)

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. Anthony HYLTON: The reality Mr. Speaker, is that under current arrangements wherever you have a bankruptcy proceedings, the creditors as of now will only get pennies on the dollar. With this new Bill, there is every opportunity, every chance to ensure that there is an arrangement that will allow for larger stake and greater recovery in that process.

(MR. PAUL LENNOX BUCHANAN, (PNP), St. Andrew, West Rural, entered and took his seat.)

Mr. Speaker, a modern insolvency law has four basic purposes:

1) Rehabilitation of the debtor, where this is possible;
2) Maximizing benefits to creditors;
3) Distributing assets fairly and equitably; and
4) Penalizing people found culpable in the insolvency process.

In brief, Mr. Speaker, our insolvency law must seek to:

- Avoid liquidation of potentially viable companies in facilitating their rehabilitation;
- Ensure orderly market exit of inefficient entities in protecting creditors' rights, while safeguarding the interests of shareholders and customers.

(MR. RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, entered and took his seat.)

Mr. Speaker, insolvency law reform is part of a broader legislative agenda being advanced by the Ministry of Industry, Investment and Commerce through the National Competitiveness Council to improve the business environment. According to the World Bank's *Doing Business Report 2013*, resolving insolvencies in Jamaica takes on average of 1.1 years and costs some 18 per cent of the debtor's estate. The average recovery rate is 64.2 cents on the dollar, as indicated earlier. A modern bankruptcy and insolvency law is not only essential in the creation of a favourable business environment, but also for the stability of our financial system. What the Insolvency Bill proposes is an insolvency regime that provides a balance between the needs of genuine entrepreneurs and business entities for protection while at the same time protecting consumers and other stakeholders from irresponsible and imprudent business arrangements. So, Mr. Speaker, this

new framework does not contemplate a free lunch; it is not a free ride.

(DR. LYNVALE GEORGE BLOOMFIELD, (PNP), Portland Eastern, entered and took his seat.)

Insolvency legislation Mr. Speaker that encourages entrepreneurship or risk-taking as the basis for new business formation is critical to creating a dynamic business environment. Modern insolvency and bankruptcy laws foster entrepreneurship because they absorb much of the risk that creating a new business necessarily entails, thereby reducing the cost of failure.

Mr. Speaker, the United States is the quintessential entrepreneurial nation and the dynamic nature of the entrepreneurship environment is influenced partly by its bankruptcy laws. In Jamaica, we tend to regard business failure when someone is declared bankrupt or a company becomes insolvent as a disgrace. The U.S. business culture, on the other hand, tends to view business failure as not only acceptable, but as a natural part of the entrepreneurial process. We must emulate jurisdictions with modern insolvency legislations that can change the culture in this country where a stigma is attached to business failure. The Bill, therefore, seeks to foster a culture where business failure does not represent a scar on persons who are seeking to operate successful businesses.

Mr. Speaker, I'll just touch briefly on the history, because it's an important part of the story that is now unfolding with this Bill. In 2009 Mr. Speaker the Jamaica Trade and Invest (JAMPRO) through the Private Sector Development Programme (PSDP) requested that a review of the bankruptcy and insolvency laws of Jamaica be conducted to determine the reforms required to improve the existing legislations and to create a unified code for bankruptcy and corporate insolvency. The JAMPRO Report recommended the following:

- the amalgamation or consolidation of all enactments relating to bankruptcy and insolvency, including the winding up of companies which are not insolvent, as well as partnerships;
- Additionally, it recommended that there be a facilitation of the rehabilitation of companies and individual debtors through a reorganization plan subject to confirmation by the court. The reorganization plan should not be followed by liquidation or the need for further financial reorganization of the debtor unless the liquidation or further re-organization is proposed in the plan;
- It also recommended for providing for pre-packaged or expedited bankruptcy and insolvency proceedings which facilitate voluntary arrangements by debtors, prior to the issuance of insolvency proceedings against the debtor;
- It recommended as well structuring the law to give credence to the legitimate interests of all stakeholders

including debtors, creditors, family, employees, suppliers, and the government, stakeholders who may prefer to have the business continue as a going concern, instead of closing down;

- It recommended encouraging, through education, the treatment of bankruptcy as a risk associated with entrepreneurship, so as to decrease the stigma of failure associated with bankruptcy.

Mr. Speaker, the PSOJ's Insolvency Committee, established to review the laws pertaining to personal and corporate insolvencies in Jamaica also recognizes that our present statutes are based on a 19th century approach that almost treated insolvent persons as criminals, and that primarily sought to protect the rights of creditors. One of the most significant changes they see going forward is new legislation providing for the rescue and rehabilitation of an insolvent person. One of the priorities of this Government is to create a business environment that fuels entrepreneurship and innovation.

A MEMBER: Hear, hear!

Mr. Anthony HYLTON: Entrepreneurship and innovation are the pillars of any viable long-term economic growth and job creation effort. Oftentimes, the success of new ventures is simply a matter of allowing the entrepreneurs some take-of space, or widening the window for reorganization to allow companies that can be turned around, to do so. Mr. Speaker, despite the best efforts of those involved, some businesses will fail and that's a fact. We must seek to ensure that our insolvency laws do not punish genuine business efforts and that they do not result in otherwise profitable business opportunities overtaking us, because the costs of possible failure are too high. Sound insolvency laws must be implemented to promote the efficient redistribution of the assets of these businesses, allowing those assets to be put to the most productive use. They can seek the protection of the court rather than going out of business and reorganize themselves.

Mr. Speaker, it should as well be noted that the SIPP - that's the Security Interest in Personal Property Act - that was recently passed in this Honourable House and Insolvency Legislation basically encourages entrepreneurship by creating a system around risk allocation, risk-taking, risk-mitigation and capital allocation within businesses. It creates a virtuous circle between entrepreneurs meaning those with the business plans and ideas and investors with the capital. The SIPP and Insolvency Legislation work in conjunction with each other and one without the other would make for an incomplete system.

Mr. Speaker, the Insolvency Bill proposes a new framework that helps mitigate risk in entrepreneurship through the collateral registry by giving a degree of transparency, so that investors, banks, holders of capital can be encouraged to under risk - to make risk taking in terms of collateralization which addresses the types of collateral and types of MSME

given credit: investor, bank, holder of capital that mitigates their risk in extending capital allowing for deals to be made under court supervision.

(MR. KEITH ANTHONY WALFORD, (PNP), St. Ann, South Western, entered and took his seat.)

Mr. Speaker, I now move to the contents of the Bill - various parts, and again given the scope of the Bill Mr. Speaker, some 300 and odd clauses propose to address the Bill in parts and I begin by addressing Part 1 which is the preliminary; this part defines various terms used in the Act. Part II, which addresses stay of proceedings upon filing a notice of intention, proposal or bankruptcy.

Mr. Speaker, when a debtor becomes bankrupt this part provides for an automatic stay of proceedings that prevents unsecure creditors from taking steps to enforce their claims against the bankrupt or its property. The rights of unsecured creditors to sue the bankrupt and enforce judgment against the bankrupt are replaced by the right to receive a dividend from the proceeds realized by the trustee from the sale of the bankrupt's property in accordance with the Act.

In a bankruptcy Mr. Speaker, the rights of secured creditors are not subject to certain very specific exception impacted, they are simply not impacted. Unlike unsecured creditors, secured creditors may take steps to enforce their security against the bankrupt's property. The circumstances where a secured creditor can be stayed or intended to ensure that the secured creditor realizes his proper value for its collateral and that the interest of an unsecured creditor or creditors in any surplus after the secured creditors are paid are preserved. Those circumstances are preserved by this Bill.

The Part also provides, Mr. Speaker, for stay of proceeding to protect a debtor who is attempting to reorganize under Part III of this Act as I will get to in a moment. In the case of proceedings under Part III, there are two distinct stays:

A. When an insolvent person files a Notice of Intention to make a proposal, an automatic stay prevents all creditors, even secure creditors from taking steps to enforce their claims against the insolvent person or his property. This stay terminates when one of two things happen:
    1) a proposal is filed, or
    2) the reorganization fails and the insolvent person becomes bankrupt.

These are limited exceptions, Mr. Speaker, to the stay that permits secured creditors to enforce their security where:

a. the secured creditor provided all required notices and was in a position to enforce when the Notice was filed; or
b. the insolvent person consents.

The other distinct Part under this stay of provision Mr. Speaker is when a proposal is filed; an automatic stay prevents any creditor to whom the proposal is made from enforcing his claim against the debtor. Any creditor to

whom the proposal is not made is permitted to take steps to enforce its claim. This stay ends when:

a) The proposal is fully implemented; or
b) The regionalization fails and the debtor becomes bankrupt.

In Part III of the Bill, Mr. Speaker, it addresses the proposals itself.

Mr. Speaker, this Part provides for the reorganization of debtors and persons who are facing imminent insolvency. A person to whom the Part applies may make a proposal to its creditors for the purpose of extending or compromising its debts, or to effect any other transactions that will address the debtor's financial situation for the benefit of stakeholder.

The Part permits an insolvent person to file a Notice of Intention to make a proposal in advance of making a proposal. Where a Notice of Intention to make a proposal is filed, the insolvent person is required to file a proposal within 30 days. The insolvent person will also be required to file a cash-flow projection and the failure to do so will result in automatic bankruptcy.

The Supervisor, Mr. Speaker, will however, have the jurisdiction to extend the time to file a proposal within 45 day blocks for up to a total of five additional months. If a proposal is not filed within the time permitted, the insolvent person will automatically become bankrupt.

Mr. Speaker, where a Notice of Intention to make a proposal is filed, an interim receiver may be appointed under Part V to preserve the debtor's property. The Part provides for a trustee to be named in connection with proceedings under the Part.

The trustee, Mr. Speaker, will monitor the debtor's cash-flow and business and report any material adverse changes to creditors. The trustee will also provide creditors with information they require to consider the debtor's proposal. The trustee will also have the ability, if requested, to assist the debtor in developing a proposal.

Mr. Speaker, during the reorganization process, the debtor is protected by a stay of proceedings that arises under Part II. In addition, this Part restricts the ability of parties who have contracted with the debtor for exercising contractual remedies triggered by the insolvency.

A proposal, Mr. Speaker, is approved by a vote of the unsecured creditors at a meeting of creditors called by the trustee to consider the proposal. Unsecured creditors must approve of the proposal by a 'double majority' representing at least 50 per cent in number and two third in value of the total creditors present at the meeting in person or by proxy.

For example, Mr. Speaker, if 25 creditors with a total debt of $10 Million are present at the meeting, 13 creditors are owed $6.6 Million must vote in favour of the Proposal. If, Mr. Speaker, a proposal is not approved by the unsecured creditors, the debtor will automatically become bankrupt unless the debtor is a person facing imminent insolvency and made the Proposal in an attempt to address its financial issues.

In the case of an imminent insolvent, Mr. Speaker, the creditors will decide if the person

is to be permitted to continue to carry on business or become bankrupt.

Where, Mr. Speaker, a proposal has been approved by unsecured creditors and provided it is compliant with the Act, it will be deemed to have been sanctioned by the Court. The supervisor or any creditor may oppose the deemed sanctioning of a proposal and require that the issue be determined by the Court.

The debtor may, where necessary, also seek a formal Order sanctioning a proposal. Once a Proposal is sanctioned, Mr. Speaker, by the Court, it will bind all unsecured creditors, whether or not they voted in favour of the Proposal. For the purposes of the proposal, Mr. Speaker, secured creditors will be divided into classes. The vote of the secured creditors is not relevant to whether a proposal is approved for the purposes of the Act, but does impact whether the proposal is binding on specific secured creditors.

The Proposal will be binding on secured creditors in a class of secured creditors that has approved the proposal.

A proposal, Mr. Speaker, may annul by the Court where the debtor defaults under the Proposal; where a proposal is annulled, the insolvent person automatically becomes bankrupt.

I now turn to Part IV of the Bill, Mr. Speaker, the acts of Bankruptcy. Mr. Speaker, this Part establishes that acts of bankruptcy that must be established when an application is brought under Part V to obtain a receiving Order. These are acts which, if established, form the basis for the Court to declare a debtor to be bankrupt and place his property under the administration of a trustee. Part V, part V addresses receiving orders - Interim Receiving Orders and Receivers, and it addresses, Mr. Speaker, application for receiving orders all of which are very critical processes under the Act.

Mr. Speaker, these provisions of the Act provide for one or more creditors to apply to the Court for a Receiving Order. A Receiving Order declares the debtor to be bankrupt and appoints a trustee to administer the debtor's property for the benefit of creditors.

To obtain a Receiving Order Mr. Speaker, the creditor or creditors must establish to the Court that the debtor owes at least $3,000 and within the six months preceding the application has committed one of the acts of bankruptcy provided for in Part IV.

Mr. Speaker, an Application for Receiving Order is primarily intended as a remedy for unsecured creditors. If a secured creditor wishes to make an application for a Receiving Order it must do the following:

a) Surrender its security; or
b) Provide a valuation of its collateral that establishes that the collateral is worth at least $3,000 less than what the secured creditor is owed.

Bankruptcy Mr. Speaker is regarded as a collective remedy for all creditors and for that reason:

a. A Bankruptcy Application cannot be withdrawn without the permission of the Court; or
b. the Court has jurisdiction to consolidate multiple Bankruptcy applications brought against the same debtor; and

c. the Court has jurisdiction to replace an applicant creditor where the application is not being pursued.

The matter of Interim Receivers, Mr. Speaker.

Mr. Speaker, these provisions provide for the appointment of a trustee as an 'Interim Receiver' for the purpose of protecting and preserving the debtor's property for the benefit of stakeholders. The Act, Mr. Speaker, provides for the appointment of an interim receiver in these circumstances where:

a. an application seeking a Receiving Order is brought under Part V to preserve the debtor's property pending the hearing of the Application;
b. Notice of Intention to make a Proposal is filed under Part III to preserve the insolvent person's property while a proposal is developed and voted on by creditors; and
c. a secured creditor delivers a Notice of Intention to Enforce Security under Part V, to preserve the insolvent person's property during the 10-day period that the secured creditor is prevented from acting to enforce its security.

Mr. Speaker, the Court has jurisdiction to provide an Interim Receiver with a charge over the debtor's property to pay the Interim Receiver's fees and expenses. The procedure for the approval of the Interim Receiver's accounts and the discharge of the Interim Receiver will be provided for in the regulations to come.

I address now, Mr. Speaker, Secured Creditors and Receivers under this Part.

Mr. Speaker, secured creditors who wish to enforce a security interest over all or substantially all of the property of an insolvent person are required to provide notice to the insolvent person and may not take enforcement steps until 10 days after that notice is provided. Where, Mr. Speaker, there is a risk that property will be dissipated during this period, the Secured Creditor may apply to the Court for the appointment of an Interim Receiver.

The sub-Part, Mr. Speaker, provides that only a licensed trustee may be appointed by a receiver, pursuant to a security agreement where the debtor is insolvent and the receiver is to be appointed over all substantially - all of the debtor's property.

Mr. Speaker, the sub-Part also regulates receivers and the conduct of receivership. Receivers, once appointed are subject to notice requirements, reporting and other obligations, and the supervision of the Court in the conduct of the receivership.

Any interested persons Mr. Speaker may apply to the Court for directions, with respect to the conduct of the receiver, or the receivership. The procedure for the approval of the receiver's accounts and the discharge of the receiver will be provided for in the Regulations to come.

I now turn to Part VI of the Bill, Mr. Speaker, which addresses Assignments. Mr. Speaker, this Part provides for a person to voluntarily place himself into bankruptcy by

applying for permission to make an assignment of his property to a trustee.

Part VII addresses the Effect of a Receiving Order or an Assignment. This part Mr. Speaker, provides for the effect of a bankruptcy, and the bankrupt and the property of the bankrupt. It provides that where a bankruptcy takes place, the property of the bankrupt vests in the trustee. The part Mr. Speaker provides for the rights of a trustee, vis-a-vis leased property, and the rights of a landlord when a tenant becomes bankrupt. The part further provides, Mr. Speaker, for the registration of a receiving order of assignment against the bankrupt's property.

I now turn to Part VIII of the Bill. This part, Mr. Speaker, addresses the effect of bankruptcy on property of the bankrupt. This part deals with the effect of the bankruptcy and the property of the bankrupt, no matter whether bankruptcy results from the making of a receiving order, or from an assignment, the effect is the same.

Subject to certain exceptions, and the rights of secured creditors, the trustee becomes the owner of the bankrupt's property. The trustee then, subject to the rights of secured creditors to enforce their security, able to realize on the bankrupt's property and distribute the proceeds to its creditors.

The Bill, Mr. Speaker, makes a distinction between property and income of an individual bankrupt. The Bill recognizes that an individual bankrupt requires income to pay basic living expenses, and balancing that with the interest of creditors in being paid, provides for a bankrupt to pay a portion of his income to the trustee for the benefit of creditors.

The amount of income that individual bankrupt will be required to pay to the trustee will be established by the trustee based on criteria put in place by the Supervisor.

There is, Mr. Speaker, a procedure to determine disputes with respect to the amount of income an individual bankrupt must pay. And this, as you can understand, is such a critical matter because individual survival depends on how much of his income - his paid salary - should be diverted to pay the proceeds into a bankrupt proceeding.

The Bill, Mr. Speaker, provides for the Regulations to prescribe a list of property of an individual bankrupt that will not vest in the trustee. This is property that is necessary for the bankrupt to live and continue to earn an income. The part also provides, Mr. Speaker, for certain transactions entered into by a bankrupt prior to the commencement of insolvency proceedings to be challenged, and funds recovered for creditors.

Part IX of the Bill Mr. Speaker addresses the situation which deals specifically with bankrupts. It provides for financial counselling to be provided to a bankrupt in accordance with Regulations to be prescribed for the examination of bankrupts and others, and imposes duties on a bankrupt in connection with the administration of proceedings under the Bill.

Mr. Speaker, it makes the point again that declaring bankruptcy is not a free ride. While there are some benefits that are provided,

there are some responsibilities that come with it. The part also provides for the discharge of bankrupts. A bankrupt who has been previously bankrupt in Jamaica, or any prescribed jurisdiction, will be entitled to an automatic discharge after nine months unless the trustee, a creditor, or the Supervisor opposes this from coming into being.

Where the bankrupt has been previously bankrupt, or the discharge is opposed, there will be a hearing before the Court to determine whether the bankrupt will be discharged, and if so, on what conditions. There are provisions, Mr. Speaker that permits mediation with respect to conditions upon which the bankrupt will be discharged; the trustee is required to prepare a report with respect to the discharge to provide information to stakeholders and the Court.

I now turn to Part X which deals with the administration of estates. This part, Mr. Speaker, addresses the procedural aspects of the administration of bankruptcy and proposal proceedings, including the conduct of meetings of creditors, and the role of the inspectors, representative of the creditors appointed to direct the trustee in the administration of a bankruptcy, or to oversee implementation of a proposal.

Mr. Speaker, the part also deals with the procedure for creditors to establish claims against a bankrupt or reorganizing debtors. The Part provides for creditors to file proofs of claim with the trustees and for appeals to the Court for the trustee's determination with respect to the validity or quantum of a claim.

Mr. Speaker, the part also establishes the scheme of distribution that is applicable in a receivership, bankruptcy, or proposal proceeding, and the payment of dividends to creditors.

I now address Part XI of the Bill, Mr. Speaker, which addresses Administration of Bankruptcy. This part, Mr. Speaker, provides for the appointment of a Supervisor of bankruptcy - very critical institutional arrangements, and one, Mr. Speaker, of the real innovations that the Joint Select Committee that addressed this Bill over a long period of time accepted as a critical part of the Bill, and I believe, the real innovation in this Bill.

The Supervisor, Mr. Speaker, is responsible for the licensing and supervision of trustees. The Supervisor has a *quasi* judicial function *vis-a-vis* trustees which will also be involved in bankruptcy and proposal proceedings. The Supervisor is, for example, responsible for determining whether an insolvent person who has filed a Notice of Intention to make a proposal will be granted an extension of the time to file a proposal.

The part also deals with the licensing of trustees by the Supervisor. The procedure and qualification required to be licensed as a trustee will be prescribed in the Regulations.

Mr. Speaker, trustees will be subject to the Code of Ethics that will be contained in the Regulations and subject to disciplinary action by the Supervisor. The general powers of a trustee, as well as the procedure for the approval of a trustee's remuneration, and the

discharge of the trustee are also provided for in this part.

Mr. Speaker, the part addresses other matters relating to the administration of the insolvency process, such as:

a. the reporting of offenses and the conducting of investigations; and,
b. the retention of records relating to insolvency proceedings under the Bill.

The part further provides for the appointment of the Government trustee who will be appointed in bankruptcy proceedings where there is no trustee willing to act.

Part XII Mr. Speaker addresses Courts and Court Procedures. This part addresses the jurisdiction of the Court, and will operate in conjunction with civil procedure rules.

Part XIII addresses International matters, and this part provides for the recognition in Jamaica, of insolvency proceedings commenced in other jurisdictions.

The SPEAKER: (Gavels) The Member's time for speaking has expired.

Mrs. NEITA-HEADLEY: Mr. Speaker, I ask that the Member's time be extended for five minutes to allow him to complete his presentation.

The SPEAKER: The question is that the Member's time be extended by five minutes to allow him to complete his presentation.

Put to the House and agreed to.

The SPEAKER: Minister.

Mr. HYLTON: Thank you, Mr. Speaker; thank you Members.

Mr. Speaker, this part provides for the recognition in Jamaica, of insolvency proceedings commenced in other jurisdictions. It provides for the adoption of regulations, implementing the UNCITRAL Model Law or Cross-Border Insolvency.

Part XIIII of the Bill addresses offences, and provides for the creation, Mr. Speaker, of a number of offences that relate to bankruptcy and the administration of the Act.

Part XV is the general provision, and the final part of the Act, and addresses general matters with respect to the operation of the Act. It provides, for example, for the making of Court rules and regulations. It also provides for a review of the Act, and a transition period for trustees. And that addresses, Mr. Speaker, the content of the Bill.

And I'd want to place on record, Mr. Speaker, my gratitude to a number of persons and stakeholders. So, let me take this opportunity to commend all the stakeholders, and especially the staff at the MIAC, and other miniseries, including: the Ministry of Justice and the Chief Parliamentary Counsel, the PSOJ, Insolvency Committee, Members of the Bankers Association, the Bar Association of Jamaica, Office of the Trustee in Bankruptcy, the Financial Services Commission, the Bank of Jamaica, the Jamaica Chamber of Commerce, the Institute of Chartered Accountants of Jamaica, and the Caribbean Policy Research Unit, CAPRI; and, of course, Mr. Speaker, the Clerk of this House.

(Applause)

Mr. Speaker, their contribution along with that of the Opposition, in terms of the Joint Select Committee and its operations, was indispensable in forging a unity around this critical piece of Legislation that brings us here

today, Mr. Speaker, now to go through the final stages of this Bill.

Mr. Speaker, special mention must be made to the contribution of the Inter American Development Bank, Mr. Patrick Shea from the Canadian law firm Gowlings Lafleur Henderson LLP whose advice and guidance on the practical applications in Canadian and international best practices on the subject, was persuasive.

I believe, Mr. Speaker, this is a golden opportunity for us to work together: creditors, businesses, bankers, governments, to ensure that we have an insolvency regime that is more efficient, and which delivers value for all of us. I now take my seat to allow for other participation in this Bill.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Shaw.

Mr. SHAW: Thank you Mr. Speaker.

Mr. Speaker, first of all, let me say that the primary response should have been given by my colleague from North Central St. Andrew who is down with Chick-V at this time, and he had spent more time at the level of committee than I did, and, of course, we have consulted in this presentation, brief presentation which I will make today.

Mr. Speaker, the truth is that this, the Insolvency Act of 2014 is probably the most extensively discussed Bill in a long time and involving participation at the widest possible level as indicated by the Minister. As it turns out the Bill bears hardly much resemblance to the original Bill that was tabled, it was virtually rewritten and significant changes were made especially due in part to the strong lobby for provisions relating to creditors protection and looming insolvency.

The Bill will clearly make our system as modern or more modern than even many of our Caribbean partners. The Bill has been updated as well to include new provisions which have been recently updated in the Canadian and Australian Insolvency Act. I should point out as well, Mr. Speaker that the Minister has correctly noted that the work and the original recommendations that were made, were from 2009 in the report that was done by JAMPRO and was commissioned during the Administration of the Jamaica Labour Party Government.

Mr. Speaker, I think by far the most significant feature of this Bill is the fact that it would allow companies and individuals the opportunity to rehabilitate their financing before entering into bankruptcy, and it is a long time in coming. It should have come a long time ago, because in mature jurisdictions it has been around for many, many, many, many years, and had it been around in Jamaica during the time of the financial sector collapse…

Mr. SILVERA: That was four years ago.

(Laughter)

(Cross talk by Government Members)

Mr. SHAW: You should keep quiet.

(The Speaker gavels)

You of all persons should keep quiet, because of that foot in mouth problem you have.

Mr. Speaker, the truth is that, if we had this legislation at the time of the collapse of

the financial sector, many companies and individuals that went bankrupt and their assets put together, and were even sold off in what - the euphemism, what became a euphemism, was the redevelopment foundation. We hardly saw any redevelopment at all, and the truth is, yes, and the truth is that, what we have seen as a result is the virtual destruction of an entrepreneurial class from which we continue today to suffer the consequences in the form of anemic investment, low levels of growth averaging just about 1 per cent for the past - for almost 20 years.

The truth is that this important piece of legislation which allows now for the restructuring of companies under the supervision of the courts, that that is a major step in the right direction.

Many people don't know, Mr. Speaker, many people don't know, and let me remind this Honourable House, that in the United States, I can just name a few of the names of people who were able to reorganize, in that country, and they failed, in some cases failed in business many times over, and they reorganized and reorganized and weren't thrown unto the dump heap of bankruptcy, so to speak, and eventually became very, very successful and wealthy people: Henry Ford, Donald Trump, Walt Disney - I don't remember his first name but Mr. Heinz of the Heinz food company. George Foreman, Larry King. Those are only a few examples of luminaries in the United States who were able to restructure, were able to reorganize, were able to wheel and come again, on the basis that failure, on the basis, Mr. Speaker that failure is not falling down, failure is the inability to get up and keep on going. And so this particular - this alone, this ability of this Bill alone to give entrepreneurs a second chance is a very, very significant feature of the Bill that is also very important for the economy.

It certainly should enhance the ability of the economy to be more competitive, and I want to suggest, Mr. Speaker, that we have fallen short in one significant area, which we hope can be addressed in the very, very near future, and I want the Minister to listen to this point.

I believe that a weakness in this Bill is the lack of protection for individual homeowners, homeowners from losing their homes and their primary place of residence. That this Bill does not protect homeowners in that respect. In other jurisdictions, they have it. We need a provision similar to what now exists in the United States, where a person's house where he lives gets protection from foreclosure and it gets protection from eviction. (Applause) And, Mr. Speaker, I don't think my brother will mind if I mention in this House that he faced bankruptcy, and he was able to file for reorganization and under the Homestead Act of the United States his place of primary residence was safeguarded. There was a ring fence around it that the creditors could not come for his house, where he and his wife and children lived -

(Cross talk by Mr. Bunting)

- and it is something that - precisely, yes. But it is something I commend as one of the areas that can improve this Bill, and we shouldn't

wait for another decade to do it, let us look as soon as possible, as soon as is practicable, work the details out and put it in this Bill as well.

Thank you very much, Mr. Speaker.

(Applause by Opposition Members)

The SPEAKER: Mr. Vaz.

Mr. Daryl VAZ: Thank you Mr. Speaker. Just two quick questions to the Minister, if he is listening.

Firstly, who will have oversight supervision for this new Act, FSC or trustee in bankruptcy? And secondly, if I recall correctly, the first deadline for this set by the IMF was April and the second was September, it is just a bit over September but I would hope that -

(Inaudible comment by Mr. Bunting)

Mr. Daryl VAZ: What?

(Cross talk by Mr. Anthony Hylton)

Mr. Daryl VAZ: It is?

(Cross talk by Mr. Anthony Hylton)

Mr. Daryl VAZ: Yes, that's what I'm saying, but I'm just asking for clarity on it.

Thank you.

The SPEAKER: Mr. Hylton.

Mr. Anthony HYLTON: That was quick. Thank you. Let me thank the Members Opposite for their brief but very important contribution, and specifically I want to acknowledge the issue raised by the Opposition spokesman on Finance, and a member of the Committee, the Joint Select Committee, and who knows that that's one of the issues that we wrestled with at the committee level, having taken fully into account the representation and the views presented to the Committee.

The issue there was that, as we contemplated it, the view was that it touches on so many other issues including the whole framework for mortgages and some of the issues outside of the remit of the Committee that although we recognize it to be an important consideration, we in the end decided not to include it now in this Bill as is, but to continue the dialogue and at the review which is provided for in the Bill, in the legislation, that issues such as this and others, that they could have a certain level of debate and maturity in those discussions that would allow us to come to some united or very clear position on it. Because, as you know, this Bill balances some very - a number of interests including the creditor interest, debtors, everybody's interest and we felt that it was not ripe enough at this point to go in the Bill, having regard to the lack of any real discussion that had taken place. But we admitted and we recognize that it was a matter for consideration.

We did eventually in the event, address the issue of persons' income, that those income, although a part of it could go towards repayment, that part of the bankruptcy proceedings, that that would be limited, that they couldn't just garnish the wages without court protection and that would be limited to an amount as provided - recommended by the supervisor and the court proceedings. So, the Court would protect in the final analysis.

So, I would say to you that it's a matter

that we will, and we will have to keep under consideration, because it operates in the way you have described, in other jurisdictions that recognizes the primacy of someone's dwelling, but there are some other considerations that we hope in the fullness of time could come on.

Mr. Daryl VAZ: Who will supervise?

Mr. Anthony HYLTON: On the issue of supervisor and who will be the supervisor. You would have known from the proceedings that, firstly, this is a matter really for the Cabinet to decide, but in the event we did have some discussion just to hear - illicit the views of members of the Committee and to get some thinking as to what may be an appropriate area.

There were very strong views, clear views presented. There were opposite views, whether the Office of the Bankruptcy Trustees or the FSC and their different considerations as to why they should or should not be.

In the final analysis the Cabinet will have to weigh these up and to make a decision, and the Ministry will make a recommendation on that.

And, the fact is that given the complexity of this Bill and the technical nature of it, the IMF has demonstrated flexibility as it has on this Bill, to give us the time that we need to get that passed today to keep pace and to keep faith with our commitment.

(DR. KENNETH O'NEIL BAUGH, (JLP), St. Catherine, West Central, entered and took his seat.)

But, thank you Members. And I move for...

The SPEAKER: Before you move, we have to take a suspension at this time, because the actual.... (Inaudible) Bill...

Mr. Anthony HYLTON: Thank you, Mr. Speaker.

The SPEAKER: So, we will come back to it.

Mrs. NEITA-HEADLEY: Mr. Speaker, we will therefore commence the debate on the "Disaster Risk Management" by the Minister of Local Government.

The SPEAKER: Mr. Arscott.

Mr. ARSCOTT: Mr. Speaker, the "Disaster Risk Management Bill, 2014", reflects modern, strategic, administrative and legal approaches consistent with current best practices. It transcends the emphasis on preparedness and captures the comprehensive disaster risk reduction aspects of contemporary disaster management practices.

This Bill, Mr. Speaker, will replace the "Disaster Preparedness and Emergency Management Act, 1993". The process which has led to this point has spanned many years, and successive political Administrations.

Mr. Speaker, under a changing climate, the intensity and frequency of natural disasters - particularly hurricanes - have become a major concern for Jamaica and for the Caribbean as a region.

(Applause)

In 2004 the failure of residents of Rocky Point and Portland Cottage to obey the warnings about the devastating impact of Hurricane Ivan highlighted the need for institutional and legal changes to Jamaica's disaster management framework.

Mr. Speaker, given the current status of administration of disaster management nationally, we also observed that local disaster managers are finding it increasingly difficult to execute their mandate without strong legislative support for their functions. With the occurrence of any major disaster, the Government has to increase its spending efforts to help rebuild the country's infrastructure and the economy.

In the aftermath of Hurricane Ivan, Mr. Speaker, the Government had to divert Ninety-four Million Dollars ($94M) to finance relief activities. The true economic cost of the impact of this hurricane was estimated to be close to Thirty-six Million Jamaican Dollars (J$36B).

Mr. Speaker, the reality is that damage associated with hurricanes, floods and droughts, has caused Jamaica an annual average of 2.7 per cent of GDP - this is 2001 - and the PIOJ estimates that this could reach 56 per cent of GDP by 2025.

Even in the face of these devastating predictions Mr. Speaker, the focus of the Government of Jamaica cannot be inward only; we have to view these instructions in an international context. Jamaica is a signatory to the agreement on International Strategy for Disaster Risk Reduction, and the accompanying Hyogo Framework of Action. Priority One of the Framework states that countries should develop policies, legislation and institutional frameworks for disaster risk reduction.

Mr. Speaker, democratically elected governments are the servants of their people and are expected to uphold the people's interests in the decisions they make on their behalf. It is for the protection of our citizens and the preservation of their lives that the Bill establishes a framework within which persons can be evacuated, as a preventative measure.

The Bill also provides for the identification and description of high-risk areas as special, vulnerable areas, and for the necessary actions to be taken with regard to any area so designated.

With these remarks Mr. Speaker, I now propose to move the Bill through its sections. However, I wish to indicate to this House that there are a few incorrect references as a result of re-numbering of some clauses. I will highlight those at the appropriate time when the Bill is being addressed clause by clause in the Committee Stage.

Part I of the Bill, Mr. Speaker, contains the short title and commencement of the Bill, and interpretation. The interpretation offers the definitions of thirty-four specific terms, as outlined in Clause 2.

Part II contains thirteen clauses which set out the terms relating to the administration of the "Disaster Risk Management Bill".

Accordingly, Clause 3 establishes the Office of Disaster Preparedness and Emergency Management as a corporate body. This clause also establishes the Board of ODPEM, and points to the First Schedule which relates to the constitution of the Board.

Clause 4 states the purposes for which ODPEM exists, which are, in summary:

- To advance disaster preparedness and emergency management in Jamaica;

- To institute necessary measures for ' mitigating disasters.

Clause 5 states that ODPEM shall carry out the activities necessary to give effect to its purposes as set out in Clause 4, and provides a non-exhaustive list of specific functions to be undertaken in doing so.

These functions, Mr. Speaker, include the interaction the office will have with our stakeholders at the community, agency, national and international levels. For example, encouraging and supporting disaster preparedness and mitigation measures in all parishes, in collaboration with Local Authorities, community-based organizations and non-governmental organizations, respectively.

Clauses 6 and 7 define the power of the Minister under the old ODPEM powers, to issue general directions regarding policy and the appointment of a Director General. It also defines the basic responsibilities of the Director General and the Board. This clause also specifies the powers and limits of the Board in relation to the hiring and remuneration of employees.

Clause 8 provides in clear detail the functions of the Director General.

Clause 9 outlines the powers of the Director General in the context of the relationship of that Office, with *inter alia*, the National Disaster Risk Management Council, the Public Bodies officers, the security forces, the Jamaica Fire Brigade, and the Minister.

Clause 10 empowers ODPEM to enter into schemes and insurance policy arrangements for the benefit of its employees.

Clause 11 outlines the sources from which the ODPEM income will be derived, and from which its expenses will be paid.

Clause 12 sets out the accounting and financial reporting responsibilities of ODPEM.

Clause 13 specifies the annual reporting and responsibilities of ODPEM.

Clause 14 provides that the Office is exempt from Customs duties on any article imported into Jamaica or taken out of bond in Jamaica, which is shown to be for use in the exercise of its functions.

Clause 15 establishes that the ODPEM is exempt from income tax, stamp duty and transfer tax.

Part III of the Bill, Mr. Speaker, deals with the other mechanisms of the disaster management apparatus, specifically, the National Disaster Risk Management Council, the National Disaster Response Coordination Plan, Parish Disaster Committees and Zonal Committees.

Clause 16 establishes the National Disaster Risk Management Council.

Clauses 17 and 18 specify the Director General's duty to prepare a Draft National Disaster Response Coordination Plan every five years; the areas the Plan must address, the stakeholders to be involved in the consultation and reporting processes.

Clause 19 provides that each parish shall have a Parish Disaster Committee, and specifies the duties of the Committee.

Clause 20, Mr. Speaker, outlines the functions of Local Authorities in relation to the prevention of, mitigation of, preparation

for response to, and recovery from disasters within their local jurisdiction.

Clauses 21 and 22 give the Minister the authority to establish Municipal Disaster Committees, if deemed necessary. They also provide that these bodies coordinate with other disaster management organs to avoid overlap and inefficiencies.

Clause 23 treats with the power of Parish Disaster Committees after consultation with the Director General of ODPEM, to establish Zonal Disaster Committees.

Clause 24 makes the Director General responsible for establishing and maintaining a National Emergency Operations Centre, and outlines the main personnel and duties in this regard. It also states that the Chairman of the Parish Disaster Committee or the Municipal Disaster Committee shall have responsibility to establish an emergency operations centre in the parish or municipality.

It requires the Chairman of the Parish Development Committee, after consultation with specific stakeholders, to establish a list of premises to operate as shelters in the event of a disaster. This clause, Mr. Speaker, also states how such list will be constructed, the personnel who will manage the shelters, the power of the Director General to take over the role of Chairman of a Parish Disaster Committee where the Chairman neglects to carry out his duty or her functions - his or her duty or functions.

Clauses 23 and 24, Mr. Speaker, constitute Part IV of the Bill.

In Part V, Mr. Speaker, Clause 25 addresses the power of the Prime Minister to declare a disaster area or a threatened area based on notice received from the Minister. In providing such a notice to the Prime Minister, the Minister shall act upon reports from ODPEM.

Clause 25 also deals with the publication of any order made by the Prime Minister and speaks to the power of the Director General or his or her designate to enter property irrespective of whether consent is given and take action as may be considered necessary in the public's interest.

(HON. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western, Minister of Water, Land, Environment and Climate Change, entered and took his seat.)

Mr. Speaker, Clause 26 deals with the powers of authorized officers subject to directions which may be given by the Director General. These are wide-ranging powers which include a power to direct the evacuation of any declared area; the power to control the movement of people, animals or vehicles and so on.

In Part VI, Mr. Speaker, Clauses 27 and 28 deal with the reporting and other obligations of public officers and other persons. It also provides here that the Director General shall liaise with any NGO or private entity as he or she thinks fit in relation to the disaster management procedures of these organizations.

Part VII of the Bill which includes Clauses 29 to 32 refers to the circumstances in which a special vulnerable area may be

declared and also in which a special area precautionary plan may be prepared for the mitigation and prevention of disasters in such areas. Provision is also made for what may be included in a special area precautionary plan and in relation to the procedures to be followed in its publishing.

Clauses 33 to 35 in Part VIII are dedicated to the National Alert System and means by which it will be made operational.

Clauses 36 to 42, in part, identify the National Disaster Fund and Committee and define the Minister, for the purposes of this group of clauses, as Minister of Finance.

Part IX also defines the composition, use and the administration of the Fund and the reporting and other obligations of the officers of the Fund.

Part X, Mr. Speaker, which includes Clauses 43 to 61, addresses miscellaneous provisions. This Part addresses inter alia the circumstances in which a Resident Magistrate may issue an order for an authorized officer to enter and inspect premises and the duties of reporting their said inspection.

(MR. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, entered and took his seat.)

The provision of a distinctive form of identification for officers when carrying out their duties under the Act, the powers of the Director General to initiate prosecution and the immunity which applies to the Director General and authorized officers when executing functions under the Act and regulate emergency shelters.

Mr. Speaker, the First Schedule is concerned with the details of the constitution of the Board of the Office of Disaster Preparedness and Emergency Management.

The Second Schedule contains the details of the constitution of the National Disaster Risk Management Council and the Third Schedule outlines the constitution of the Parish Disaster Committees.

The Fourth Schedule, Mr. Speaker, is dedicated to the details of the constitution of the Fund Committee.

Mr. Speaker, this indeed is a comprehensive piece of legislation which will provide the agencies of the State with the power to ensure that our citizens and visitors alike are given the highest quality of protection through prevention and responsive measures sustained by dedication of a National Disaster Fund; implementation by an empowered Office of Disaster Preparedness and Emergency Management supported and consulted by a range of stakeholders, including the private sector and the political directorate.

Mr. Speaker, I now invite other Members to make their contribution. (Applause)

The SPEAKER: Mr. Buchanan.

Mr. L. BUCHANAN: Mr. Speaker, I rise to support my colleague the Honourable Minister in regard to the Disaster Bill, 2014.

Mr. Speaker, there is a Chinese proverb when interpreted it means don't fight without any preparation and the same applies to disaster.

Mr. SHAW: Did you mention that to the Minister of Health?

Mr. L. BUCHANAN: Mr. Speaker, our history of disaster and losses require that great importance be attached to the establishment of a disaster management approach and dictate that we should develop a disaster plan as we have entered upon the reference of doing.

Mr. Speaker, the disaster management framework consists of various phases that is: prevention, mitigation, preparation, rescue, recovery and reconstruction. Shaw, a *gwine* reconstruct you. Prevention and mitigation are given equal weight and are strengthened by monitoring, forecasting and early warning risk, surveys, engineering, fortifying and of crucial importance, Mr. Speaker, education. Note Mr. Speaker, disaster prevention, resistance and relief combined advances every aspect of disaster management.

Mr. Speaker, the Disaster Bill fully captures the policy in relation to the various phases of the disaster management framework which are mitigation responsibilities, preparedness, emergency response and disaster recovery and reconstruction. It promotes the administration of the disaster risk reduction. As a matter of fact, Mr. Speaker, there is now established a National Disaster Risk Reduction Committee. It promotes the administration of disaster management efforts, and you think of OPEM, financial resources and established procedures to enter disaster management.

Mr. Speaker, the Bill gives life to disaster management system which is formed on the basis of the legal system geared at disaster mitigation and prevention. The Disaster Bill highlights this Government's commitment to implementing a disaster management framework and elevates disaster management to being a policy priority.

Mr. Speaker, the Bill legitimize a single coordinated and integrated approach to disaster management in Jamaica as a clear legal structure is necessary for there to be effective disaster management. And so I congratulate this legal guarantee by way of this piece of legislation, the Disaster Bill, 2014, which is the foundation for the execution of disaster prevention and mitigation.

Mr. Speaker, disaster management is a continuous process and this Government is committed to that process. The passage of this Bill prepares the path for continued work in relation to disaster management such as the policies and our regulations on a matter that is of fundamental importance, disaster risk reduction. And Mr. Speaker, an example of this is section 29 of the Bill which empowers the Director General to declare any area as specially vulnerable as according to historical data forecasting an early warning risk, surveys, *et cetera*.

Mr. Speaker, the Disaster Bill will serve to shift the public's view of the Office of Disaster Preparedness and Emergency Management as being more or less reactionary, that is solely for rescue and rehabilitation but to one that will be proactive in terms of mitigation preparedness.

Mr. Speaker, the requirement for the creation of the disaster plan places the disaster risk management on a more firm foundation as it is expected that the disaster plan will evolve and the connection of the management of

disasters with development activities envision a disaster management-oriented development culture in Jamaica. (Applause)

Mr. Speaker, as a Government we recognize that disaster reduction is an essential part of our investments in sustainable development. Sandy most recent exposed us to what it can cost if we are not proactive in disaster management and preparedness.

Mr. SHAW: I thought you were. I thought the Minister say you were proactive.

Mr. L. BUCHANAN: That's why he locked you out.

Mr. SHAW: That is an open admission. That's an admission right there that he was not proactive. Thank you for saying it. **Hansard**, hold that for me. (Laughter)

Mr. L. BUCHANAN: Are you through yapping?

Mr. Speaker, we have the responsibility to protect our citizens and national assets by reducing the losses from disaster. We, however, cannot do the job alone. Effective disaster reduction relies on the efforts of many different stakeholders. And so, Mr. Speaker, in my final remark on this matter, I call upon the citizenry of Jamaica from urban to rural to support wholeheartedly this Bill, and I congratulate a responsible, proactive, caring Government for its advancement as I support this Bill.

I thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Pryce.

Mr. PRYCE: Thank you, Mr. Speaker.

Mr. Speaker, I rise to lend through some brief remarks my support to the Bill brought to us by the Honourable Minister and to follow on the contribution from our colleague, the Member from Eastern Westmoreland. Mr. Speaker, this Bill, in my humble opinion, emphasizes the importance of two concepts: the responsibility and accountability. Both, Mr. Speaker, are implicit throughout the sections and clauses of the Bill before us. It sets out finally the roles, processes and the responsible individuals to safeguard life and property and the society and our economy.

As we improve the nation's capacity to improve the process, Mr. Speaker, of managing risk and I say "the process", because oftentimes when we critique ourselves we forget that with each event of risk or emergency we are, in fact, students learning how to improve the response. So as we improve the nation's capacity to manage risk and to reduce the likelihood of disaster, many hearing us in this discussion might believe or assume that we're speaking only of hurricanes or earthquakes alone. However, Mr. Speaker, as recent history teaches our country, we can be described as open and, therefore, a very exposed State with respect to certain risks or hazards. In fact, Mr. Speaker, we would have failed ourselves if we limited this review to just issues such as hurricanes, earthquakes, or as said in parts of my constituency breeze blow and rainfall.

This year alone we have had a protracted drought. How were resources allocated? Which agencies were brought into the line of first response? How were technical resources and other tangible material and units allocated across the island? How did we determine the

extent of the response required, for example, to water the plains across Southern St. Elizabeth, or to transfer water stored in one section of the island to the next and to ensure that schools, clinics, hospitals and other critical facilities were not without the precious resource. Even now we are - and I say this carefully - still in the throes of a medical emergency and are perhaps as anxious as I am with every thread of new information on the global response to the Ebola virus.

Mr. Speaker, this Bill sets a framework that allows each of us in this House and those for which we exercise responsibility or custody to understand and appreciate that we won't always see the disaster that is imminent. We won't always hear that it is in this season that a hurricane is most likely and, of course, we won't always know the nature of the threat until alas it has landed on our shores. I therefore, commend the Minister and his team that this Bill which, among other things, sets out the natural disaster response and coordination plan at section 17, which includes disaster prepared and responsiveness of public bodies and public officers, non-government organizations, community-based organizations and persons or organizations who volunteer in disaster response efforts; and at subsection (2)(iii) persons or organizations who are required by law to perform functions related to the preparedness for and, therefore, the response to disaster.

Mr. Speaker, a modern society in the absence of a framework such as this one which safeguards against various risks stated here at (h) to include explicitly fire, epidemics and pollution from a disaster or the aftermath there from would continue to practice and to exercise what we would have referred to colloquially during childhood as bat up and *ketch.* Mr. Speaker, I am pleased as a Member of this Honourable House that it has come while I still serve, the age when we can have so explicitly and clearly written out a plan, a framework and a set of actions and responses which allow us to more confidently and sufficiently or adequately respond to disasters in the categories and classifications as this Bill sets out.

Mr. Speaker, I'm sure the Minister and his colleague, the Minister of State, would have already given instructions that set out a corollary education programme that must come when this Bill is finally promulgated. That, Mr. Speaker, is critical, because it is a reality of culture that people, such as ourselves, who have had a struggle to acquire the little property that we do and deem important to keep and to cherish are not often the easiest to convince to evacuate an area where our prized possessions are located. It is, therefore, Mr. Speaker, important that all of us appreciating that behaviour change is not as easy to achieve as the passage of legislation should commit at our respective constituency levels to support this Bill not just by its passage through the House of Representatives, but in communities to re-educate and provide new information as to the importance of public safety and our public health that when the Authorized entity would have mandated a public evacuation order that despite our possessions, despite our preferences or our

practice we would abide by the wisdom of such an evacuation order.

Mr. Speaker, like my colleagues on this side and I'm sure those on the other side, we give our support explicit and full support to the Bill which has been brought before us at last.

Thank you, Mr. Speaker.

The SPEAKER: Mr. McKenzie.

Mr. McKENZIE: Thank you, Mr. Speaker.

Mr. Speaker, we all know that Jamaica is situated in an area which is manmade for natural disasters and the social and economic fibre of the society is one of the greatest challenges we face as it relates to sustainable development. The Opposition has a history, Mr. Speaker, of commitment to disaster preparedness which goes back to the 1940s when the Government of the day sought to address problems in the Corporate Area with the construction of the now famous Sandy Gully, which during that time the Government of the Jamaica Labour Party was referred to as the "Gully Government". But since then, Mr. Speaker, we have seen the country growing in terms of its population and a number of factors that has contributed to lack of proper disaster preparedness and it has now placed us in a very impregnable position as it relates to natural disasters.

Mr. Speaker, it is in this context that we welcome the Bill and, Mr. Speaker, this Honourable House will remember that it was a resolution that I brought to this Honourable Chamber that asked the Parliament to consider the question of compulsory evacuation and to look at the whole question of disaster preparedness and how we treat disaster preparedness. While I welcome the Bill, Mr. Speaker, I have some concerns as it relates to the Bill and I'd like, Mr. Speaker, to develop these points, because I think it is important and I hope that the Minister will at least give some consideration to some of the concerns that I'm about to raise and that he will perhaps in the interest of the country look at these concerns and make the necessary adjustments, if it can, so that this Bill will have a passage that will not take any confrontation in terms of how we proceed.

Mr. Speaker, the role of local authorities in disaster preparation and leadership cannot be overemphasized. And I note with concern, Mr. Speaker, that the role of the authorities in this new dispensation is very limited; very limited, Mr. Speaker. If you look at the National Disaster Committee that has been established, every other entity of Government is included on that Committee, Mr. Speaker, except the Chief Technical Officer representing the Ministry of Local Government.

It is also important to note, Mr. Speaker, and I heard the Minister mention and I hope the Minister will elaborate a little on this point where he mentioned that in this new dispensation the Director General, whoever he is, will have the authority to remove and replace Chairmen of the Disaster Committees, which I thought, Mr. Minister, that the Mayors were automatically under the existing system Chairmen of the Local Disaster Committee. So if the role of the Mayors is going to be

subjected to the dictates of the Director General then I urge you, Minister, to reconsider that aspect of it.

Mr. Speaker, the Bill as presently constituted is no different - there is not much new, Mr. Speaker, in the Bill, because most of what is in this Bill exists presently, Mr. Speaker. It exists presently and I am just wondering why the Government found it necessary to make some of the changes that it has made in putting this Bill together, Mr. Speaker. The role of the Director General, Minister, this role you need to explain. Is it a similar role that is now being played by the Director who heads ODPEM or this is a new role?

The new committee that you are proposing and I don't consider it new Minister because already the Prime Minister heads the National Disaster Committee; so there are a number of overlapping in the Bill, Minister that really don't need to be there. Where I think the weakness in the Bill exists, is that it fails to speak specifically to the reason why the Resolution was brought to the Parliament, that we must put the country in a position where we can say to persons living in areas that are deemed, that is deemed, Mr. Speaker to be vulnerable during the time of disaster that it must be compulsory that these persons be removed. It can't be, we just include that as a part of the Bill, it is the most important aspect of disaster preparation, Mr. Speaker. Because, if you examine what has taken place over the years and the areas are known, known areas, Mr. Speaker, where we keep having the same, the same situation occurring every time there is a disaster and it is the same area and we continue to speak about it, continue to spend money that the country don't have. Now we have an opportunity, not just to put it in, to say that you are going to examine the premises before. We know the areas, we know what is wrong, and once we start to accept the fact, Mr. Speaker, that many of these areas is not fit for persons to live in, and we must be prepared to take the bold and decisive step in removing persons living in these areas once and for all.

So just to put it in the Bill to say that we going to send persons there to examine and you are going to take away what you deem to be dangerous during disaster, that is not going to help. We don't have the capacity for that. We have the capacity to ensure that the areas that are vulnerable, that we take the necessary proactive steps in getting these people out of area, Mr. Speaker.

Mr. Speaker, the Bill also speaks to the question of funding. And you know, Mr. Speaker, I had some discussions with the Minister on the matter. The Government of Jamaica is spending some US$6 Million annually, for insurance, and when I discussed it with the Minister over the last what, 10 years Minister you have been a part of this policy, five years. If you add up that US$6 Million that we are paying annually, the Minister wants $50 Billion as a part of the budget, for the National Disaster Fund. That 60, what you said 150?

(*Sotto voce* comments by a Member)

Mr. McKENZIE: $150 Billion that is what you said Minister. What is it, what is the figure you are saying?

(*Sotto voce* comments by a Member)

Mr. FAGAN: Whatever the figure is.

Mr. McKENZIE: No, no, but whatever the figure is, during, our discussions you agreed that if this $6 Million that we are paying as insurance, since we have joined this international insurance body we have only got US$100,000 and we have to, Mr. Speaker, as a country, experience severe damage in order to benefit from this insurance scheme.

Now, Minister, I would suggest that the Government review, look at the this policy to see if it really makes sense, that we are paying all of this money and not really getting the benefits out of it.

You know, Mr. Speaker, the Minister, in his presentation spoke about the importance of the Bill and what is required to make it work. Well let me say, Mr. Speaker, that if this Bill Minister, is to work, then we can't just come to the Parliament today and debate it and pass it and leave it there. There are aspects that this Bill should speak to that it is not addressing. The question of shelters, this is an important aspect of our disaster preparedness because, when you are going to encourage persons to leave their homes and we are not in a position to provide proper shelters, and I am not asking that we put down 5 star hotels that is not what we are asking, based on the nature of the situation it is important that the country identify in the areas that matters at least four major shelters that is equipped, that will make it attractive to persons, who in times of disaster would want to leave their homes and to go to the shelter.

Minister look, if you don't fix it, you are going to spend million dollars after and we could save a lot if we do the things that are necessary. The Bill is a welcome Bill, Minister, but there is nothing new in the legislation as I said before, 90 per cent of what is mentioned in the Bill presently exists. But what is clear to me, is that one of the aspects of this Bill, is how to raise the funds that are required to finance this new body. And you are going to be taking funds from the Parish Councils; you are going to be talking funds from the building departments.

I want you to consider Minister that some of the Parish Councils will never be able to contribute significantly to that fund because their earning capacity is limited; parishes like St. Thomas, St. Mary, Hanover, while parishes like Kingston and St. James and St. Catherine will probably be able to generate more revenues, but to ask some of these councils that are not in a position to earn the kind of money, and what if the councils are not able, to come up with the required amount? It has to be that the Government takes the responsibility in providing the funds that are necessary to administer this new programme. You can't depend on the Parish Councils because you must remember that the Parish Councils themselves have their own share of responsibilities in terms of their revenues, and the Parish Councils are not collecting the revenues that they ought to, because of non-compliance. And to be depending on the Parish Councils to put in a significant portion

of the funding is asking a little bit too much. And I would ask you Minister to look at, as I said before, those councils which would not be in a position to contribute to the funds and to see what can be done.

I am going to ask you again, where are the real measures that speak to the question of persons living in the flood-prone areas? Is the Government afraid to put into law these measures that will eventually save lives and save properties?

I am in support of the Bill because I think it is a good Bill. But I don't believe that some of the changes that have been made are necessary because as I said before, as presently constituted, it used to work before.

The last thing I want to ask you, Minister, the powers that you will exercise over this body is frightening, frightening, frightening, Minister. I believe if the body is to work and to work effectively then the powers of the Minister has to be limited to allow this body to work and to do their jobs without, without ministerial interference.

You know, there has always been a problem in certain areas where political interference has played a role in who become managers of shelters. And if a shelter is situated in an area that is deemed to be supportive of one of the two political parties nobody don't want to go there. Minister, what we need is to allow the Director General and the team, when they are given the go ahead by the Government, by the Most Honourable Prime Minister who chairs that National Committee when it convenes to send them out, that the Committee should be able to work freely, without the interference of the Political Directorate. Disaster knows no politics. It knows no politics, Minister. And I urge you, I urge you to look at the role that the Minister is playing in the overall dispensation of this new bit of legislation.

The Opposition, as I said before, supports it. You have our commitment to work with you, you have our commitment to ensure that areas that falls within constituencies that we represent even although they might not pose problems, when it comes on to the disaster periods we will be willing. And I want to emphasize the point made by the Member from North East St. Elizabeth when he spoke about the question of public education. It is going to be important, Minister that after we passed this Bill, in the Parliament, we don't just leave it here in the Parliament. And I am hoping that in the whole scheme of things that there will be a PR component that will work, not during the period or leading up to, because based on how the climate change situation is, from January to December can be a period of disaster and it doesn't necessarily mean hurricane or earthquake, there are other forms of natural disasters that we don't seem to have taken into consideration and public education has to be an important component of the Bill.

And with these few words, Mr. Speaker, I give my support and that of the Opposition to the Bill.

Thank you.

(Applause)

The SPEAKER: Mr. Brown.

Mr. BROWN: Mr. Speaker, I seek permission to speak from a seat other than my own.

(*Sotto voce* comment by the Speaker)

Mr. BROWN: Thank you, Mr. Speaker.

Mr. Speaker, I rise to make a very brief intervention in relation to this Debate, and to support the passage of this very important piece of Legislation; and certainly, to endorse some of the comments that have been made on both sides of the aisle, in relation to this piece of Legislation.

The observation has been made, Mr. Speaker that the Legislation seeks to formalize what essentially is the practice as regards to disaster risk management in Jamaica. And I think that is an important activity to happen, given the fact that the country and the region are exposed to natural disasters.

Certainly, in our international endeavours, we do make the point that we are a Small Island Developing State and that in fact we are exposed to the vagaries of the weather, and other natural events that make us vulnerable, and therefore can impact negatively on our overall development.

I think that the passage of this piece of Legislation strengths the argument that we make in international fora as Small Island Developing States, because it demonstrates that we are proactive in seeking to address the challenges that we face which are as a result of natural disasters.

Mr. PICKERSGILL: Hear, hear.

Mr. BROWN: I want to speak to the issue of Part VII of the Bill, which speaks about specially vulnerable areas. And I listened carefully to the intervention from the Member from Kingston Western who essentially advanced the case that the Bill did not go far enough in treating with this matter.

But I think that the treatment given by the Bill is an important development because it imposes a responsibility on the Director General to be proactive, having regard to areas that would be classified as specially vulnerable areas for there to be examination of the area made, and for recommendations to be made to the Minister, particularly as it relates to plans relating to mitigation and prevention of disasters in these designated specially vulnerable areas, and that is Clause 31(1).

But more importantly, Mr. Speaker, if we were to look at Clause 31 subsection (3), it goes further to say: *A Special Area Cautionary Plan shall not authorize any development that is not permitted under the Town and Country Planning Act*, or any other related enactment, And that is an important point and clause to note, so that the Director General working in tandem with the local planning authorities are to ensure that no development takes place in areas that designated as specially vulnerable areas... (Applause) ...and we must recognize that it is the responsibility of the Town and Country Planning Authority, under the Town and Country Planning Act, to ensure that persons are not building in vulnerable areas. And therefore, we should call for and encourage the enforcement of these Regulations and Legislation where that is concerned. (Applause)

Mr. Speaker, subsection (4) goes further. It says:

'*Every entity that is subject to the National Resource Conservation Authority Act, and every local authority shall be guided by a Special Area Precautionary Plan in making any decision, or granting any approval for development in areas covered by the Special Area Precautionary Plan'.*

So it goes further; it gives some degree of flexibility. So even though the area may be vulnerable, it may well be that is it not an area that is excluded from development. But before that development can take place, the National Resource Conservation Authority must take cognizance and account of the precautionary plan that is developed by the Director General, and if they are not satisfied that there is sufficient mitigation steps that are taken, then it follows logically that the approval ought not to be given, and development should not take place. I think, Mr. Speaker that this is a balanced approach, and it speaks to the issue, to its core, of sustainable development.

Mr. Speaker, this plan must be submitted for consideration by the Director General to the Minister, and he ought to be guided accordingly and to approve that Draft Special Plan where he deems it satisfactory. And I want to commend the Minister for this particular development, and for codifying this aspect of this Bill, and this piece of Legislation which is important in terms of disaster risk reduction.

I want to speak briefly on Part IX of the Act, Mr. Speaker, which speaks to the National Disaster Fund. And again, I listened very closely to the Member from Western Kingston or Kingston Western, and I think that he raises very important points, in terms of the issue of funding, because the fact is that when these disasters take place, they create significant dislocation, in terms of personal property, in terms of the National GDP, in terms of the infrastructural damage that is done, and certainly, it has significant implications for our economic well-being as a country, and I think it is very important.

In this regard, Mr. Speaker, I think the Bill seeks to involve the Minister of Finance as best as is possible, given the limited resources that we have, and certainly in the context of our Economic Programme, it poses a serious challenge when it comes on to adequate funding. But it is a real issue.

But Mr. Speaker, I think it gives us some hope because it speaks to the establishment of the National Disaster Fund, and this is a very important step and it speaks to the appropriation of funds for this purpose from Parliament. So, it would seem to me that there is some role that we as parliamentarians will have, in terms of speaking to the allocation to this Fund, which I think is an important tool that we need to have and to utilize. (Applause)

A MEMBER: Hear, hear!

Mr. BROWN: I want to say, Mr. Speaker that we probably should consider the possibilities of tapping into the Climate Fund that has been proposed. We are aware that there is the commitment for US$100 Million to be mobilized to deal with matters relating to climate change and national disasters. And I think that this Fund would be amenable if we

could find a proper project to submit to the Climate Fund to get some monies to put in there as part of our resilience framework when it comes on to national disasters. (Applause)

Mr. Speaker, it is my view that based on the representation that Jamaica has made at the international level, at the regional level and certainly, at the national level, that we have convinced our international partners that our exposure to natural disasters is a really inhibiting factor to our overall economic development and fortune. And I think that the implementation of this piece of Legislation will demonstrate the commitment of Jamaica to address this issue in a very structured and fundamental way, and will strengthen our argument when we seek for support at the international level, because we can speak to this piece of Legislation that seeks to formalize, not just a reaction towards national events and disasters, but to take a proactive approach, because it speaks about forward planning; it speaks about risk reduction; it speaks about mitigation, and it speaks about taking coordinated steps to ensure that our vulnerable communities and areas, and people, are not unnecessarily exposed to these natural disasters. (Applause)

In that context, Mr. Speaker, I want to say that the Bill has my full support, and as the Member from Western Kingston indicated, the support of the Opposition as well, and I think that augurs well for disaster risk reduction in this country, and the fact that Jamaica continues to be a leader in this Region, and in would say around the Globe, where risk reduction is concerned, and I support the Bill and encourage its passage at the appropriate time.

Thank you very much, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Phillips.

Mr. PHILLIPS: Mr. Speaker, as I rise also in support of this Bill, because it is significant, Mr. Speaker, that…

Mr. SHAW: Ask him for permission to speak from a seat other than your own.

Mr. PHILLIPS: You are asking on my behalf, thank you very much.

Mr. SHAW: No, I am not.

Mr. PHILLIPS: Mr. Speaker, I seek your permission to speak from a seat other than my own.

The SPEAKER: Proceed. Well I actually indicated that you could.

Mr. PHILLIPS: Thank you very much, Mr. Speaker.

(Heckling by Mr. L. Buchanan)

But the significance, Mr. Speaker is because as a small island we have been, from time to time, affected by disaster of one form or another. What is good about this Bill, Mr. Speaker is that it gives more autonomy not only to forward planning but more autonomy to the Office of Disaster Preparedness and Emergency Management where it will now stand as a body corporate with its own board and some direction from the board to deal with disaster management.

But, Mr. Speaker, as speakers before me have touched on various aspects of this Bill, I think, Mr. Speaker, as we look at disaster preparedness and emergency management, I would love us to look at how it is that we deal

with mitigation, because even though we are putting this legislation, this Bill forward, and that the Office of Disaster Preparedness will deal with some aspects of mitigation, is that we need to look at how it is that the local authorities, the parish councils, how they deal with mitigation in a systematic and formal way. Because if we do look at mitigation as important as we deal with disaster emergencies, then I think that a lot of the moneys that we do spend, after the disaster, we could lessen that amount once we deal with mitigation in a timely and orderly way.

The National Disaster Fund, Mr. Speaker, is an important aspect of this Act. Even though the Fund was in effect before, but now in this Bill we are seeing where, as Member before me had mentioned, that there is, where an annual amount for this purpose of this Fund will come from an appropriation from Parliament. But Mr. Speaker, I think it is due time that we look at an insurance fund for disaster here in Jamaica because when we look at, as the Member from Western Kingston had mentioned before, we as a country keep spending money in this Caribbean Disaster Fund but we ask the question, when will it that we will benefit from this Fund?

Mr. McKENZIE: We won't know because all of we…

Mr. PHILLIPS: And if we are expending money in this Fund, and seeing that we are affected by disaster on a regular basis, I think that we may need to look at how it is that we can create one of our own here locally.

An important part of this Fund itself, recovery of relief efforts. We have seen where from time to time, that procurement guidelines stifle our relief efforts, and I hope that in the effort of dealing with disasters and mitigation, that when the Ministry of Local Government and the Office of Disaster Preparedness is ready to tap into these funds to deal with mitigation and for relief, that we do not run up into a roadblock that procurement guidelines hamper us in dealing with it effectively.

Mr. Speaker, again I will emphasize that we need to look at how it is we deal with mitigation. We need to make sure that also within this Act, even though the Local Authorities, the Disaster Committees are strengthened by the amount of individuals on it, but we want to ensure that also at that point in time of a disaster, that they are given the adequate resources to deal with not only mitigation but also to deal with the relief after a disaster. But, Mr. Speaker I do wholly support this Bill, I think it is a step in the right direction as we put the importance of disaster preparedness and emergency management, and I'm happy to see that there is more autonomy given to the office of disaster preparedness in dealing with this, and I too, Mr. Speaker, support this Bill and hope that it will do us well as a country to deal with disaster preparedness.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Bartlett.

Mr. BARTLETT: Mr. Speaker, I take note that the measure before us is one which

has bipartisan support, and indeed the strengthening of the mechanism to deliver on that most important aspect of our own existence which is not dictated by us, but is driven more by the force of nature, you know, acts of God and sometimes the Queen's enemies. But beyond that, Mr. Speaker, I just like to make the point that, the establishment of strengthening the mechanisms for delivery of disaster management in the country is an important, necessary step but it is not sufficient, and Members have alluding to that in their comments quite correctly.

One of the things, Mr. Speaker, which I believe is missing in this, is the whole element of joining up of all the key institutions that are responsible, not just for environmental management but also for determining construction and development in the country, and where is the link between the disaster management mechanism and the NEPA, and the Parish Council, and the Town Planning, and all those agencies to ensure that there is orderly and structured development particularly in the areas of our country that are low-lying and are at risk?

Take, for example, what happens in the coastal areas, and in the wetland areas, where wetlands are there to protect the land area from the sea intrusion, from wave intrusion, ocean intrusion, and also for creating habitat for a ecosystem that keeps balance in our environment, but increasingly these wetlands are being intruded by developers who, God knows how they get permission, and as I drive around the countryside, I see it. Mangroves are being removed, buildings are going up, large areas of wetlands are being dumped up with aggregates of all types and suddenly afterwards structures are placed there and human beings then inhabit, and then comes the rain, and then comes the flood, and then comes the argument about mitigation and disaster management.

So, Mr. Speaker, I believe that we should make it a determined position as a result of this Bill, to pull together all the critical agencies and begin to review. Do an analysis of those areas that are currently being habited which are causing human settlements and people to be at risk. It's no use to talk about an insurance fund if you are going to continue to have more and more people living against the banks of rivers, on the verges of breakaway areas where, for example, the land is loose or the mountains are slipping, where we have landslides, the areas that are susceptible to land slide, geophysical weaknesses, and we continue to build there and we unfortunately even give permission to developers to put large housing schemes on areas that immediately after the fresh shower of rain, is flooded out. I don't want to call any names of places but I think we all know, and we have some in Montego Bay, of course.

Mr. L. BUCHANAN: A you leader, you a trouble.

(Inaudible comment)

Mr. BARTLETT: No, I think you should recognize that this is an issue which relates to the entire country.

Dr. CHANG: Seek clarification.

Mr. BARTLETT: No.

Mr. L. BUCHANAN: What's wrong with that?

Mr. McKENZIE: How you a get so personal?

Mr. BARTLETT: But as a…

Mr. L. BUCHANAN: I am just asking you.

Mr. BARTLETT: No, no. Congratulations on your appointment yesterday.

Mr. L. BUCHANAN: Thank you.

Mr. BARTLETT: But I want you to recognize the seriousness of that appointment and the responsibility that devolves on your shoulder to protect rural development, and to ensure, and to ensure that these issues that we are raising are dealt with, and that we stop it. You see, some of the issues we can't deal with in the way we want to right now but steps must be taken that everywhere we see informal settlements emerging we move with alacrity and haste and, use a nice phrase, mash it down. I'm not calling for you to go and bulldoze people's places, no, but I'm saying, have rangers, have appropriate management systems in place to ensure that squatting stops because nothing causes greater access to evil, the evil of disaster than squatting in this country. It's not a political issue, it's a national issue. It's not politics we making from it because almost everywhere we have elements of it. In some areas it's a total squatting area but we have to stop it.

And so, Mr. Speaker, the Minister is correct in trying to put forward this legislation which will strengthen the management capabilities as we need it but I want to go further to ask the Prime Minister now to look at the wider issue, Prime Minister, of pulling to agencies that are responsible for environmental management in Jamaica, to tie in all these areas and to let us take a proactive position now to deal with squatting and settlements on areas that are vulnerable to flooding and disasters.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Arscott.

Mr. ARSCOTT: Thank you, Mr. Speaker.

Let me first of all thank the colleagues who have made their contribution this afternoon.

Mr. McKENZIE: And finally you having some power from Labourite.

Mr. ARSCOTT: It is indeed - well, also thanks for the connection across there. The power here was too much so we need supplement, right?

Mr. Speaker, I would just like to briefly respond to a few points raised by some of the speakers. I want to say that the approach to disaster management has shifted from a reaction to disaster to DRR, disaster risk reduction. So what we are doing now is to prepare more robust capabilities of our built environment to deal with disasters which we know are inevitable. So, in that regard we need to strengthen the ODPEM to ensure that they have the necessary resource and technical capability to protect our citizens.

The condition of our shelters, Mr. Speaker, has not escaped my attention and I

have actually had discussion with the head of ODPEM from time to time to see how best we can upgrade these shelters, making them habitable and we are going to investigate the possibility of better sanitary facilities at some of them. We don't have the resources here, obviously, to make them like hotels but certainly we need to make them comfortable for the short time we expect persons to utilize them.

In respect of the question of the CCRIF, that is Caribbean Catastrophe Risk Insurance Fund. It's an institution of the World Bank which we have signed on to as an insurance for the country, and it is true that every year we put in US$6 Million to the programme and we have not had any drawdown from it because of the parameters of the kind of insurance that we have bought.

Nevertheless, I have raised a matter and I have discussed it, and I think the Ministry of Finance is going to look at the parameters. It is like, for example, your average clause in our local insurance policy, and, therefore, how your insurance is structured and the deal you get pretty much depends on the kind of policy you buy. So, we are going to have to look at it to see if anything can be done to tweak the arrangements so that in case we are hit by a major hurricane or flood, we can benefit. In fact, it is a matter that is under active consideration.

The National Disaster Fund, it is important that we strengthen it, and, quite a number of points were raised. The Fund will have such monies as appropriated by Parliament, so it won't be relying totally on the Councils. An amount equivalent to one per cent of the Building Fees from the Council will go to it. Donations from various persons, organizations and dual approval by the Ministry will also be there, and such monies that may be raised on behalf of the Council, so, a number of avenues exist to build the Fund. And it is important that we have a substantial Fund to give us the capability to respond in case we have any kind of major disaster.

The role of the Minister is as it was in the original 1993 Bill, nothing significant has been added.

There has been strengthening, in terms of the administration and legal framework, and that is important. Each Mayor, as we all know, chairs the Disaster Committee and the National Committee, as apart from myself as Deputy Chair, the Prime Minister chairs it, but also the ALGA representative is also a member of that Committee, as well as the Permanent Secretary. And when I go we go with the team, which is that although it is not stated in the Bill, in terms of the Chief Technical Director from the Ministry, probably that's something we can look at to see how it could be adjusted.

There are some points that were raised by other Members. The Building Bill, which is to come, will address some significant parts of those things. Building approvals of any size will have to go through NEPA and so. But, the Building Bill, which is a substantial Bill, we are now currently working with the 1907 Bill.

We are bringing shortly to Parliament the Building Bill which will address substantially,

issues raised by Members. So, with those few comments, I now ask that the...

Mr. SHAW: What about the drain-cleaning programme?

(*Sotto voce* comments)

Mr. ARSCOTT: Well, thank you very much Members for your contribution. I now close the debate on the Bill, and ask that the Bill be read a second time.

The SPEAKER: The question is that the Bill be read a second time.

Put to the House and agreed to.

Bill entitled:

"AN ACT to Repeal the Disaster Preparedness and Emergency Management Act and to make new provisions for the management and mitigation of disaster, the reduction of risks associated with disaster; and for connected matters",

read a second time.

The SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

The CHAIRMAN: Minister, I see you are circulating two amendments. Are those the only two amendments?

Mr. McKENZIE: Mr. Chairman, I would like the section in the Second Schedule that speaks to the constitution of the National Disaster Risk Management Committee...

The CHAIRMAN: Council.

Mr. McKENZIE: I would ask - recommend, Mr. Chairman, that the...

Mr. PHILLIPS: You are asking or you are recommending?

Mr. McKENZIE: Well, I am recommending that the name of the Chief Technical Officer in the Ministry of Local Government be listed as the permanent member of that Management Council. You see where, Minister? Because if you notice all that has been listed except that.

The CHAIRMAN: Minister, when we get to that Schedule we will address that matter.

So, I put Part I, Clauses 1 and 2.

Put to the Committee and agreed to.

Part II, Clauses 3 to 15 put to the Committee and agreed to.

Part III, Clauses 16 to 23 put to the Committee and agreed to.

Part IV, Clauses 24 and 25 put to the Committee and agreed to.

Part V, Clauses 26 and 27 put to the Committee and agreed to.

Part VI, Clauses 28 and 29 put to the Committee and agreed to.

Clause 30 put to the Committee and agreed to.

Part VII, the amendment to Clause 31 put to the Committee and agreed to.

Clause 31 as amended put to the Committee and agreed to.

The amendment to Clause 32 put to the Committee and agreed to.

Clause 32 as amended put to the Committee and agreed to.

Part VIII, Clauses 33 to 35 put to the Committee and agreed to.

Part IX, Clauses 36 to 42 put to the Committee and agreed to.

Part X, Clauses 43 to 61 put to the Committee and agreed to.

The First Schedule put to the Committee and agreed to.

The CHAIRMAN: The Second Schedule. Minister, are you amending it to include the Chief Technical Director?

(Inaudible comment by Mr. Arscott)

The CHAIRMAN: I put the amendment to the Second Schedule.

Put to the Committee and agreed to.

(Government Members applaud)

The CHAIRMAN: Hold on! Hold on! Hold on! Don't rush this thing!

Minister, on page 44, item (af), where you have "*The Parliament of the Association of Local Government Authorities*", "*Parliament*" should be replaced by "*President*". That's one amendment.

And, Mr. McKenzie is proposing adding on the Chief Technical Director of the Ministry of Local Government. Does that meet with your approval?

Mr. ARSCOTT: Yes.

The CHAIRMAN: That meets with your approval?

Mr. ARSCOTT: It's approved. The Chief Technical Director in the Ministry of Local Government.

The CHAIRMAN: Yes, Minister, you have the mic now.

Mr. ARSCOTT: Yes. "The Chief Technical Director in the Ministry responsible for Local Government".

The CHAIRMAN: I put that amendment.

Put to the Committee and agreed to.

The CHAIRMAN: I put the amendment on page 44, "*The President of the Association of Local Government Authorities*" (af).

Amendment put to the Committee and agreed to.

The Second Schedule as amended put to the Committee and agreed to.

The Third Schedule put to the Committee and agreed to.

The Fourth Schedule put to the Committee and agreed to.

The Title and Enacting Clause put to the Committee and agreed to.

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage with four (4) amendments.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage with four (4) amendments. (Applause)

The SPEAKER: Minister.

Mr. ARSCOTT: Mr. Speaker, I now ask that the Bill be read a third time.

The SPEAKER: The question is that the Bill be read a third time.

Bill entitled:

"AN ACT to Repeal the Disaster Preparedness and Emergency Management Act and to make new provisions for the management and mitigation of disaster, the reduction of risks associated with disaster; and for connected matter",

read a third time and passed.

Now you may applaud.

(Applause)

Mr. ARSCOTT: Hear, hear!

The SPEAKER: House Leader. Minister Hylton.

Mr. Anthony HYLTON: Mr. Speaker, the debate having been closed, I now move for the second reading of the Bill.

The SPEAKER: The question is that the Bill be read a second time.

Put to the House and agreed to.

Bill entitled:

*"*AN ACT to Repeal Act and make new provisions for the regulation of insolvency; to make provisions for corporate and individual insolvency; to provide for the rehabilitation of the insolvent debtor; to create the office of Supervisor of Insolvency; and for connected matters",

read a second time.

The SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

(Cross talk)

COMMITTEE STAGE

The CHAIRMAN: Minister.

Mr. Anthony HYLTON: Yes, Mr. Chairman.

The CHAIRMAN: Are there any amendments?

Mr. Anthony HYLTON: Yes, Mr. Chairman. There is a list of amendments mainly editorial and some consequential amendments to the Bill that we shall be taking now. But I wonder, Mr. Chairman, given the scope of the Bill and its importance whether we could - and the number of clauses, numbering some 300 whether we cannot make the specific amendments and then take it *en bloc?*

The CHAIRMAN: Well, we could by Parts.

Mr. Anthony HYLTON: By Parts, yes.

The CHAIRMAN: And then at each Part we do the amendments and then approve that Part.

Mr. Anthony HYLTON: In the Parts - the amendment to the Parts, name the amendment and the list - just refer to the list and then have it approved and then take it by Parts.

The CHAIRMAN: Part I. Amendments to Clause 2. I put the amendment to Clause 2.

Put to the Committee and agreed to.

I put Clause 2 as amended.

Put to the Committee and agreed to.

I put Part I, Clauses 1 to 3.

Put to the Committee and agreed to.

Part II. I put the amendment to Clause 4.

Put to the Committee and agreed to.

I put Clause 4 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 5.

Put to the Committee and agreed to.

I put Clause 5 as amended.

Put to the Committee and agreed to.

I put Part II, Clauses 4 to 8

Put to the Committee and agreed to.

Part III -

Mr. Anthony HYLTON: Six, two - six and fourteen. In Part [Clause] 6 in Part II -

The CHAIRMAN: I put the amendment to Clause 6.

Put to the Committee and agreed to.

I put Clause 6 as amended.

Put to the Committee and agreed to.

Part III. I put the amendment to Clause 14.

Put to the Committee and agreed to.

I put Clause 14 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 15.

Put to the Committee and agreed to.

I put Clause 15 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 18.

Put to the Committee and agreed to.

I put Clause 18 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 22.

Put to the Committee and agreed to.

I put Clause 22 as amended.

Put to the Committee and agreed to. Amendment to Clause 27.

Put to the Committee and agreed to.

I put Clause 27 as amended.

Put to the Committee and agreed to.

I put the amendment to Clauses 30 and 31-

I put the amendment to Clause 30.

Put to the Committee and agreed to.

I put Clause 30 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 31.

Put to the Committee and agreed to.

I put Clause 31 as amended.

Put to the Committee and agreed to.

Clause 39. I put the amendment to Clause 39.

Put to the Committee and agreed to.

I put Clause 39 as amended.

Put to the Committee and agreed to.

The amendments to Clause 39.

Put to the Committee and agreed to.

Clause 40. I put the amendments to Clause 40.

Put to the Committee and agreed to.

I put Clause 40 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 41.

I put Clause 41 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 42.

Put to the Committee and agreed to.

I put Clause 42 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 48 - Clause 44.

Put to the Committee and agreed to.

I put Clause 44 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 48.

Put to the Committee and agreed to.

I put Clause 48 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 49.

Put to the Committee and agreed to.

I put Clause 49 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 50.

Put to the Committee and agreed to.

I put Clause 50 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 51.

Put to the Committee and agreed to.

I put Clause 51 as amended.

Put to the Committee and agreed to.

We will recommit Clause 50 for additional amendment, which amends the amendment.

Put to the Committee and agreed to.

And let me just read it for clarity:

Delete the words, *"deemed assignment*" and substitute therefor the words, *"deemed application*".

Mr. Anthony HYLTON: Correct, Mr. Chairman.

The CHAIRMAN: Okay. I put Clause 50 as amended.

Put to the Committee and agreed to.

Clause 51 - 55, I put the amendment to Clause 55.

Put to the Committee and agreed to.

I put Clause 55 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 56.

Put to the Committee and agreed to.

I put Clause 56 as amended.

Put to the Committee and agreed to.

I put Part III, Clauses 9 to 56.

Part IV. I put the amendment to Clause 57.

Put to the Committee and agreed to.

I put Clause 57 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 70.

Put to the Committee and agreed to.

I put Clause 70 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 71.

Put to the Committee and agreed to.

I put Clause 71 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 75.

Put to the Committee and agreed to.

I put Clause 75 as amended.

Put to the Committee and agreed to.

I put Part V, Clauses 58 to 80.

Put to the Committee and agreed to.

Part VI. I put the amendment to Clause 82.

Put to the Committee and agreed to.

I put Clause 82 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 83.

Put to the Committee and agreed to.

I put Clause 83 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 90

I put Part VII, Clauses 84 to 89.

Put to the Committee and agreed to.

Part VIII, I put the amendment to Clause 91.

Put to the Committee and agreed to.

I put Clause 91 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 92.

Put to the Committee and agreed to.

I put Clause 92 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 93.

Put to the Committee and agreed to.

I put Clause 93 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 94.

Put to the Committee and agreed to.

I put Clause 94 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 96.

I put Clause 96 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 125.

Put to the Committee and agreed to.

I put Clause 125 as amended.

Put to the Committee and agreed to.

I put Part VIII, Clauses 90 to 125.

Put to the Committee and agreed to.

Part IX, I put the amendment to Clause 134.

Put to the Committee and agreed to.

I put Clause 134 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 139.

Put to the Committee and agreed to.

I put Clause 139 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 140.

Put to the Committee and agreed to.

I put Clause 140 as amended.

Put to the Committee and agreed to.

There are three amendments to Clause 141.

I put those amendments to Clause 141.

Put to the Committee and agreed to.

I put Clause 141 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 143.

Put to the Committee and agreed to.

I put Clause 143 as amended.

Put to the Committee and agreed to.

I put the amendment to Clause 145.

Put to the Committee and agreed to.

I put Clause 145 as amended.

Put to the Committee and agreed to.

I put Part IX, Clauses 126 to 154.

Put to the Committee and agreed to.

Part IX.

The amendment to Clause 139 put to the Committee and agreed to.

Clause 139 as amended put to the Committee and agreed to.

The amendment to Clause 140 put to the Committee and agreed to.

Clause 140 as amended put to the committee and agreed to.

There are three amendments to Clause 141.

The amendments to Clause 141 put to the Committee and agreed to.

Clause 141 as amended put to the Committee and agreed to.

The amendment to Clause 143 put to the Committee and agreed to.

Clause 143 as amended put to the Committee and agreed to.

Amendment to Clause 145 put to the Committee and agreed to.

Clause 145 as amended put to the Committee and agreed to.

Part IX - Clauses 126 to 154 put to the Committee and agreed to.

Part X.

Amendment to Clause 202 put to the Committee and agreed to.

Clause 202 as amended put to the Committee and agreed to.

Amendment to Clause 206 put to the Committee agreed to.

Clause 206 as amended put to the Committee and agreed to.

Amendment to Clause 207 put to the Committee and agreed to.

Clause 207 as amended put to the Committee and agreed to.

Amendment to Clause 219 - pardon me. I put the amendments, there are three amendments.

Amendments to Clause 219 put to the Committee and agreed to.

Clause 219 as amended put to the Committee and agreed to.

Part X - Clauses 155 to Clause 221 put to the Committee and agreed to.

Mr. HYLTON: Mr. Chairman, just to enquire, on 219(1) if you can go back to 219(1).

The CHAIRMAN: 219.

Mr. HYLTON: Yes, just to enquire. There was an amendment to the amendment to this section.

The CHAIRMAN: Yes.

Mr. HYLTON: Was that taken or?

The CHAIRMAN: Yes man.

Mr. HYLTON: Okay, fine.

The CHAIRMAN: We are Part XI now. Okay, we have some renumbering here. We are at Part XII which runs from 276 to 286.

Part X - Clauses 276 to 286 put to the Committee and agreed to.

Part XIII which comprises Clause 287.

The amendment to Clause 287 put to the Committee and agreed to.

Clause 287 as amended put to the Committee and agreed to.

The next Part is Part XIV which is from 288 to 301.

Part XIV - The amendment to Clause 288 put to the Committee and agreed to.

Clause 288 as amended put to the Committee and agreed to.

Amendment to Clause 289 put to the Committee and agreed to.

Clause 289 as amended put to the Committee and agreed to.

Amendments to Clause 290 put to the Committee and agreed to.

Clause 290 as amended the put to Committee and agreed to.

Clause 291 has three amendments.

Amendments to Clause 291 put to the Committee and agreed to.

Clause 291 as amended put to the Committee and agreed to.

The amendments to Clause 292 put to the Committee and agreed to.

Clause 292 as amended put to the Committee and agreed to.

The amendment to Clause 293 put to the Committee and agreed to.

The amendment to Clause 294 put to the Committee and agreed to.

Clause 294 as amended put to the Committee and agreed to.

The amendment to Clause 295 put to the Committee and agreed to.

Clause 295 as amended put to the Committee and agreed to.

The amendment to Clause 297 put to the Committee and agreed to.

Clause 297 as amended put to the Committee and agreed to.

Part XIV Clause 288 to 301 put to the Committee and agreed to.

Part XV - The amendment to Clause 307 put to the Committee and agreed to.

Clause 307 as amended put to the Committee and agreed to.

Part VX - Clauses 302 to 311 put to the Committee and agreed to.

The Schedule put to the Committee and agreed to.

The Title and the Enacting Clause put to the Committee and agreed to.

Mr. D. SMITH: Mr. Chairman.

The CHAIRMAN: Yes, Mr. Smith.

Mr. D. SMITH: I think there is a typo here on what should be Part XI

The CHAIRMAN: What page.

Mr. D. SMITH: 138. Saying Part IX, page 138.

The CHAIRMAN: Oh the numbering.

Mr. D. SMITH: The numbering, yes.

The CHAIRMAN: We will tidy that up.

Mr. D. SMITH: Okay.

The CHAIRMAN: Thank you.

The question is that I do report the Bill as having passed Committee Stage with one hundred (100) amendments.

Motion put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee stage with one hundred (100) amendments.

Mr. Anthony HYLTON: Mr. Speaker, I do ask that the Bill be read a third time.

The SPEAKER: The question is that the Bill be read a third time.

Motion put to the House and agreed to.

Bill entitled:

"AN ACT to Repeal the Bankruptcy Act and make new provisions for the regulation of insolvency, to make provisions for corporate and individual insolvency, to provide for the rehabilitation of the insolvent debtor, to create the office of supervisory of insolvency and for connected matters";

read a third time and passed.

(Applause)

The SPEAKER: House Leader.

ADJOURNMENT

Mrs. NEITA-HEADLEY: Mr. Speaker, it is not the intended to do any further business today. So I ask for the adjournment of the House until next Tuesday, October 14 at 2:00 p.m.

The SPEAKER: The question is that the House do adjourn until next week Tuesday, the 14th of October at 2:00 p.m.

Motion put to the House and agreed to.

The SPEAKER: House stands adjourned.

The Honourable House accordingly adjourned its sitting at 6:03 p.m. until Tuesday October 14, 2014 at 2:00 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2014 – 2015

TUESDAY, October 14, 2014

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.33 p.m.

PRESENT

THE SPEAKER

HON. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern, Speaker of the House.

MEMBERS OF THE CABINET

THE HONOURABLES:

HON. PHILLIP FEANNY PAULWELL, (PNP), Eastern Kingston & Port Royal, Minister of Science, Technology, Energy and Mining and Leader of the House

DR. THE HON. PETER DAVID PHILLIPS, (PNP), St. Andrew, East Central, Minister of Finance and Planning

DR. THE HON. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern, Minister of Transport, Works and Housing

HON. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western, Minister of Water, Land, Environment and Climate Change

HON. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western, Minister of Local Government and Community Development

REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston, Central, Minister of Education

DR. THE HON. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing with responsibility for Housing

HON. NATALIE GAYE NEITA-HEADLEY, (PNP), St. Catherine, East Central, Minister without Portfolio in the Office of the Prime Minister with responsibility for Sports and Deputy Leader of the House

MINISTERS OF STATE

HON. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern, Minister of State in the Office of the Prime Minister

HON. RICHARD AZAN, (PNP), Clarendon, North Western, Minister of State in the Ministry of Transport and Works

HON. IAN DAVE HAYLES, (PNP), Hanover, Western, Minister of State in the Ministry of Agriculture and Fisheries

HON. ARNALDO ALPHONSO BROWN, (PNP), St. Catherine, East Central, Minister of State in the Ministry of Foreign Affairs and Foreign Trade

OTHER MEMBERS

MR. HUGH CARL BUCHANAN, (PNP), St. Elizabeth, South Western

DR. DAYTON RICARDO CAMPBELL, (PNP), St. Ann, North Western

DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western

HON. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern

DR. WINSTON LLOYD GREEN, (PNP), St. Mary, South Eastern

MR. WILLIAM JAMES CHARLES HUTCHINSON, CD, (JLP), St. Elizabeth, North Western

MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern

MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern

MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern

MR. MIKAEL ASHER PHILLIPS, (PNP), Manchester, North Western

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern

MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary, Western

MR. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western

MR. CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western

PRAYERS

Prayers were offered by Mr. Mikael Phillips

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

The SPEAKER: Before we get down to today's business, let us welcome former Senator Professor Trevor Munroe who is visiting with us today. (Applause)

STATEMENTS BY MINISTERS

Mr. PAULWELL: Mr. Speaker, we have three brief Statements. The Minister of Finance will start, the Minister of Education and Minister for Transport and Works, in that order.

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker, the Fiscal Policy Paper is before us to be laid today in keeping with the fiscal rules. It provides information on the economic out turn of the previous first quarter of the current financial year projections to the end of the current financial year and projections for the succeeding financial year and the medium term.

(MR. KARL GEORGE SAMUDA, (JLP), St. Andrew, North Central, entered and took his seat.)

(MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, entered and took his seat.)

(MR. RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, entered and took his seat.)

(DR. KENNETH O'NEIL BAUGH, (JLP), St. Catherine, West Central, entered and took his seat.)

(MR. EDMUND CURTIS BARTLETT, CD, (JLP), St. James, West Central, entered and took his seat.)

(MR. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, entered and took his seat.)

(MISS JOYCE DENISE DALEY, (PNP), St. Catherine, Eastern, entered and took her seat.)

In accordance with the new requirements of the Fiscal Rule Legislation, this Paper will be subjected to the deliberations of the PAAC. I just would like to mention a number of areas in relation to the document before us, Mr. Speaker. As is well known, we have now completed five successful reviews under the Extended Fund Facility Programme with the International Monetary Fund, (Applause) the debt stock and debt servicing costs have continued to reduce. Economic growth has returned and the other macro-economic variables have shown improvement.

Generally, economic performance during 2013/14 and the first quarter of 2014/2015 have been positive. The economy returned to growth during the September 2013 quarter and has remained positive to date. (Applause) Our challenge now is to secure higher levels of growth and job creation than is currently programmed in the Extended Fund Facility.

Inflation for 2013/14 was in line with the Estimates. In fact, the out-turn of 8.3% was at the lower end of the projected band. Inflation is expected to remain within the band of 7% to 9% for 2014/15 and 2015/16 and is expected to continue to trend downward over the medium term. (Applause)

(MR. AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, entered and took his seat.)

(MRS. MARISA COLLEEN DALRYMPLE-PHILIBERT, (JLP), Trelawny, Southern, entered and took her seat.)

(DR. THE HON. KENNETH WYKEHAM MCNEILL, (PNP), Westmoreland, Western, Minister of Tourism and Entertainment, entered and took his seat.)

(DR. THE HON. FENTON RUDYARD FERGUSON, CD, (PNP), St. Thomas, Eastern, Minister of Health, entered and took his seat.)

(HON. EVON PATRICK CULLITON ATKINSON, QC, (PNP), Trelawny, Northern, Attorney General, entered and took his seat.)

The current account deficit, Mr. Speaker, has been trending down since 2013/14 and this downward projection is expected to be maintained through to March 2015 with a projected out-turn of 6.6% of GDP with the expectation of a further reduction to 4.9% by March 2018. The net international reserves at September 30, 2014 stood at US$2.2 Billion and have surpassed the target in the Extend Fund Facilities. (Applause) The September 30 level is the highest recorded since June 2011.

The Labour Force Survey indicated that the unemployment rate as at April 2014 fell to

13.6% from 16.3% in the previous year (Applause) and that this decline occurred in the ranks of both males and females.

At April 2014 the male unemployment rate stood at 10.4% per cent and the female unemployment rate at 17.4%. This trend was also seen among youths ages 14 to 24. In that age cohort, the unemployment rate decreased by 4.9% from 38.5% to 33.6%. Still too high, Mr. Speaker, and we obviously have to redouble our efforts to deal specifically with the question of youth unemployment.

For the fiscal year 2013/14 all the quantitative performance criteria were met. Similarly, for the first quarter of the fiscal year all the structural benchmarks and quantitative performance criteria were also achieved. With respect to revenues and grants, the out-turn through to the end of July 2014 was 2.1% below the budgeted position.

In August 2014 there was an improvement in these receipts as the Government of Jamaica received the proceeds of grants from the European Union, which were originally due to have been received in June. The Government has noted the shortfall in the revenue and in that regard Tax Administration Jamaica and the Jamaica Customs Agency have initiated programmes in order to improve their collections for the rest of the fiscal year. Should these compliance measures not compensate for the shortfall in revenue, however, the necessary expenditure cuts will have to be made to ensure that the economic reform programme remains on track. Public bodies' performance as a group fell short of projections during the first quarter by some $2.3 Billion. The sector's overall balance is projected to be brought in line with projections for the remaining programme years. However, special attention will have to be paid to the performance of this group.

The Government is committed to improving the efficiency, quality and cost effectiveness of the public sector. An action plan for public sector transformation has been developed which includes, among other things, the introduction of shared corporate services, the reallocation, merger, abolition and divestment and privatization of departments and agencies, the outsourcing of certain government services, the strengthening of control systems and accountability systems and the aligning of remuneration with job requirements. It is expected that successful implementation of these programmes will improve efficiency and be more facilitative of businesses as well as assist in containing expenditure inclusive of wage cost.

Mr. Speaker, the recent Business and Consumer Confidence Survey has provided some positive indicators, confidence is indeed returning. Overall, the Business Confidence Index has been higher during the first three quarters of 2014 than in any other year since 2007. (Applause)

An Opposition MEMBER: Since when?

Dr. PHILLIPS: Two thousand and seven, (2007). When asked to explain their improved views on the economy, nearly half of all firms reported that their optimism was linked to the favourable assessments of the impact from the policies adopted by the Government and included in the Extended Fund Facility with

the IMF. A near record number of firms for the fourth consecutive quarter expressed their intent to increase their investments in their own business during the year ahead. Among all the firms in the third quarter 2014 survey, 40% reported that it was now a good time to expand their productive capacity to more fully take advantage of future economic opportunities.

Whilst there is considerable disagreement among consumers about the pluses and minuses of current government policies the data suggests that consumers' believe that the net impact of the policies will ultimately benefit the Jamaican economy. Of particular importance when asked about their satisfaction with the quality of their lives, Jamaicans (voiced) substantial gains in the recent survey rising to the highest level in two years. These gains represent a significant degree of acceptance and accommodation of recent changes in economic policies despite the accompanying rise in their imports of hardships.

Consumers have begun a very cautious and small overall increase in their purchase plans. While improved large discretionary consumer purchases will remain contained by slow income growth and rising prices, home-buying plans were expressed by 7% of the persons surveyed, unchanged from the last quarter. Vehicle purchase intentions were held by 14% up from last quarter's all time low of 10% and last year's 12%. Vocation intentions were expressed by 27% up from 22% in the prior quarter and 24% a year ago.

Mr. Speaker, the adjustment has been difficult and continues to be difficult. But overall the main trend lines are moving in the right direction. We need to redouble our efforts to secure more investment, more growth and ultimately the jobs upon which so many of our people depend.

Mr. Speaker, we present this in the House and would expect the deliberations to take place in the PAAC in the course of the next few weeks.

Thank you very much.

(Applause)

Mr. SHAW: Mr. Speaker, I take note of the presentation of the Honourable Minister of Finance in citing the performance of the economy and on the occasion of the presentation of the Fiscal Policy Paper. And I just want to take the opportunity of pointing out a few things which I think are pertinent that while revenue might be a concern, I want to remind this Honourable House that the level of expenditure is already below the projected expenditure for this year. And the fact is that the revenue being below the expenditure below the targets means that something has to give. Somewhere, something is hurting. Services are hurting in the country. The arrears in the system continue to be persistent and troubling.

When I raised the issue of arrears in the budget debate earlier this year, and during questioning of the Joint Standing Finance Committee, the arrears situation by and large has not really improved. In some areas it has even worsened. In the Ministry of Health the

arrears continue to be substantial and persistent and Mr. Speaker, what a Ministry, at this time, to be in arrears in payments. Because where there are persistent arrears in payments it means that in some cases supplies and services are being compromised, in some cases being cut. In some cases at certain hospitals certain types of medication cannot be supplied by the hospital because they have simply not bought it; they run out of stock, they can't buy it and so the poor people that would rely upon these drug windows at the hospitals, oftentimes if it's a critical drug item that's needed, oftentimes a prescription is written by the doctor and they are told, you can't get it here so here is a prescription, go to a private pharmacy to obtain your prescription, have it filled.

So, arrears in payments continue to be a problem, and I don't know Minister if the Minister is aware that at the Ministry of Transport and Works, that's another area where arrears have become a very, very serious problem. Now I don't know if it's a matter of cashflow or it's a matter of bureaucratic incompetence, but it's a very serious matter. We are talking about JEEP 4 now and there are contractors who have completed work under JEEP 3. As much as four in one case, I'm told, six months ago and that money has not yet been paid. It is nothing short of scandalous, Mr. Speaker, to ask small contractors to upfront money on behalf of the Government and after four and five months they cannot get paid for the work that is being done, and I think that in this case the Government, through the Ministers of Finance and the Transport and Works need to intervene and find out what it is, what is the problem that is causing such long delays in the payment to the contractors.

Equally, in August of this year we were told that there was a mitigation programme, a modest mitigation programme for drain cleaning, the work was given out, the Public Works, the Works Agency people gave out the work and the ordinary people that had cleaned the drains and cut the verges and done the work from August, up to last week I was fighting for them to get their money. It is totally unacceptable that these situations should exist, yet we can come and boast and brag that we are meeting our targets and the fiscal situation is wonderful. It's not good enough, Minister.

Mr. Speaker, as Chairman of the Public Accounts Committee, there are other issues that are coming before us now, which require the immediate and urgent attention of the Government. I need only look to the last two sittings, last week and this week, to draw reference to two, what I consider to be pertinent examples of things that if we are ordering our priorities in a more structured way, that we can achieve a better result at providing basic services.

Last week the Fire Department came before the Public Accounts Committee. What does the Fire Department need, Mr. Speaker, right now? Just to get things more orderly and put the Department in a position to be able to be more responsive to emergency calls in this country. When we pursued it we determined that the Fire Department, Mr. Speaker, needs

$121.6 Million, to do what? Prime Minister, to repair 5000 fire hydrants that are not now working; to repair 13 fire units and to repair three fire ambulances. 0ne Twenty One point Six Million. And we were under expenditure, last time I looked, of about $10 Billion. In under expenditure and Mr. Speaker, I put it to the Government that while we pass our IMF test and the broad macroeconomic picture looks good we must not forget -

Dr. DAVIES: Yes.

Mrs. NEITA-HEADLEY: Yes.

Mr. SHAW: - we must not forget the micro picture.

Mr. BARTLETT: We won't.

Mr. SHAW: Because, because it is so disgraceful. Right now the 110 emergency number for fire, that system is in disarray. When you call 110 it's total confusion. We were told in the Public Accounts Committee, Mr. Speaker, that in one case they reported a fire on Kings Street but the person who was conveying it to the fire station couldn't say whether it was King Street, Kingston, King Street Spanish Town or King Street, Montego Bay. Total confusion.

(Heckling)

$121 Million, that's all needed for fire.

Mr. Speaker, this morning at the Public Accounts Committee, the National Irrigation Commission, Minister, National Irrigation Commission appeared before us. What's the picture there? They are losing $1.2 Billion a year in losses of water, because of a system that needs to be repaired.

(HON. SHARON FFOLKES-ABRAHAM, (PNP), St. James, West Central, Minister of State in the Ministry of Industry, Investment and Commerce, entered and took her seat.)

What do they need to fix the system? $1.5 Billion. Now I am not saying that you give them all of that right away, but if you programme even $500 Million over three years, you fix a problem that is causing a loss to the Government, a loss to farmers, a loss to the citizens of Jamaica, of $1.2 Billion a year. And I need to go no further than that, Mr. Speaker, in just mentioning that the Government, in my view, needs to take a more careful look at some of those things that are critical to the productive process. Irrigation is critical to the process, and while we celebrate under-expenditure there are areas that are being sacrificed, that with a little initiative, with a little enterprise, with a little prioritization we could assist in the productive process to get the economy growing again. And, yes, I see and acknowledge that unemployment has gone down.

Mrs. NEITA-HEADLEY: Hear, hear.

Dr. DAVIES: Yes. Yes.

(Applause)

Mr. SHAW: And the Minister, the Minister has been very liberal in quoting from the Survey of Business Confidence. I wonder why he has not been quite as liberal in quoting the recent Bill Johnson polls on the perceptions of the people on unemployment.

That would be a good thing to quote into the Honourable House.

Mrs. NEITA-HEADLEY: That's perception.

Mr. CRAWFORD: No, perception can't be better than the Bill Johnson Polls. Perception can't be better than that.

Mr. SHAW: Because despite the claim -

(Heckling by Government Members)

Mr. CRAWFORD: I just feel you are talking foolishness.

(The Speaker gavels)

Mr. M. PHILLIPS: Come on, man. You are wasting time.

Mr. SHAW: Despite the claim, Mr. Speaker, despite the claim that unemployment is down by 2.7 per cent over the same period last year, a whopping 65 per cent of those polled believe that the unemployment situation is getting worse, and why is that so? Why is that so? I will tell you why that is so.

(Heckling)

Mr. Speaker, I'll tell you why that is so. It is so because with all due respect to the Honourable Minister and Prime Minister, the JEEP Programme which is offering two-day work, little two-day work. Day work. It is not an able substitute for long-term sustainable jobs in the economy. (Applause by Opposition Members) And that is what is needed and I believe that that is what the Government must turn its attention to. Growth stimulus. How are we going to create more investment that is sustainable? Let the private sector create the jobs.

(Heckling by Government Members)

Mr. WARMINGTON: Oh, keep quiet.

(Heckling)

Mr. SHAW: The JEEP can't work. We need to build the economy on a firm and sustainable path, and unfortunately the Government is not displaying the appetite to get the economy going as yet again.

Thank you very much.

(Applause by Opposition Members)

(Heckling)

Mr. PARCHMENT: Audley, Audley, Audley, good show. Good show.

Mr. M. PHILLIPS: Audley, good show.

(The Speaker gavels)

Mrs. NEITA-HEADLEY: Give him an award. Give him an award.

Dr. PHILLIPS: Mr. Speaker. I have listened and I had listened to the Opposition spokesman of Finance and…

Dr. DAVIES: Performance.

Dr. PHILLIPS: …and I believe that we may have lost sight of what it is that we are about here this afternoon. What is before us, Mr. Speaker, is the Fiscal Policy Paper to 2014/2015.

(Heckling by Government Members)

Dr. DAVIES: And this was the Bill Johnson Poll.

Dr. PHILLIPS: Mr. Speaker, what is now required of the House is that the Public Administration and Appropriations Committee consider this Report. Now, this sets out the - and no doubt, no doubt, no doubt with some rehearsal of his key lines -

Mrs. NEITA-HEADLEY: Yes.

Dr. PHILLIPS: - he will be able to go and do the recitation again.

Mrs. NEITA-HEADLEY: Yes.

Dr. PHILLIPS: But, Mr. Speaker, I think I would like to disagree with him strenuously on one particular assertion that he made. We did not come here boasting about anything. We did not come to do anything more than record some of the facts contained in this Report.

(Applause by Government Members)

It is true, Mr. Speaker, it is true, Mr. Speaker, that it has been a difficult adjustment for the country. We don't resile from the fact that it has been difficult, but we are pleased that the results expected, including the results in reduced unemployment, are being realized.

Mrs. NEITA-HEADLEY: Hear, hear.

Dr. PHILLIPS: Including the results on improved levels of growth are being realized. Has it reached where we want it to reach yet? No. We have to continue, however, and not abandon what we have started.

Mrs. NEITA-HEADLEY: Don't stop the progress.

(Applause by Government Members)

Dr. PHILLIPS: Mr. Speaker, there is another assertion of his that I would like to urge him to reconsider, because he attributes the reduction in unemployment to JEEP in its entirety. Well I am certain everybody who get a drive off the JEEP feels good about it.

Dr. DAVIES: But we now know who to exclude.

Mrs. NEITA-HEADLEY: Yes.

Dr. PHILLIPS: But what the Labour Force Survey shows, is that the bulk of the additional employment is in the hotels and restaurants sector, which is not in JEEP... (Applause)

Miss HANNA: Hear, hear!

Dr. PHILLIPS: ...in the agriculture...

A MEMBER: How you know that?

Dr. PHILLIPS: ...and in the construction.

Miss HANNA: Hear, hear!

Mr. PARCHMENT: Him wouldn't know that because him not reading.

Dr. PHILLIPS: So something other than JEEP is working as well.

(Applause)

Mr. L. BUCHANAN: Hear! Hear!

Dr. PHILLIPS: The question of the arrears is a real question, and is a question that we have to address. Now, it is not possible here and I'm certain that every one of the Ministries, Departments and Agencies have problems as far as meeting all their obligations is concerned, because there's no doubt that it is a very tight budget. But there is also no doubt that if we're to get to the endpoint where we can have budgets which have much more fiscal space we have to go through these difficulties now. We can't just be all things to all people all the time; there are some difficult choices that have had to have been made. But what we can assure you is that in keeping with the provisions of the Extended Fund Facility, the total amount of arrears has not expanded. No doubt there are some areas of particular hardship and need.

And I would say finally that what we would hope from the PAAC - because in the end it is the responsibility of the whole Parliament - is for us to find ways to improve on the administration of particular departments or agencies that can improve their performance for the benefit of the people of

Jamaica as a whole. Because in the end, this path that we're walking is not a path for one side or another, as we discussed today when we were discussing our national response to the Chik-V crisis, it is a challenge that we have for the country as a whole.

Mr. Speaker, I commend this Fiscal Policy Paper as good reading for all Members of Parliament, and I expect to receive the deliberations of the PAAC when they consider it. (Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

The SPEAKER: Minister Thwaites.

(Inaudible comments/Laughter)

Rev. THWAITES: Mr. Speaker...

(The Speaker gavels)

Mr. L. BUCHANAN: All right Audley, yuh come off the platform now, stop acting.

MINISTRY PAPER TO REGULATE THE TERTIARY EDUCATION SECTOR

Rev. THWAITES: Mr. Speaker, I've today tabled in the House a Ministry Paper outlining interim measures being implemented by the Government to regulate the tertiary education sector. Recently this has been a matter of concern for the graduates of certain institutions which have not yet been accredited by the appropriate authorities.

Globally, tertiary education represents the fastest growing service sector, with the potential for significant foreign exchange earnings. And in Jamaica the sector has been experiencing rapid expansion with the entrance to the domestic market of new local institutions as well as affiliates of universities based abroad.

In this regard, the Government has sought to encourage growth in the sector, but it must happen in an orderly manner. This is in keeping with the Vision 2030 goal of promoting tertiary education not only as a primary development but as a catalyst for national development.

And you know Mr. Speaker, we should note that while we still want the cohort to grow, over the last generation we have tripled and quadrupled the number of persons who have access to tertiary education in Jamaica and that is a real achievement.

Mr. Speaker, the University Council of Jamaica, called the UCJ, performs the function of external quality assurance by means of accrediting programmes and institutions. However, international best practices dictate that a separation between regulation and oversight of the tertiary sector on the one hand, and the accreditation of tertiary programmes and institutions on the other.

Oversight and regulation of the tertiary sector is the responsibility of the Jamaica Tertiary Education Commission - J-TEC - which will be a statutory body. The Commission's mandate includes the establishment of internal quality standards for tertiary level institutions, which operate in Jamaica.

As part of the interim measures towards the introduction of a new regulatory regime for the tertiary sector to be administered by J-TEC, the Ministry of Education is establishing a National Registry of Institutions offering tertiary education. And by way of this policy,

the Ministry is requiring all new and existing private tertiary level institutions to register with J-TEC.

Mr. Speaker, in the Ministry Paper the word 'inviting' is used instead of 'requiring'. It is important that that change be made.

This decision is being made in keeping with the General Powers conferred on the Minister of Education under Part II Section 3 (b) of the Education Act which quotes:. *"to frame an education policy designed to provide a varied and comprehensive educational service in Jamaica*".

These interim measures will remain in place until the enactment of the J-TEC Act, giving the entity the authority to ensure mandatory registration of all tertiary level institutions, among other functions.

J-TEC is also implementing other measures necessary for the seamless introduction of the new regulatory regime for the tertiary sector including the development of the National Qualification's Framework for Jamaica to ensure that all training programmes in Jamaica conform to established standards and are clearly located in relation to each other and maintain global standards; also standards for institutional registration of tertiary level institutions; and to implement a robust information management system.

Mr. Speaker, the outcomes and benefits to be derived from this are as follows:

- A gate-keeper for entry into the tertiary sector in Jamaica and improved co-ordination of that sector;
- Availability of accurate information on tertiary institutions operating in Jamaica to enable planning, development and improved co-ordination of the tertiary sector; and
- A standards-driven internal quality assurance mechanism for all Tertiary Learning Institutions operating in the nation, thus ensuring internationally competitive quality of all programmes being offered by institutions; and further
- Enhanced protection of consumers of tertiary educational services, including parents and students; and
- Improved protection of those who seek to invest in tertiary education.

The establishment of the Register and the registration of Tertiary Level Institutions by J-TEC, operating under the auspices of the Ministry of Education, should result in an improved quality of tertiary level programmes being offered in Jamaica pending the introduction of the new regulatory regime for the Tertiary Sector under the J-TEC Act.

Mr. Speaker, in summary, it's very important that all students who are now preparing for enrolment in tertiary institutions going forward, should check with the Jamaica Tertiary Education Commission, and or the University Council of Jamaica, to make certain whether the institution at which they hope to register and to which they will pay substantial monies, is in fact registered, has in fact met the basic standards of governance required, and is offering courses which either are already accredited or which are in the process of being accredited by that institution. (Applause)

I trust that this statement and the accompanying Ministry Paper will be of guidance to the people's representatives and will be of good information for the public as a whole, as we plan to improve and expand the tertiary sector, but always with a mind to the highest quality being obtained.

May it please you. (Applause)

EXPAND, OPERATE AND MAINTAIN KCT

Dr. DAVIES: Mr. Speaker, on January 16 of this year, the Government of Jamaica through the KCT Enterprise Team and the Port Authority of Jamaica, issued a Confidential Information Memorandum and a Request for Proposals to three prequalified entities - DP World which is Dubai Port, the Port of Singapore and Terminal Link - for the grant of a Long-Term Concession to Finance, Expand, Operate and Maintain the Kingston Container Terminal.

At the close of the bidding period on July 31, 2014 only one bid was received, and that was from Terminal Link Consortium, jointly owned by CMA CGM, a French shipping firm, and China Merchant Marine. The other two bidders declined to submit tenders due in part to their concerns about the implications for the viability of the KCT given the proposed development of a new transshipment terminal by China Harbour in the Portland Bight Area. This occurred despite a number of initiatives which were pursued by the Port Authority's Management to protect the future viability of the KCT.

Whilst these initiatives received general support from bidders, the process of including these agreements in the bidding process would have necessitated a termination of the current bidding activities and agreement as in terms of the language for inclusion of a new tender. At the same time, given the fact that such changes provided no guarantee that they would result in more and/or improved bids, the decision was made and approved by Cabinet to continue with the original bid process.

An evaluation team was appointed in accordance with the Request for Proposal and the Evaluation of the Bids commenced on August 2, 2014. An evaluation of Terminal Link's bid revealed that it was not in strict compliance with the agreed guidelines. It was found that whilst the financial forecasts satisfactorily reflected the price and throughput considerations, the requested amendments to the Concession Agreement negatively impacted the price proposal.

The Evaluation Team concluded that notwithstanding the financial offer, there were a number of issues which needed to be clarified and confirmed regarding the commercial aspects of the deal. It was felt that the most efficient way of resolving the issues was to commence face to face meetings with the Terminal Link Consortium.

As a result, Cabinet approved the recommendation of the enterprise team to declare Terminal Link Consortium as the Provisional Preferred Bidder. It also approved the appointment of a small Negotiating Team to begin the process as soon as possible.

Cabinet approved the following members of that negotiating team: Former BOJ Governor the Honourable Derrick Lattibeaudiere, Professor the Honourable Gordon Shirley, the CEO of the Port Authority, the Permanent Secretary in my Ministry, Mrs. Audrey Sewell and Mr. Peter Melhado, the CEO of the ICD Group of Companies, but who is also Chairman of the Board of KCT.

I'm pleased to advise that negotiations began today with representatives of the Terminal Link Consortium. I've given the negotiating team a month to provide me with a definitive statement on progress in their discussions with the representatives of Terminal Link.

Should these negotiations lead to a Preliminary Agreement after that month, which satisfies the criteria laid down by the GOJ, steps will be taken to move towards a final agreement in the shortest time possible.

However, if no such agreement is reached then the negotiating team will be authorized to act under section 404 of the Government's Privatization Policy, and initiate negotiations with other parties which have expressed an interest subsequent to the termination of the previous tender process.

I would like to once again assure this Honourable House that the Kingston Container Terminal remains a valuable asset, and privatization will be by no means a fire sale.

Based on my instructions, the Kingston Container Terminal has continued to improve its productivity and to implement a series of activities to ensure that the port is operated as a going concern capable of sustaining itself in the event that there is no satisfactory final agreement with a private sector entity.

In anticipation of such a situation, I asked the leadership of the Port Authority to prepare and implement a plan which would allow the PAJ to continue to run the facility, including the dredging operations. Let me repeat. I have asked the leadership of the Port Authority to prepare and implement a plan which would allow the Port Authority to continue to run the facility, including the dredging operations.

(*Sotto voce* comments)

Dr. DAVIES: We didn't give you because we didn't think you would understand. I gave the other people there. (Laughter)

The Authority has taken on this challenge and has begun to implement the programme of work to enhance the performance of the terminal and to improve its independent sustainability.

I am pleased to advise that there are already quantifiable improvements in many critical areas of performance, benchmarked against international performance norms.

Information provided by the PAJ demonstrates that equipment reliability and availability have improved, and berth productivity has been increased. There has also been a reduction of delays in ship turnaround. These improvements are but a first step to more substantial improvements over the short term. There are ongoing projects that are geared to improving each of the performance indices within the next twelve months.

Mr. Speaker, this Statement today is in keeping with our commitment to keep Parliament and the public informed of developments in this important privatization efforts.

However, at the same time, our approach provides the negotiating team room for flexibility in ensuring that the country will maximize the returns from this valuable national asset.

And I should indicate that in more formal language, I have indicated to our multilateral partners that whilst we wish to conclude the privatization effort, there will be no fire sale, hence the reason for the preparation of the alternative by the PAJ.

I thank you very much, Mr. Speaker. (Applause)

Dr. CHANG: Mr. Speaker, first let me thank the Honourable Minister for his Statement. It may seem a little bit late but we thank him for bringing this informative piece of document to us. And I want to thank you for the Statement today. It came a little bit late, but we appreciate it being brought here.

A short comment and then a couple of questions, Minister. This particular divestment has been on the table for some time, in fact, it overlapped Administration and it has been discussed for some maybe four years. It is considered critical to the development of the logistics hub activity in Jamaica; it is the centerpiece of that kind of activity. It is also a major investment. If it is to be fully implemented we are looking at over a Billion Dollars US (US$1B), over a Billion US, certainly, I doubt the entire operation but significant sums, or more by the time you reach the level that you want associated investment that would be critical to the whole success of the port could be in that region.

I am concerned, Minister - and this is just a general comment - that this thing has been talked about so long. And even at this point in time, it took us another nine months to get to this point with one bidder who is not quite satisfactory. And quite frankly, raises the question - before I ask the specific questions, raises a broader question of how we divest or we seek to develop large projects.

By the way, as I said, it has overlapped Administrations. There was a suggestion in this House once to identify what we term "strategic investment projects", and extract them from the process, because this kind of activity is also time-sensitive. The kind of people or companies that have the kind of money we require - not only to invest in the port, but the associated investments required to make it successful - are not going to sit around waiting for four/five years.

In addition to that, they fit into economic cycles. It is well known that the dramatic increase in trade - world trade, that allowed for the development of these large shipping centres evolved out of the development of China as the manufacturing centre of the world; and that has been tapering off, stabilizing. It's a fact of economics that it is now stabilizing, so there is not as much urgency to expand large ports as there was as recently as ten years ago. We are therefore somewhat behind the eight-ball, in a sense, in this one. And this is the kind of thing that you

could extract it and negotiate directly with a number of qualified people from day one. Because, I have seen you only have three qualified bidders, and I don't think it's necessarily coincidental that the partnership that is taking an interest involves China merchants. Because much of that international trade evolves from the east. Other countries are now coming on stream, and there is clearly need for such a port in the Caribbean region.

In addition to that, the fact that the company presently in Jamaica, China Harbour, is involved in seeking to do the project at Old Harbour - and they are one of the few companies - and not because they are here and Chinese, they are one of the few companies that is currently involved in building ports across the equator, which is one of the primary routes. They are in Pakistan, East Africa, Sri Lanka, so obviously, one of the companies that should be involved in a discussion of this sort, it makes sense.

And I think, as a small country with an under-developed economy seeking large investments, we ought to use this opportunity to take a second look at how we do these large projects. I think the long, drawn-out activity which surround - this is something we should discuss and it may require "across-the-room" discussion, but we should initiate it.

We are losing or delaying some long projects. And at another place or maybe in this place at another time they can allude to other projects which seem to have been delayed so long that we might be losing the full benefit of the programmes.

At the same time, Minister, I would have to ask - first of all, in terms of the enterprise team, I think you have an excellent team, I don't want to question the quality and intellectual depth of the Honourable Derrick Lattibeaudiere, Gordon Shirley and so on, but I would love to have seen an additional, big, private sector person there with an appreciation of logistics and ports and so forth, who have connections. And I am not in any way diminishing the presence of Mr. Melhado, one of our finest executives. Certainly, an additional... if you want to get quick responses, somewhat with the expertise. I don't know if you have consultants that are doing the work, but something of this nature deserves someone who has both the knowledge as well as the intellectual discipline of this kind of activity to be part of your negotiating team.

(*Sotto voce* comments)

Dr. CHANG: At this point I see you have put - I said you have no one who is fully qualified, you have negotiated with Terminal Link, and in a sense you are back to where we would have been up to...

(*Sotto voce* comments)

Dr. CHANG: Seeing you are going to negotiate for a month with Terminal Link, if you had taken the route I suggested in the beginning, if you begin to look at that route, you could have been there two/three years ago.

As you move to the second phase of your plan 'b', which is, if we have no settlement with somebody like Terminal Link, you have

given instructions to the company, we commend that. But I think in doing that, you could also indicate even at this stage, what kind of investment the public has in this port already, in terms of your liabilities, debts that have been taken on to develop the port to where it is, so we have a better idea of what we are dealing with, as a country.

While I know it is a very valuable asset, I think the actual amount of money we have borrowed and put in there should be made known upfront, and therefore, give an idea of the value of the port as well, in terms of what we are doing, so we can have a better understanding.

They should also give us an idea of what we might face, in terms of additional capital, to get the port moving. Because we are aware, as a publicly-owned body, the capital expenditure will come within the constraints of the fiscal margins. But, of course, if we see the business, we have to prioritize and move. But it would be in our best interest to have a clear picture so we can have for an effort of this size, national consensus and move quickly to do what we have to do.

Those are my two primary concerns. Because I am really more concerned with the fact that, as I said, this kind of negotiation has been put through much of a tedious, long process, and we have to find a way, as a country, to do them more efficiently. The business people out there are not sitting around waiting. In a sense, as a colleague just kind of said to me in cross talk, and he may say it to himself later, people are maybe getting, he said, tired of us. I think people are maybe not beginning to take us seriously.

As a country, we don't have that many large multi-nationals with the kind of capital we are seeking at home again. There was a time when we had several. I think today, outside of the utility, there are not two or three of that level.

So I think this ought to be used as a lesson for the country to look at what it's doing, and also as a statement, take the opportunity to give us full information and make whatever adjustment we think that we can. It may be necessary to play catch-up and do it well.

The SPEAKER: Mr. Samuda.

(*Sotto voce* comment from a Government Member)

Mr. SAMUDA: You know that you are better off when you don't try to rile me up. (Laughter)

Mr. Speaker, I think that with the possible exception of Sunday morning's *Gleaner* headlines, this is one of the worst days for the Minister of Transport and Works. Because there is no way that he could present a document of this nature to this Honourable House today without a sense of extreme disappointment, frustration, and in a sense, a loss for a proper direction in which to go. So much so that this document has been so carefully crafted as to invent new expressions...

Mr. CHARLES: What!

Mr. SAMUDA: ...in business parlance. It's called "provisional preferred bidder". Now, that's a new animal altogether. When

you enter into a bidding process you either qualify or you don't, you either succeed or you fail. I don't know of anything called a "provisional preferred bidder".

But the reason why they have chosen to use the word, "provisional preferred bidder" is because of desperation.

Dr. DAVIES: Not a word, a phrase.

Mr. SAMUDA: It's desperation – a phrase.

And what is the desperation? The desperation is that they are so frantically trying to get to the table with somebody who will listen to them. Those who were originally invited to bid have dismissed them as a non-viable proposition, as far as they are concerned. And, for too long we have gone around the place parading ourselves as a jewel that no one could resist. We were to be the fourth logistics hub of the world! Who is number one? One of our bidders, Singapore. Who is number two, or certainly near there? Dubai, another of our bidders.

We were told and treated to expressions of heightened expectations that it was eminent, we were about to see the launch of this new investment - imminent. Good word. Correction.

We were to see the launch of this new investment on which so much hung, so much so that it attracted the attention of the Minister of Finance, who put his own thing there about timeframe, encouraged the Prime Minister to make a statement on the matter announcing the imminent construction and of course, the Minister of Transport and Works. But he soon realized the frustration of his action and what he was contending with, that it was left then to the Minister of Industry, Investment and Commerce to continue the charade and the intellectual deception of the people of Jamaica to suggest that we were going to have a Logistics Hub created in Jamaica.

I warned then, as I reflect on it now that it was a pipe-dream, it was a pipe-dream then, it is a pipe-dream now and a dream that will not be realized in the lifetime of most of us in this Honourable House. So much so, that the Minister of Investments in his anxiety to go in search of, I suspect, relevance of some sort...

Dr. PHILLIPS: Be nice.

Mr. SAMUDA: I can't be nice when my country is suffering.

(*Sotto voce* comment by a Member)

Mr. SAMUDA: No, I can't. No, I can't. I'm sorry, because when you get warning and you don't tek it yu mus tek lik then.

(Laughter)

The fact of the matter is that the Minister of Investment brought to Jamaica a Professor from Harvard to lecture us on what he had hoped would have been confirmation that Jamaica was perfectly poised to be the next Logistics Hub. Only to be told by the eminent Professor from Harvard that that too was a pipe-dream. He didn't use the word pipe-dream but he was more drastic. He said, "That won't happen". It won't happen.

Mr. Speaker, this entire project has been a national embarrassment. It started on a false premise, the entire build-out of the Port of Kingston in preparation for its divestment with the dredging operation, the expansion of the Port, *et cetera*, simultaneously with the possibility of Goat Island.

We in the Opposition made mention of the fact that the two could not viably coexist without one suffering as a result, that it would impact on the one in Kingston. In your own statement you confirmed that one of the reasons why the people have rejected us is because the two things cannot be viable simultaneously.

So now, we are told that they haven't got a bidder, they haven't got a preferred bidder so they have gone to a negotiated contract that is essentially what the Cabinet has decided to do. The Cabinet has decided to forego the bidding process for a negotiated contract.

(Inaudible comment by Dr. Davies)

Mr. SAMUDA: No, the language you use may not be that but that's what you intend. It's not a matter of the language, the semantics, it's what you intend, because you don't have a choice! You don't have a choice and you must level with the Jamaican people! You are going to negotiate in the hope that they will give you a better deal and you'd be able to get something to the House that make sense. Fact is that you won't get a better deal because there isn't a better deal in the back.

And it is for that reason, anticipating that he won't get a better deal - and we all hope he does - but the chances are he won't get a better deal so what has he done to protect himself? He has said that we will assume the management of the project of the dredging of the Kingston Harbour. We will manage it. I suspect in the hope that manna from Heaven will fall and he'd be able to get the money to do it. He has not told us where the money is coming from to do it. He has no funding available for the dredging exercise through the Government of Jamaica or through any lending agency that we are aware of. So to include it in the Statement is to be misleading of the Jamaican people, to try to mislead the Jamaican people. Because what you can do to restore credibility in this Statement is to tell us where you getting the money to do the dredging in a month's time when you are told by this eminent team that your good efforts have failed. But then if you fail to negotiate with this new animal called the 'Provisional Preferred Bidder', you have yourself a fallback position where you say all right fellows, all those who bid before, the other two who bid before, let's call them in and now try and negotiate with them. And this business of, 'It's time for us to do a face-to-face with them'. That is - in business language, that is rubbish, that's rubbish, that's not how business is done internationally. That process is several months behind time. That's where you start not where you end when you fail.

So you have already exposed yourself as somewhere of little interest by those who really matter in this business. You're no longer fashionable, you're no longer relevant because the Chinese have moved on, they are investing elsewhere.

And while we are peddling around with a few little dredged channels in Kingston Harbour the rest of the world are busy constructing liners that cannot and will not be able to go through the Panama Canal. They will be going over and coming down from the

north. Oh, you haven't heard of that yet. It's all a question of economics and you don't have the economics on your side right now.

And the thing that I have been saying, Minister, repeatedly over and over and over, don't take on more than you can handle. What you can handle is a development for an economic zone in Caymanas enterprise zone to start. You link that to the existing Port. You take advantage of the traffic now. You take an advantage of smaller players who will come here and build out a facility at Caymanas, create jobs and create the logistics that you need to start. When you start and you prove that you can manage things efficiently, get things through the Port and expedite all that you have to expedite, then you go off into the bigger water, the deeper water. Don't jump off into deep water and you don't know how to swim. And that is what has happened to you, you have been caught in this notion and misled into believing the rhetoric that sounds good on a platform, that sounds good up to midterm and now you realize that you have nothing to hold on to and the ship is sinking fast, you have no prospects of this coming to fruition.

Dr. DAVIES: Do I hear a question in this or a statement by the Opposition?

(Laughter)

Mr. SAMUDA: So, Mr. Speaker, I hope that the Minister will cease with these kinds of vague statements that mean nothing, use of language that is imprecise, language that is ambiguous and come to the Jamaican people and to the House of Parliament with real facts as to who bid what and why we can't accept them, *et cetera, et cetera*. He's going to tell me that's sensitive information. But, we have reached the stage where time is not on our side and, therefore, stop allowing anyone no matter who they are to play games with the future of Jamaica.

(Applause)

Dr. PHILLIPS: That must be struck from the records.

Mr. SAMUDA: I'm willing to strike anything if you can successfully challenge it.

Dr. PHILLIPS: The proof of the pudding is in the eating.

Dr. DAVIES: Mr. Speaker, Mr. Speaker, let me respond to both....

Dr. PHILLIPS: No, respond to Chang.

(Dr. Phillips point to Mr. Samuda)

Dr. DAVIES: Well.... (Laughter) The Opposition spokesman…

(Inaudible comment by Mr. Samuda)

Dr. DAVIES: You want to continue.

(Dr. Davies takes his seat)

(Laughter)

Mr. SAMUDA: No, no, but…

(Laughter)

Dr. PHILLIPS: So you think is a battle of soliloquies.

(Laughter)

Dr. DAVIES: I'm hoping for a difference. This one will have some substance responding to....

Mr. SAMUDA: …substance from you.

Dr. DAVIES: First of all…

(Inaudible comment by Mr. Samuda)

Dr. DAVIES: No, I have learnt that it's useful to take on someone who is saying something.

Let me deal with the - I agree with the presentation of the first speaker in terms of the procurement process. The Minister of Finance and I were just indicating that we agreed totally with you and we know that the Opposition understands very well the difficulty with the procurement process.

For example, in August 2011, in August 2011, the Opposition spokesman on Finance, in Beijing, signed the Agreement which provided all the supporting financing, *et cetera* for the North to South Highway 2000, but that administration was so scared of themselves and their own shadows that nothing happened for a period. And the period which nothing happened, if we had started working on the project from then we would have completed it. So we know that you know about the unnecessary delays. And one of the things I would like us to work on in order to preclude the notion that shortening the process or making direct negotiations does not imply corruption, is to work with the Opposition in terms of the procurement policy, which allows that flexibility. So we know that you know.

Mr. SAMUDA: Come man, you are whopping. You're whopping.

Dr. PHILLIPS: No, he's replying to, he's replying to, he's replying to Opposition spokesman on Transport.

Dr. DAVIES: Now, in terms of, in terms of the.... "Is wha happen to im... dat time of de month?"

In terms of the team, it was deliberate that we selected a small team, but they have the facility to draft in additional support in terms of whatever particular area, but we didn't see any benefit in terms of having a larger team, although we recognize that there is need for additional - there will be need for additional support at some time, so we take that point.

Now let me deal with the second person. When you stand and pontificate, be certain that you know what you're talking about. There is in the procurement policy a designation Provisional Preferred Bidder. There is in the procurement policy such a designation.

Mr. SAMUDA: Where?

Dr. DAVIES: There is in the procurement policy a designation called the 'Provisional Preferred Bidder'. And if you didn't know that.

Mr. SAMUDA: Nonsense!

Dr. DAVIES: Are you questioning that it exists? Are you questioning that it exists?

Dr. PHILLIPS: Yes, it's a… Institution.

Dr. DAVIES: And so, having stepped out to argue that this is a concocted phrase, the phrase exist and it means something specific. It allows the Government if a bidder has not fulfilled all the obligations and satisfied all the criteria to so designate that big bidder and that is the reason - that is what we have done.

In terms of the viability of the KCT together with the proposed project at Portland Bight, to say that it's not viable naturally for anyone seeking to get the KCT on the cheap that's a normal argument. But the Minister of Finance, whilst you were uttering this, pointed out Singapore or Panama where several transshipment ports co-exist and co-exist profitably.

Mr. SAMUDA: ....Jamaica.

Dr. DAVIES: Next, you came to the issue of a negotiated settlement. In case you don't you know having settled on a bidder or a Provisional Preferred Bidder then negotiations start, because there are several aspects like any other negotiation, whether it be labour agreement or whatever, there are several aspects where that proposed by the preferred bidder or the Provisional Preferred Bidder does not satisfy your requirements. So for you to pull this business - not as a - how business operates, I wonder who is ignorant? I'll confess my ignorance, but I wonder who is demonstrating greater ignorance, because each line has to be negotiated. Each line has to be negotiated. It cannot be that a bidder puts forward something, you say, come let's sign. Each line has to be negotiated and that's why we have given them a month.

Mr. SAMUDA: One month?

Dr. DAVIES: And in a month - and in a month may even be under normal circumstances too short. So this coming and pontificating as if you are some big business man who know how international business go is bunkum. Is not….

Mr. SAMUDA: ...[dedicated]. So what yuh talking about?

Dr. DAVIES: It has not been rejected. What we have said, and that's why there is provisional, is the response to date does not satisfy all our criteria. Was that difficult to put forward?

Mr. SAMUDA: I don't know.

Dr. DAVIES: Now, the question of dredging, let me indicate that we all accept that the dredging must take place and suffice it to say, Mr. Speaker, whilst we are speaking - whilst we are making this presentation, that there are clear plans for dredging...

Mrs. NEITA-HEADLEY: Yes. Yes.

Dr. DAVIES: ...because we accept it has to be done. We are not going to disclose these plans at this stage. We are not - if you - I will speak with the Opposition Spokesman in terms of the possibilities there, but in terms of us disclosing at this stage what they are. So…

Mr. SAMUDA: ...grant funds, earned funds.

Dr. DAVIES: I'll sit and you can talk.

(Inaudible comment by Mr. Warmington)

Dr. DAVIES: No, but can we do something about his utterances?

(Cross talk)

The SPEAKER: Just continue speaking.

Dr. DAVIES: So Mr. Speaker, the dredging is going to be undertaken. The how in terms of.... that's a real problem. (Chuckles) And it affects his tongue. (Applause) So, Mr. Speaker, in terms of the issues let me just repeat, let me repeat...

(Inaudible comment by Mr. Samuda)

(Laughter)

Dr. DAVIES: Him just picking it up.

So, Mr. Speaker, there is a characterization called the Provisional Preferred Bidder that is what we have designated, the entity which has put forward its proposal. Negotiations started today and I felt that it was appropriate to inform colleagues of this and the public of this. I wish to indicate that there are several examples in terms of the viability of different ports within a small entity - there can't be any smaller

entity than Singapore - and this is - the negotiations - that's a normal path in terms of following from the receipt of the bids. So I think that has responded to the more substantive questions raised by the first speaker and also to the lesser issues which were raised afterwards.

Thank you, Mr. Speaker.

Dr. CHANG: Short questions. One, you didn't answer the current value of what has been invested? Give me an idea what has been invested in the Port to date by the public sector? How much has been invested in this Port, so we have an idea what we have in there? The value of our investment in the Port to date?

Dr. PHILLIPS: Since when?

Dr. CHANG: Ehhh?

Dr. PHILLIPS: Since when?

Dr. CHANG: Whatever outstanding liabilities, loans you have outstanding, so forth?

(Inaudible comment by Dr. Phillips)

Dr. CHANG: What is the outstanding liabilities of the Port, which would give us an idea of the minimum cost that you have invested so far?

Secondly, I think - I didn't ask this at the beginning - the part of satisfying this kind of negotiation is long term planning in these big infrastructure projects and my understanding, if I remember correctly, the development of Old Harbour as a shipping facility in the South East coast was well established in the regional plan that was done when Highway 2000 was being developed. Has this been looked at so it could have been incorporated in the discussions? Because had that been so, you'd avoid some of the apparent or suggested conflicts which may not exist because Old Harbour was long established in the planning process as an important part of the development and expansion of shipping on the South East Coast?

Dr. DAVIES: As regards to your first question, I'll provide you with details. I don't want to guess - I don't want to provide you with the guestimate. In terms of Old Harbour, whilst it was proposed the fact in inviting potential investors they do their own assessment and so the response from China Harbour in terms of possible areas, they selected this as a possible - they did preliminary studies and they selected this area. We could and we did ask them to look around, but they did and came back to us and they have carried out significant exploratory investigations and this is the area they considered... One factor is the availability of lands to the North which can be utilized to complement the investment in the Port and so - but work is proceeding in terms of the diving, in terms of all the exploration, but they are convinced that this is the best site for this sort of development which they are proposing. And I'll get back to you in terms of the cost and the planning.

Dr. CHANG: On the Old Harbour issue, what I'm saying, you know, I recognize that this is being done but this was part of the original long term plans and had that been included upfront in discussion it would have made life easier in your negotiations. It would appear that we didn't have that because it's

not just China Harbour. The regional plan done when Highway 2000 was being developed included Old Harbour as part of the shipping facility with KCT area and, therefore, earlier negotiations should have been conducted in that manner. So...

Dr. DAVIES: Well, I'd like to say to the Opposition Spokesman a Government can have its own idea as to what it would wish to develop, but in the final analysis what is going to be done is what someone is willing to put there - what the investors which to put in. And we didn't propose Goat Island/Portland Bight - they came to us and said, they had done their assessment cause we were trying for them to expand within Kingston Harbour but they didn't have the land space in the inter-land and that's what they came back to us and this is not a - this has to be done within the context of what the investor wants to look at.

Dr. CHANG: What's the timeframe now on the Goat Island - is there any timeframe in terms of the timeline to have a final agreement with China Harbour and to start construction?

Dr. DAVIES: Not so fast. They are going to give us their proposal but this will have to be subjected to the NEPA and the - in terms of the environmental impact, *et cetera.* In that regard, I would not wish to anticipate how long they will take we have alerted them to what is going on and I expect before year end to have the proposal from China Harbour which they will then submit to NEPA and to indicate what additional factors.

The SPEAKER: Mr. Mair.

Mr. MAIR: Thank you, Mr. Speaker.

Minster, would you be kind enough to advice if the Office of the Contractor General was involved in the bidding process in the beginning and if they will be partakers in the negotiation process going forward?

Dr. DAVIES: No, this - in terms of the whole bidding process this was conducted according to the rules which have been laid down and passed by - and approved by Cabinet, *et cetera.* No, the Office of the Contractor General that was never meant to be one of their functions. This is a commercial activity which is being determined and we'll be conducting it in the line...

One of the reasons - and we have been spoken to about the length of time - we have followed the regulations as laid down in terms of advertisement, in terms of preliminary discussions we have followed it to the letter of the law. What I believe was raised by the Opposition Spokesperson was our need to be able to move more directly to a conclusion and that's something I would certainly like us to discuss to ensure that these processes don't go on forever even whilst other persons - other countries are making decisions much more quickly.

Mr. MAIR: But, Minister, wouldn't you agree you're going through a process of the disposal of a big asset owned by the Government of Jamaica, don't you think in the name of transparency it would be better if you had the Office of the Contractor General participating in the process?

A Government MEMBER: No!

Dr. DAVIES: The Office of the

Contractor General's role is to ensure that whatever the guidelines, which have been laid down, that we follow them and in certain instances the Office of the Contractor General in the past has overstepped its bounds. So what we did the last time around is when the previous Administration seemed to have been frightened into nothing - into doing nothing, we took action, which was within the powers of the Government to so do, and, hence, you now have the Highway - the north to south link of Highway 2000. So I do not believe it's appropriate for us to expand the powers of that Office beyond which is legally required.

Mr. BARTLETT: Mr. Speaker.

The SPEAKER: Mr. Bartlett.

Mr. BARTLETT: Yeah, just a simple question to the Minister.

The issue of the takers for the terminal: a few weeks ago we had the Port Authority before us at a PAAC meeting and we got the distinct impression that the initial interest found the new landscape emerging as a result of the Goat Island adventure as being strongly competitive and consequently not allowing for the flexibility that they would require and, indeed, the profitably they had envisaged. The question, Minister, is do you think that given the fact the move in the global transportation, maritime transportation industry today is towards larger vessels such as what the Maersk Group is coming out with and the effort to look at the Suez Canal in an expansion mode to deal with these mega vessels that are going to come on board thus putting some pressure on Panama Canal and its own future viability.

Do you think that given what China – the Chinese envisaged for Goat Island we will be able to attract any serious bidders for the Kingston Terminal.

Dr. DAVIES: Let me indicate that in terms of the bids for Kingston Harbour, even as we speak, there are persons who wish to engage and re-engage. But the difference, the major hindrance to Kingston Harbour is that there is to be expanded beyond just being a transshipment port, but in terms of the other developments is the logistics center as you wish, because there is not enough land space in terms of the land space available for other industrial activities in close proximity. And hence, the proposal for the development of Goat Island with the land space which is available, that is one of the reasons it is attractive and we do not see them as being competitors in this regard.

We already have clear interest in both, in terms of factories to be established were the Goat Island facility constructed which would not be in competition with the operations of the Kingston Container Terminal, but just the land space availability in the Kingston Harbour represents a constraint. And there is no point in us, and there is no logic in us restricting the possibilities of investment and for growth by saying no to any other, the alternative which Goat Island presents that was one of the bargaining positions of those two entities which did not submit a final bid.

Mr. BARTLETT: Finally Minister, are you of the view that with the high demand that the proposed Chinese Goat Island investment will provide for Chinese mercantile activity

that it would in fact, inhibit any other interest that are not Chinese from investing in the Port, and using the Kingston Port?

Dr. DAVIES: Well, the consortium with which we are negotiating is a Chinese firm in collaboration with a French firm, a large Chinese merchant firm, China Merchant. So that collaboration - and our links with China is not simply with China Harbour, so there is a - China Merchant is a huge firm it is in a consortium with CMA/CGM through their port handling facility terminal link.

Mr. BARTLETT: Just to close this one, because I do understand how delicate the discussions perhaps are and sometimes how hard it is for the Minister to explain in greater detail, you know, but I think in the interest of the country understanding better what is happening in that mega investment potential, because that is what it is now which hold such great hope for growth and development, that you should really Minister, be a little more forthcoming in some of the details that will give a greater comfort level to us, certainly on this side and the wider country.

I make that point in good faith because I have to deal with it even when I go elsewhere especially in recent times. Interestingly someone is coming here the end of this month who has a great interest in the Kingston Port which you will hear about later on.

But it is important for more information to be available to the public so that can be they less suspicious, Minister. Because one of the things that you don't want to be at large out there is that there is any particular preference to any group or individual or any ethnic or other grouping that could prejudice the involvement of any other, that's very important.

Thank you.

The SPEAKER: Thank you, Mr. Bartlett.

ANNOUNCEMENTS

The Deputy Clerk laid on the Table of the House a copy of the following:

- **Ministry Paper 136**
  Annual Report with Audited Financial Statements of the Caymanas Track Limited for the year ended March 31, 2014
- **Ministry Papers 137**
  Establishment of the National Registry for Institutions offering Tertiary Education
- **Jamaica Heritage Trust (JNHT)**
  Annual Reports and Audited Financial Statements for the financial years 1997/1998 to 2000/2001
- The Betting, Gaming and Lotteries (Bookmakers' Levy Scheme) Order, 2014 Resolution under
  The Betting, Gaming and Lotteries Act
- The Betting, Gaming and Lotteries (Bookmakers' Levy Scheme) (Overseas Horse-races and Races of any Approved Species of Animal Order, 2014, Resolution under
  The Betting, Gaming and Lotteries Act

- The Customs Tariff (Revision) (Amendment) (No. 4) Resolution, 2014 under
  The Customs Act
- Government of Jamaica Fiscal Policy Paper for the financial year 2014/2015 Interim Report dated 30th September, 2014
- Office of the Contractor General of Jamaica Special Report of Investigation - Following OCG Enquiry into the National Contracts Commission Re-registration Application for Bacchus Engineering works Limited

BILLS BROUGT FROM THE SENATE

The Deputy Clerk read the following message from the President of the Honourable Senate:

To the Honourable House of Representatives:

I have the honour to advise the Honourable House of Representatives that on the 10th day of October 2014,

A Bill entitled: "AN Act to promote, protect and ensure the full and equal employment by persons with disabilities with privileges, interest, benefits and treatment on equal basis with others and to establish Jamaica counsel of persons with disability and for connected matters; was passed in the Senate with fourteen (14) amendments for which the Honourable Senate desires the concurrence of this Honourable House.

Please see amendments circulated.

Signed: Floyd E. Morris

President of the Senate.

Mr. PAULWELL: Mr. President, on behalf of the Minister of Labour and Social Security I now move that the Senate amendments to Disabilities Act 2014 be now considered and approved.

Mr. WARMINGTON: Mr. Speaker, there is some long amendments, how many amendments?

(*Sotto voce* comments by Mr. Paulwell)

Mr. WARMINGTON: No, no, you just lay it today, give us a chance to look through it, let us do it next week.

The SPEAKER: This is nothing new, there is no....

Mr. WARMINGTON: No, no, we have no time to look on it, since we came, we have activities right through from the opening of the House today. We have no time to have gone through it, give us a chance to look at it.

Mr. PAULWELL: Mr. Speaker, we will take it next week.

Mr. WARMINGTON: Thank you.

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Minister

Dr. PHILLIPS: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move the following motion:

The Betting, Gaming and Lotteries Act, Betting, Gaming and Lotteries (Bookmakers' Levy Scheme), (Overseas Horse-races and Races of any Approved Species of Animal) Order, 2014 Resolution.

Whereas by virtue of subsection (1) - section 28 the Betting, Gaming and Lotteries Act hereinafter referred to as the Act, the Minister responsible for Finance made by order of the established schemes for the assessment, collection, allocation and application of monetary contributions from bookmakers;

And Whereas pursuant to section 28 of the Act, the Minister made the Betting Gaming and Lotteries (Bookmakers' Levy Scheme) (Overseas Horse-races and Races of any Approved Species of Animal) Order, 2014 on the 30th day of September 2014;

And Whereas subsection (3) of section 28 of the Act provides that an Order made under that section shall be subject to affirmative resolution of the House of Representatives;

And Whereas it is desirable that the Betting, Gaming and Lotteries (Bookmakers' Levy Scheme) (Overseas Horse-races and Races of any Approved Species of Animal) Order, 2014 be affirmed;

Now Therefore be it Resolved by the House of Representatives as follows:

1) This resolution may be sited as the Betting, Gaming and Lotteries (Bookmakers' Levy Scheme) (Overseas Horse-races and Races of any Approved Species of Animal) Order, 2014 Resolution;
2) The Betting, Gaming and Lotteries (Bookmakers' Levy Schemes) (Overseas Horse-races and Races of any Approved Species of Animal) Order, 2014 which was laid on the Table of the House on the 14th day of October 2014 is hereby approved.

Also, Mr. Speaker, I propose to move at the next meeting of the House the following motion:

The Betting, Gaming and Lotteries (Bookmakers' Levy Scheme) Order, 2014, Resolution:

Whereas by virtue of section (1) of section 28 of the Betting, Gaming and Lotteries Act hereinafter referred to as the Act, the Minister responsible for finance made by order establish scheme for the assessment, collection, allocation and application of monetary contributions from bookmakers;

And Whereas subsection (3) of section 28 of the Act provides that an Order made under that section shall be subject to affirmative resolution of the House of Representatives;

And Whereas pursuant to section 28 of the Act the Minister made the Betting, Gaming and Lotteries (Bookmakers Scheme) Order, 2014 on the 30th day of September 2014;

And Whereas it is desirable that the Betting, Gaming and Lotteries (Bookmakers' Levy Scheme) Order,

2014 be affirmed;

Now Therefore, be it resolved by the House of Representatives as follows:

1) This resolution may be sited as the Betting, Gaming and Lotteries Levy Scheme Order 2014 Resolution;
2) The Betting, Gaming and Lotteries Bookmakers Levy Scheme) Order, 2014, which was laid on the Table of the House on the 14th day of October 2014 is hereby affirmed.

Mr. Speaker, I beg to give notice that at the next meeting of the House I will move that the Customs Tariff (Revision) (Amendment) (No. 4) Resolution, under the Customs Act which was laid on the Table of the House on the 14th day of October 2014 be approved.

Mr. Speaker, I beg to give notice that at the next meeting of the House, I will move to introduce and have read a first a Bill shortly entitled; The Revenue (Appeals) (Division) Act, 2014.

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Mr. Hutchinson.

Mr. HUTCHINSON: Mr. Speaker...

Mr. PAULWELL: Just to note that the time being what it is, I move for the suspension of the Standing Orders to enable us to take questions and answers after the time normally allowed to do so.

Motion put to the House and agreed to.

The SPEAKER: Mr. Hutchinson.

Mr. HUTCHINSON: Mr. Speaker, I am just asking. There is a question at No. 5 standing in my name. I would just like to ask when this question is going to be answered.

Mr. PAULWELL: Mr. Speaker, as we are aware, the question was asked of the former Minister of Agriculture. The current Minister has the full brief; he is actually overseas so we are going to insist that next week it be answered.

Mr. HUTCHINSON: Mr. Speaker, at the expiration of 21 days I would like to ask the Minister of Science, Technology, Energy, and Mining the following questions.

Question 1:

Regarding the extension of electricity supply to areas in North West St. Elizabeth, will the Minister please state when will be the completion date for Breadfruit Tree, Paisley and Johnson Bush, as these have not been completed?

Question 2:

Will the Minister please state when will the Red Hills 10-foot line be completed, as the area has already been pegged out?

At the expiration of 21 days I would like to ask the Minister of Agriculture, Fisheries, Labour and Social Security the following questions.

Question 1:

Praedial larceny is once again on the increase; will the Minister please state what other measures, other than ear-tagging, is being implemented to curb this scourge?

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, we will resume the Debate on Item 9 of the Order

Paper dealing with the ROPA, and we have three Speakers, I am aware: The Leader of the Opposition, Member from West Central St. Andrew, then the Member from North East Manchester, and finally, the Member from North East St. Elizabeth - oh, sorry, we have a fourth Speaker, the Member from Manchester North West.

(*Sotto voce* comments/Laughter)

Mr. PAULWELL: The Member from North East will commence.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Thank you, Mr. Speaker.

Mr. Speaker, the Leader of the Opposition will be - it was just announced - will be speaking in this Debate. And so, I rise to speak less about what is proposed in the Bill, but to...

Dr. PHILLIPS: As usual, anything that comes to your mind.

Mr. SHAW: No... but to say what I believe is absent and needs to be in the Bill, okay.

Dr. DAVIES: You ready?

Mr. SHAW: Mr. Speaker, I have mentioned in this Honourable House before...

Mr. WARMINGTON: Repeatedly.

Mr. SHAW: ...repeatedly, a concern that I have, and it appears to be falling on deaf ears, or it is falling on ears that do not want to hear - one of the two.

(*Sotto voce* comments)

Mr. SHAW: But, Mr. Speaker, in 1997, some 17 years ago, we started the programme of continuous registration by way of updating the Voters' List every six months. And in 2004, there was a decision made by the Electoral Commission, to carry out a programme of re-verification of the Voters' List. We have subsequently learned that this programme of re-verification is not entrenched in the law; it is not a part of the ROPA Legislation at all. So, it is a - it's something that can be done, or might not be done, depending on whether the Electoral Commission feels it is expedient or not.

I have a serious problem with that - a serious problem, because whilst we are aware that the ROPA Legislation, as it exists now, does give the Minister with Responsibility for electoral matters - it gives the Minister with Responsibility, Mr. Speaker, the power to require a new enumeration exercise, but that power of requirement, Mr. Speaker, is at the discretion of the Minister. So, on both counts, whether it is a question of re-verification, it is not in the law. So, there is no legal framework and requirement to have the Voters' List re-verified. And in the case of the power that the Minister has, it is a discretion that the Minister is given by law, that he can have a new inquiry from time to time - from time to time.

So, what is in the law is vague; does not require the Minister to do it at any specific - within a specific timeframe - from time to time. So that time to time could be 20 years, every 30 years, whatever. It is 17 years now - 17 years since we have started continuous registration.

So, Mr. Speaker, on both counts - in as much as these matters that are before us in this Bill - on both counts, I am placing before this Honourable House - and I take note of the presence of the Chairperson of the Electoral

Commission and the Director of Elections who are both here - I am taking the opportunity, Mr. Speaker, to mention once again my extreme and grave concern at the fact that we now have a Voters' List that is 17 years in the making by way of updates in the continuous registration process, to the point where the Voters' List, Mr. Speaker is approaching 1.8 voters; 1.8 million voters is shortly to be on the Voters' List. Any time within the next year, it will be over 1.8 million voters on the Voters' List, but at the same time, Mr. Speaker, when elections come, it is still less than one million people that are voting.

And we hear, *'oh, it's a lower voter turnout'.* Sure it appears to be a lower voter turnout in relation to the size of the Voters' List. But the question, Mr. Speaker and the grave concern that I have is that the Voters' List - as the years go by, the Voters' List is not clean. It is not clean because re-verification is not taking place, Mr. Speaker. I don't know how perfect the system is, where, when somebody dies, his name is systematically removed. I don't know how perfect that system is. I suspect that it is quite imperfect.

But other aspects of the imperfection which concern me, Mr. Speaker is the large block of people who have migrated from this country, some 10 years ago, some 15 years ago, and their names remain on the Voters' List.

Mr. Speaker, while it is true that some people might come back to vote, the law is clear that persons should be ordinarily resident in the Jamaica to be on the Voters' List. And I am concerned Mr. Speaker that there will be more than ample room for corruption in the electoral process if you have a system where names keep - the Voters' List just keep expanding, and expanding, and expanding, but you have roughly the same number of people that are voting in the country.

Mr. Speaker, this Honourable House - this Government has a duty and a responsibility - the Electoral Commission of Jamaica has a duty and a responsibility that at all times we must have a clean Voters' List in the country.

(Applause by Opposition Members)

The Voters' List must be credible...

Mr. WARMINGTON: Amen.

Mr. SHAW: The Voters' List must be clean; the Voters' List must be above reproach.

Mr. WARMINGTON: Amen.

Mr. SHAW: And, Mr. Speaker, I am therefore proposing that there be two amendments that ought to be included in this Bill. The two amendments - and if they are not included in this Bill, I am proposing, and I ask for the acceptance of the Leader of Government Business who is the Minister with Responsibility for this matter - that the Electoral Commission be asked to look at the question of making two important amendments: one, amendment to the power of the Minister to require a new inquiry, that that amendment should place a timeframe within which that new inquiry must be made.

Mr. WARMINGTON: Time specific.

Mr. SHAW: That timeframe could be 10 years; we already have a framework for that.

Every 10 years, we are supposed to have an update of the Census in Jamaica. The Population Census is done every 10 years. Well, if the Population Census is done every 10 years, why, Mr. Speaker, can't we have equally, the Election List - the Electoral List of Jamaica, should it not too, be updated every 10 years? And in which case that particular Clause which gives the Minister the responsibility or the discretion to have this new inquiry, I am proposing that this new inquiry should be placed that it must be held every 10 years - a brand new enumeration exercise...

Mr. WARMINGTON: House to house.

Mr. SHAW: ...house-to-house - visit every house, and anybody who was abroad and want to come back on the List, come back down and come register, and prove to the electoral authorities that you are now ordinarily resident in Jamaica. That's proposal number one.

Proposal number two: that every five years, Mr. Speaker, there is a mandatory re-verification exercise, and when that re-verification exercise is done, that the re-verification Programme is done in a clear, specific, transparent way, that everybody knows exactly what re-verification means, because the last time there was a re-verification exercise, it was done virtually at the whim and fancy of every Returning Officer making a decision who can remain on the List and who can't. It needs to have clear, specific, unambiguous rules as to the basis for the re-verification.

So, Mr. Speaker, I am putting it to you as the Speaker of the House, and to the Honourable Minister, and to the Government that no election should be contemplated until there is a re-verification of the present Voters' List.

(*Sotto voce* comment by Mr. Pickersgill)

Mr. WARMINGTON: Shut *yuh* mouth, Bobby.

Mr. PICKERSGILL: No Parish Council Election.

Mr. SHAW: You either have the re-verification or you have a brand new inquiry. And the information that I have is that a new inquiry will take no more than six months, Mr. Speaker. Six months is what a brand new inquiry takes, if we are serious about preserving our democracy. One of the essential prerequisites to the preservation of our democracy is to have a clean Voter's List, the integrity of which cannot be challenged by any one, or abused by any one on Election Day.

Thank you very much.

(Applause)

The SPEAKER: Mr. Holness.

Mr. HOLNESS: Thank you, Mr. Speaker.

This Bill is a very important Bill, Mr. Speaker, and unfortunately, it has had a very long gestation period. As Leader of Government Business, I had the duty of working on preparing the Report and the Legislation. And I must say, Mr. Speaker that I am very happy to see that this Legislation is finally before us for our passage.

Mr. Speaker, just some preliminary comments. The evolving Public Policy on the Regulation of Political Parties is that democracy as a system of government is so fragile. It is open to all kinds of influences, and therefore it is important for the protection of the State, that the State sets up a framework that regulates political parties; that insulates them from undue influence, whether it be financial, whether it be influences that could be attributed to terrorist activities, whether it be influences that could be attributed to criminal activities.

But, it is also important that the political parties, even though we try to insulate them, but we must also open them up to the public. They are not private clubs; they are the invisible hand in Parliament, and therefore, the public ought to have some assurance, some confidence that these hidden hands, as they were - not to be any more - fall under some kind of authority, some kind of regulation, some kind of supervision. That's the general framework around which this Legislation is presented today. That's the general framework around which this legislation is presented today.

Evolving public policy as well, Mr. Speaker, is a trade off. It says if the political parties participate in the framework then they are entitled to some public funding and the public funding assists with ensuring that the political parties can offer a service to the public, an information service, the development of policy and public opinion, but it also reduces the reliance of the political party on private funding which also comes with private interest attached. That's the idea behind the legislation.

I support the legislation, Mr. Speaker. It is in the public's interest that this be done. It advances our democracy. It makes our democracy stronger and more modern.

Mr. Speaker, in examining the legislation, it is noted, my observation is that it is probably easier to set up a political party based on what is presented here than it is to set up a bank. Because the legislation, Mr. Speaker does not require that the people who are the promoters of the political party disclose or provide any information that could be considered information that could speak to the fit and proper criteria of the persons promoting the political party.

What the Bill says is that the Commission, which will be the regulator of the political parties, the Commission can refuse registration for technical reasons essentially, if the political party that is applying for registration doesn't meet the information requirements. For example, it has not submitted some piece of information required in terms of its financing, the list of officers or it hasn't submitted them in time or they submit, symbols, names or logos that are probably already in the database or similar to other political parties that are applying. But it doesn't specifically ask for fit and proper information. So if you were setting up a bank, Mr. Speaker, the principals would have to submit to the regulators that they have met fit and proper criteria. Indeed, the regulator would have to check thoroughly the background of the people who are promoters

or principals of the bank. There is no real requirement in this legislation.

In the Schedule, in one of the Schedules it says clearly there is a catch-all phrase, *'any other information that the Commission may require to be submitted'*, but that doesn't say that the Commission could act on information which suggests that the principal or the promoter of a political party, for example, may be wanted in another State, may be known to promote views that are against our own Constitution. So I am not proposing Mr. Speaker that the Commission be given powers that in any way impinge on the constitutional rights of association, but certainly the rights of association in our Constitution is not limitless. There are considerations that would place a limit on how and why people would associate. For example, if you associate for an illegal purpose, for example, the anti-gang legislation clearly imposes a limit on that kind of association, and therefore I think that the Commission should be able to at least investigate, have investigative powers to look at the fit and proper criteria for persons who are proposing to promote or apply for registration of a political party.

The framework as it is now, Mr. Speaker, places an onus, the obligation on an unknown quantity called an objector. The Bill allows for objections. So a political party can apply, but if someone objects then the Commission would have to hear the objection to see whether or not it is a reasonable objection, but it doesn't give the Commission, this Bill doesn't give the Commission the proactive power because, who knows, maybe no one objects and you end up having a political party established that is espousing principles that are in violation of our constitutional position and the nature of our society.

(*Sotto voce* remarks by Mr. Pickersgill)

Mr. HOLNESS: Well that's the problem with democracy, if you have a good campaign even bad ideas can win.

Mr. PICKERSGILL: You are a living example.

Mr. HOLNESS: The example that we have now, the example that we have now.

So, Mr. Speaker, it is important that we recognize that this is a first attempt. It's new ground for us, people are skeptical of it, but I think that we ought to look closely at guarding the door of the legitimization of political parties that could turn out to be against what our Constitution and the spirit of our nation stands for. I just wanted to raise that point, Mr. Speaker.

I think there is great concern in the public, and I do agree with the sentiments expressed that in these difficult times for the Government to take up money to fund political parties, it would be very difficult to explain that to someone who is suffering from Chickungunya and they can't go to work, can't earn any income for those days that they are off; they have to be suffering with mosquitoes all around and then we come to Parliament to say we are going to fund up to 40% of the budget of a political party. I think that is a dangerous signal to send, Mr. Speaker.

(*Sotto voce* remarks by Mr. Charles)

Mr. SPENCER: At this time.

Mr. HOLNESS: At this time. I think, Mr. Speaker, there is a way in which we can maintain, number one, the Convention under which this legislation was brought, which is a Convention that has served us well where whenever the Electoral Commission meets and decides upon changes to the Act that the political parties, without giving up their authority, will debate but in the spirit of ensuring that the Convention stands, that we pass the legislation. I think, Mr. Speaker that the Bill does not impose on the political party an obligation to accept, and so I am stating here that I am supporting the Bill, but I am also stating that the Jamaica Labour Party that I lead will not accept any public funds. (Applause)

Mr. Speaker, what we will do is that we agree that the political party must be brought under the regulation, the political party must be transparent, the political party must meet the international standards of accountability and transparency and therefore we will comply. We will comply, we will register. But, Mr. Speaker, I couldn't in good conscience at this time seek to benefit or take public fund. So our position is we will vote for the Bill, we will vote for the Bill but we will not take any public funds. (Applause) But, Mr. Speaker….

(Cross talk)

Mr. HOLNESS: ...we will not take any public funds at this time.

Mr. Speaker, you know those on that side have a view that we will always be in the doldrums. And it might very well be the case if they stay as the Government but we expect time, Mr. Speaker, when this country will grow. We, Mr. Speaker, on this side expect a time when our economy will do well and will be able to fund, not just political parties but fund our education system, fund our health care system, fund the infrastructure of this country.

Mr. Speaker, the truth is that this is not the time and in all good conscience I think we as a responsible Opposition has done the right thing. Mr. Speaker...

Mr. PICKERSGILL: Finally close.

Mr. WARMINGTON: He doesn't take instruction from you guys oyer there. Don't go down that road, please don't. Don't try it, rude.

(*Sotto voce* remarks by Mrs. Neita-Headley)

Dr. DAVIES: You lose it immediately.

Mr. HOLNESS: Mr. Speaker, the Bill requires...

(Cross talk)

The SPEAKER: (Gavels)

(*Sotto voce* remarks by Mr. Charles)

Mr. HOLNESS: ...that political parties in making their Report to the Commission disclose the sources of their finances. The scheme isn't quite clear but one would suspect, based upon practical applications, that the political party would submit to the Commission its audited report and the audited reports would itemize sources. But the way in which the legislation is written source is very vague. I could put, for example, the political party receives x million of dollars to do enumeration or whatever campaign from, and

we could put corporate donors. The Commission, I suspect, would write back to say please breakdown what would be corporate donors and we would then say we received from the insurance industry, we received from and then you would have this back and forth.

I think the Bill from the outset should give specifics as to what it means as sources and the level of information that the political party should require, and not to leave it up to the discretion of the Commission to say here is what we want and then we would say, well, you know the law just only says sources. I think Mr. Speaker, that if we are clear on it we could avoid a great deal of confusion. I think it would make the Bill stronger if we specify what would be the particulars of sources that must be disclosed to the Commission by political parties.

Mr. Speaker, these are my contribution. I encourage the Bill to all our Members and I ask you, Mr. Speaker, to note and be a witness to our commitment that we will support the Bill but we will not take public funding at this time.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Pryce.

Mr. PICKERSGILL: So if you get it you are not going to take it?

Mr. WARMINGTON: Oh, keep quiet, Bobby.

Mr. PICKERSGILL: You don't tell us what you do with your money. What you do with the money you get per month.

Mr. WARMINGTON: You are so stupid.

MEMBERS: No, no!

Mr. WARMINGTON: I am withdrawing that. If the Member of Parliament's office is a political office, a senior man like you don't understand that, a senior man like you don't understand that. You are a senior citizen.

The SPEAKER: Mr. Pryce.

Mr. PRYCE: Thank you, Mr. Speaker. Thank you Members.

Mr. Speaker, I believe that the matter being debated before us, "AN ACT to Amend the Representation of the People Act", is an important development and an important opportunity for us to continue the process of deepening Jamaica's democracy and ensuring that that democracy remains vibrant and protected. Indeed, Mr. Speaker, it was such a motivation why on July 23, 2013 I moved the motion entitled No. 22, which states, and I will quickly refresh the memory of the House.

> Whereas it is widely accepted that Jamaica's vibrant democracy depends on an active role for civil society;
>
> And Whereas it has been generally agreed that democracies can be compromised by the undue influence of lobby groups acting at the behest of unknown funders with unspecified agendas;
>
> And Whereas it is becoming normal in many other jurisdictions for legislation to be promulgated, which mandates civil society groups and other special interest groups or lobbyist, to be registered and to

publish certified and audited financial statements;

And Whereas this Parliament is considering a similar regime with respect to political parties;

Be it Resolved that this Honourable House debate the appropriateness and need for legislation in Jamaica that will at the very least require civil society groups, special interest groups and lobby groups, in keeping with emerging global, financial and ethical requirements, to vouch safe and protect Jamaica's democracy from any such compromise as could be caused by unknown or tainted sources of funds or hidden agenda.

Mr. Speaker, today this Parliament goes one step further in achieving legislation that as the objective of this Bill does, would protect Jamaica's democracy. Indeed, Mr. Speaker, there are a few comments that I will share while I make clear my full and utter support for this Bill.

One, a recommendation. Is that the language and the nomenclature at different points of the Bill remain consistent as they are important. Yet there is a dissonance or an asynchrony with established terms used within the political organizations and this Bill. It is my submission that this needs to be addressed so that the ambiguity is reduced or entirely removed.

At section 52AD (1) the Bill speaks to, under the subheading, Duty to keep accounting records, "The executive officers of every registered political party shall -" and it sets out their responsibilities and suggest sanctions for failure to observe same. But, Mr. Speaker, it must be asked, who is in our political reality an executive officer? Is this language or the term even in usage across corporate Jamaica?

In the political organization with which I am familiar there are officers in the officer core, you have an executive committee and you have a national executive council. While some members remain common among all three levels the authority sway and responsibility varies. It ought to be made clear, Mr. Speaker, which level is meant at 52AD(1) which sets out the fiduciary and other accounting responsibilities of members of the "executive officers".

Mr. Speaker, while many may think that this is an unimportant observance, I make it clear that if we intend to honour the objectives and the ideals which this piece of legislation will seek for us to do, there must not be any room for craftiness or elusiveness in evading the responsibilities that the people of this country would have placed on the body, in this case the ECJ, that must monitor and regulate the activities of registered political parties.

Mr. Speaker, at 52AE it states, a duty to submit annual returns. "Every registered political party shall, on or before the first day of April in every year, prepare and submit to the Commission for the proceeding financial year of that political party, (a), an annual financial report prepared by a registered public accountant; and (b), a statement showing the sources of the funds of the political party." Mr. Speaker, at that point I think is identified a nexus through which and

with which the civil society organizations which I still believe should come under similar jurisdiction as the political parties may be included. If the House agrees it would not delay the gestation period of this important piece of legislation as a simple amendment at that nexus could accommodate their inclusion.

Mr. Speaker, skeptics rushed in 2013 to chastise the suggestions I made then, and they may well do so again, but that too is an aspect over a vibrant and cherished democracy. But shall I ask what if a contributor to the political party in the specified regulated amount also contributes to a civil society organization whose core issue is synonymous coincidentally or otherwise, if not identical to a platform argument or position be taken by said political party? Then could it not be the case, Mr. Speaker, Members, that said contributor has found a way to shunt its dollar contributions in excess of the stipulated and regulated amount to a body, an organization, a civil society or lobby group that does not appear to be a part of the political campaign to win votes but in fact does so deliberately, if not overtly.

In such a situation, Mr. Speaker, the argument raised by the Gleaner's Editorial of Thursday July 25, 2013, "Special interests, having bankrolled its" - political parties - "operations, the argument goes, call in the chits when a party wins the government and controls the state power." A Member opposite indicated quite rightly that a civil society organization does not have the awesome power that political parties or politicians in Parliament have, or the party which forms the Government does. However, Mr. Speaker, it is not so much the having of the power during the administrative term but the ability to sway and influence opinion to select those who will ultimately have the power, which I believe the authors of this piece of legislation in their infinite wisdom is seeking or rather are seeking to protect our the democracy from. The purpose, therefore, Mr. Speaker, of my motion, tabled on July 23, 2013, was to ensure that the space of public opinion and public policy is made as opened and as transparent as is possible. Not overly influenced or swayed by any one or few sources of funding which in effect preselects the limited options between which the electorate then chooses or, Mr. Speaker, is duped into choosing between.

Mr. Speaker, we need not be any less robust in this House. Or put another way we must be as robust in this House and across Jamaica as the global realities require elsewhere. In today's global environment, money is not only fungible, it is easily transferable.

As we seek to deepen our integration in the global world, as we must, we need to at the same time strengthen our ways of being, our ways of thinking, our ways of practicing our democracy, and our laws with the requirements of our trading partners and others in the global community, even if we don't trade with them. Recognizing that in the absence of such a framework we and our democracy could become mere proximity bases or proxies for ideas and ideals that are inimical to our own. Mr. Speaker, I implore us to consider the inclusion at the section I have

highlighted, of civil society organizations which seek to have an influence, as the United Kingdom describes it, on the public opinion creation sector.

Mr. Speaker, recent months have witnessed examples of such unfettered and unregulated operations of well-funded civil society organizations which initially swayed the media and won itself public support until the revelation of its unfettered activity disgusted the very media it had courted and had secured. I won't reopen those seemingly healing wounds at this time, but I replace the memory before this House to illustrate the importance not only of this Bill and the legislation that it will ultimately promulgate, to regulate political parties, but also to replace at the centre of our consciousness the July 23, 2013 motion which calls then, calls still today and shall continue - shall continue to call for it until it is achieved, that civil society organizations, so called, are regulated in the interest of democracy as we shall now do with registered political parties whether they opt to accept or reject the funding that will be provided, but still, Mr. Speaker, must finally be regulated to insure and ensure that Jamaica's democracy is not just for some as it had been prior to 1834, but for all of us, Mr. Speaker.

I thank you.

(Applause)

The SPEAKER: Mr. Phillips.

Mr. M. PHILLIPS: Mr. Speaker, I rise to support this Bill.

Political parties are not the darlings of public opinion; just like politicians, parties usually get a bad rap. Public perception of parties in young or established democracies doesn't differ that much either, but like them or not, modern democracies cannot do without political parties.

With the registration of political parties and with funding assistance from the State, will certainly increase transparency in party finance and thereby help to curb corruption. The strengthening of our democracy, of our democratic and of our political process should be at the top of the list for all of us in this House. We should never allow the nonsensical attempt by anyone to divert from the true purpose of this Act. The beauty of this country is that we can have persons from humble beginnings rising to the top office in this country. Being poor should not stop one from being able to offer themselves to represent the citizens of this country. He or she may just be…

(*Sotto voce* comment by Government Member)

Mr. WARMINGTON: You should be supporting, him.

Mr. SILVERA: Stop you noise.

Mr. WARMINGTON: Hypocrite.

Mr. M. PHILLIPS: Who is a hypocrite? No man, you out of order, man. You out of order, man.

Mr. WARMINGTON: You can't listen to what I say.

Mr. M. PHILLIPS: You out of order.

Mr. SILVERA: Ignore him. Continue.

(Heckling)

Mr. M. PHILLIPS: He or she may just make…

(Heckling)

(The Speaker gavels)

He or she may just make a better representative. He or she may just make a better representative, as it is now, the State pays for the rental and utilities of our respective constituency officers.

Mr. Speaker, I see no reason why political parties should not receive financial contributions from the State budget to reduce dependency on private donors.

Mr. SILVERA: Hear, hear!

Mr. M. PHILLIPS: In order to maintain and increase the confidence of citizens in the political systems, the conditions in which political parties exercise their activities have changed over recent decades and nowadays they need substantial financial resources to gain visibility and obtain political support. This Bill has taken these realities into account.

Mr. Speaker, the rules on financing political parties must be based on the following principles:

- A reasonable balance between public and private funding;
- Fair criteria for the distribution of state contributions to parties;
- Strict rules concerning private donations both for the running of the political party on financing of campaigns;
- Complete transparency of accounts; and
- Meaningful sanctions for those who violate these rules.

Mr. Speaker, this Act, in Section 52 (a) (g) (3), states:

'A registered political party shall not receive as state funding in any financial year, more than 40% of its income for the previous financial year'.

Mr. Speaker, it states in it that there's a stated cap in what the State will provide.

Section 52 (a) (g) states that:

'The Commission shall pay to each political party the monies that it is entitled to receive out of funds approved by Parliament for the purpose of state funding'.

So that, Mr. Speaker, when it comes to this House - when the budget comes to this House it is left up to us as Members of this House if we do wish in political year or any financial year, if we want to approve any funding for the political parties.

Further, there are stated obligations that the political parties have to meet if it is to be granted state funding. It is clear that if this obligation or these obligations are not met, the political parties can run the risk of not only receiving state funding financing, but also deregistration, which brings another set of challenges.

Mr. Speaker, I just want to touch and ask - and go to Section 52 (c) where it deals with the registration of independent candidates. Mr. Speaker, it is my view that independent candidates ought to go through the same rigour as those who represent political parties; be it through an independent body who looks at the integrity of this candidate as they would for any registered political party.

Mr. Speaker, in Section 52 (e) - 52 (a) (e)...

Mr. WARMINGTON: Yuh si yuh nuh know wah yuh a chat bout.

Mr. PHILLIPS: Yuh know yuh chat a little bit too much?

In 52 (a) (e) (3), Mr. Speaker, it says:

'Where every person who willfully makes or causes to be made any false entry in or omission from any report or statement under Subsection (1) - which has to do with the financial statement of the political party - and accounting records referred to in Section 52 (a) (d) 1 Subsection (1) (a), commits an offence and should be liable to summary conviction of a Resident Magistrate's Court'.

Mr. Speaker, I am wondering if there should be any sanction towards the political organization if one - a person who is employed to the political organization willfully submits false information to the Commission.

In Section 52 (a) (g) where the political party is expected to submit its audited financials - in this Bill it states 60 days - I'd recommend, Mr. Speaker, that we look at probably 90 to 120 days; 90 days as it would for any public traded company, but another 60 days that are recommended.

Mr. Speaker, I think it is in our interest as Members of this House and as those who represent the people of Jamaica, that we do support this Bill as stated.

Thank you, Mr. Speaker.

(Applause)

Mr. PAULWELL: Mr. Speaker, I want to thank the Members for their participation, and even those who didn't participate. Certainly on my side we've had extensive discussions, debate on this matter, but, Mr. Speaker, there comes a time when the debate have to end and we move from that point into reviewing the performance of the new regime that we intend to enact today.

Mr. Speaker, sometimes we berate ourselves so badly that we fail to acknowledge our accomplishments. Today - this year 2014 is the 70th anniversary for Universal Adult Suffrage...

A MEMBER: Hear, hear!

Mr. PAULWELL: ...1944.

A MEMBER: Seventy?

Mr. PAULWELL: Seventy.

And we inside here, we didn't pause to acknowledge that our democracy has been vibrant, it has been well, we have not had some of the experiences of other countries and we have matured substantially as a democratic country, and we need to acknowledge that and be proud of that.

We need to be equally proud of the accomplishments, the achievements of this institution whose recommendations we have all agreed to accept, because it is embedded in a level of confidence that we have repose in them. And I want to commend again the ECJ, all the Commissioners, for the work that they continue to do on behalf of their country. (Applause)

Mr. Speaker, there have been some comments made and we have taken note of all of them. I'm so happy that the Member for Eastern Hanover dealt extensively with most of the comments. I think all of the comments

raised by the Member - the tenacious Member from South West St. Catherine, and I'm so pleased that he's not sitting in his usual chair today, and we anticipate...

(Laughter/Heckling)

Mr. PAULWELL: ...we anticipate that with this new authority that he will act accordingly. As it is clear that both sides are agreed, and as I mentioned last time, it didn't start here in this last phase, it started with a Cabinet submission by a former Cabinet; it was accepted, we came on board, we fully endorsed it and we have taken it to this stage where today we're hopefully celebrating its passage.

The Opposition Spokesman on Finance raised an issue which wasn't the first time; in fact, it's about the third time this year the Member has chosen to do this. And, Mr. Speaker, I don't believe that it is appropriate for a matter as important as the issue of enumeration to be dealt with in this way.

Let me say why. This institution that we're revering, on it are Members from both sides. There are two Members from the Opposition and an equal number from the governing side and of course there are the independent members. And we believe as we do, when there are issues, there is a table where they all sit and issues are raised by the contending sides and those issues are left up to the independent members to decide on. And I believe that a matter like this ought not to be raised in the cut and thrust of a parliamentary debate. That is my view.

I believe that yes, the Minister does have the power and that power today is not circumscribe in any way. And I believe that it is probably reasonable for there to be a review of the verification - reverification process new enumeration, but I don't believe in the spirit that has unfolded in how we operate, that that should be a decision of the Cabinet. I believe that it's a matter that ought properly to be put to the ECJ and let them come back to us with the recommendations as to how we deal with the two specific items that the Member has raised. And I, in the usual spirit, will support it, these matters are - enumeration issues require funding, substantial funding, so are you going to...

Mr. WARMINGTON: ROPA says that the discretion is with the Minister... (Inaudible) ...it's your discretion, not theirs.

Mr. PAULWELL: Yes, and I'm saying to you, as the Minister that has the responsibility, that...

(Inaudible comment by Mr. Warmington)

Mr. PAULWELL: Yes, I will say to you that within the framework of the ECJ, I am quite prepared for a recommendation to come, and that is my position today. Because I believe that they've been able to elevate the issue of electoral reforms out of the cut and thrust of competitive politics to a level where Jamaica is recognized as a place where there's a mature democracy, and it really has to do a lot with the role of the ECJ.

Mr. WARMINGTON: Mr. Speaker, the Minister is saying that...

Mr. PAULWELL: On a point of order.

Mr. WARMINGTON: Just yield for me. ...he's saying that he's going to rely on the Electoral Commission for a recommendation

on that. There was a specific reason yuh nuh why this authority remains in the Representation of the People's Act and was not included in the Act that establishes the Electoral Commissioner. There was a specific reason why that authority rests with you, who control electoral matters, so you can't hand it over to them. That was never taken out and given to them, it was a specific reason why they left it to you.

Nuh badda ask DK, I'm telling you, it was left out specifically... (Inaudible)

Mr. PAULWELL: Right.

(Inaudible comment by Mr. Warmington)

Mr. PAULWELL: Yes and the Member has not convinced me to change my position, so I will maintain that position.

Mr. Speaker, the Leader of the Opposition, I want to commend the Leader of the Opposition for embracing in such a fulsome way, the provisions of...

(Inaudible comment by Mr. Warmington)

Mr. PAULWELL: Yes, I was commending your leader, so would you allow that?

(Inaudible comment by Mr. Warmington)

Mr. PAULWELL: Mr. Speaker, the Leader of the Opposition has raised a number of issues; firstly, the issue of fit and proper. We have to be very careful because - and you mentioned it, you alluded to it - there's this right of association and it is quite different from how our bank operates.

I believe that if you're a trade union, if you're political party, even if you're on a civil society organization, it's quite different from the role - the fiduciary role that banks have to play. Plus I do believe that the Commission again - and it is based really on a fulsome level of confidence in the Commission - they do have the competence to receive these applications to look at the officers and to enquire into the aims and objectives of the political party to ensure that they're not endorsing or registering any...

Mr. HOLNESS: Thank you, Minister. No, I agree with what you are saying. And as you said that, you know, we can't in anyway trespass upon the lawful right to associate.

But, the point is that the Commission, even if they asked they couldn't refuse - even if they asked for information that would tease out someone who was definitely improper to be within a political party context or to promote a political party, they couldn't act, because the law wouldn't give them the authority not to approve the registration. And I find that a weakness in the legislation.

I think that there is this delicate balance to find - to maintain lawful association, but at the same time filter out persons who, for example, may be wanted overseas, may be on a terrorist watch-list. They are not wanted in Jamaica, Jamaica doesn't have a problem with them, they could come and form a political party. Is it that they could then become qualified by - some dint of the imagination - to State funding? What I am saying is that I think we could use our brains and our imagination to craft legislation to leave out that possibility.

Mr. PAULWELL: And, Mr. Speaker, you know, there is a saying, "don't make perfection the enemy of the good". And we really want to enable the law to take effect so

that we can look at it in its operations. We might very well decide that after a couple years we review it to see how we strengthen it.

And, again, my view is that as we are today, we ought to allow the unfolding, be ably directed by the ECJ.

The Leader of the Opposition also - well, he has made quite a statement on State funding at this time, but supports the concept, regardless - the principle, regardless.

I can't comment on what you have declared in relation to your party, and I wish you well.

Mr. HOLNESS: It's a left-handed compliment.

(*Sotto voce* comments)

Mr. PAULWELL: Oh, not too heavy. Yes, because it might defeat the purpose, because we are trying to guard against - and you know, Mr. Speaker, in all of this we have not really looked down the road because we are coming back to deal with campaign finance reform. I suspect that might be far more impactful.

Mrs. NEITA-HEADLEY: Contentious.

Mr. PAULWELL: No, but I don't expect any contention, because again, we are abiding by the principle. And we have already debated it twice, so when we come back here we are moving.

But there are some fundamental issues that will come to the fore that might even want you to reflect on your refusal to accept State financing at this time.

You have mentioned about the issue of source. And my recollection in the debate is that we are talking about all sources. And rather than itemize it, which could restrict how the Commission pursues its investigation, it is meant for them to look at, look under, look around all types of funding that come into the political parties. And again, I wouldn't want to affect that definition any further than it is today, and to allow us to watch the operations of the law and to see how the Commission will manage.

The Member for North East St. Elizabeth, as passionate as ever - I want to say to the Member that we agree that there will be further work. And in fact, the proposal that you have raised in relation to the Civil Society groups, I had mentioned when we debated the issue of Campaign Finance Reform, that lobbyists, people who come to government - and there are people who are lobbyists - they need to be clear that they are lobbyists, that they earn a living from trying to convince government on policies, and that they need to be properly regulated. And they do contribute to campaign funds as well.

I am suggesting that we not try at this stage to - I want us to leave the political parties on their own, in terms of registration of State funding, at this time. And when we contemplate Campaign Finance Reform - as we intend to insert some provisions to deal with lobbying - lobbyists - probably at that time. And I would certainly love to consult with some of the Civil Society groups to ensure that we have consultation; I don't think we have done that as yet.

And the Member for Manchester, North West, we take the point. You quite rightly pointed out that, yes, the law will allow for

State funding, but it has to come here for a vote, in terms of the funds. And so Parliament will effectively carry that out or not. We certainly support it.

(*Sotto voce* comments)

Mr. PAULWELL: Very well. The Member is urging me to close up because he is convinced.

I am not too sure if there will be any violence to enabling the ninety-day period instead of sixty. So perhaps we could take that in Committee, as Mr. Speaker, I intend to raise three simple amendments when we get to Committee Stage.

So, at this time I move for the second reading of the Bill.

The SPEAKER: The question is that the Bill be read a second time.

Put to the House and agreed to.

Bill entitled:

AN ACT to Amend the Representation of the People Act,

read a second time.

The SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

The CHAIRMAN: House Leader, we will proceed until we get to the amendments.

Mr. PAULWELL: Yes.

The CHAIRMAN: So be it.

I put Clause 1.

Clause 1 put to the Committee and agreed to.

Clause 2 put to the Committee and agreed to.

The CHAIRMAN: I put Clause 3.

Mr. MAIR: Mr. Chairman, Clause 3 subsection 52C (2) - that's the last paragraph on page 4 - just a comment. It says here:

"For the purposes of subsection (l)(a), a person is a candidate of a registered political party if at the time of nomination, a list is issued..."

Shouldn't it be "...a list has been issued"? Because it could never be that the list has to be issued at the time of nomination.

Mr. PAULWELL: Yes, Mr. Chairman, I have no difficulty with that amendment, "has been" to be inserted in the place of "is".

Mr. MAIR: The same Clause 3. Under Clause 52D (1) and in other areas of the Bill, it says:

"Subject to section 52E..."

And then it says - this is the area -

"...the President or Leader..."

But the highest ranking officer of the Jamaica Labour Party is the Leader, and the highest ranking officer of the PNP is the President. I have a problem with the Bill expressing the highest ranking officer as the President or Leader. I think it should say, "the highest ranking officer" for obvious reasons. Because it looks like you are presuming that there is always going to be only two parties, and that the only title for the highest ranking officer in any party can be the President or the Leader. I think it should be more neutral and it should say "the highest ranking officer", or I don't know if there is another legal terminology.

Mr. PAULWELL: Mr. Chairman, I want to refer the Member to the definition. Because…

"President or Leader, in relation to a political party, means the person duly elected or otherwise appointed to lead and direct the affairs of the political party;"

The Head. I understand what you are saying, but we have to acknowledge that there are institutions over seventy years with these nomenclature, but it does not exclude any others with different nomenclature for the person who is the head. I am not speaking about the head as a symbol, I am speaking about the head as the...

(*Sotto voce* comments)

Mr. MAIR: What is the problem with the highest ranking officer? It's neutral.

Mr. PAULWELL: It is not elegant enough.

The CHAIRMAN: I put the first amendment and the only amendment to Clause 3.

Put to the Committee and agreed to.

Clause 3 as amended put to the Committee and agreed to.

The CHAIRMAN: I put Clause 4.

Mr. PAULWELL: Mr. Chairman, I should have - I did indicate that there are some other amendments, and they are all within Clause 3, so let me just go through them.

Clause 52(0), we are proposing to delete the words, "*one other*" and to replace them with the word "*the*". So it would now read:

"Upon an application for deregistration being jointly made in the prescribed manner by the President or Leader and the authorized representative..."

So that is one.

And at 52P (a)(iii), and (a) reads:

"where the party fails to…"

And (iii), we want to remove the words, "*or refuses*". And it would therefore, read:

"where the party fails to…

(iii) submit the annual financial reports..."

Delete "*or refuses to*", because we have "*to*" above there. So it would be "*or refuses to*".

(Inaudible comment from the Chairman)

Mr. PAULWELL: I am sorry, is it (iii) or (iv)? It's both, both (iii) and (iv), yes. You are removing in subclauses (iii) and (iv) the words, "*or refuses to*".

The CHAIRMAN: We have subsection (iii)...

Mr. PAULWELL: Right. It is "*or refuses to*" in both subclauses (iii) and (iv).

(Inaudible comment by a Member)

Mr. PAULWELL: Don't confuse. So we are deleting "*or refuse to*".

The CHAIRMAN: Same in sub clause 4?

Mr. PAULWELL: In both.

(Inaudible comment by the Chairman)

Mr. PAULWELL: So it's the second one.

The CHAIRMAN: So we remove the first one, "*refuse to*".

Mr. PAULWELL: Okay, fine.

The CHAIRMAN: So 52P, subsection (3) reads: delete "*refuse to*".

I put that amendment.

For the records, 52P: Where the party fails to - subsection (iii), "submit the annual

financial reports", remove "*refuse to*" from that. And in subsection (iv) remove "*or refuse to*".

So I put the second amendment to subsection (iv) by deleting "*or refuse to*".

Put to the Committee and agreed to.

The CHAIRMAN: That's it?

Mr. PAULWELL: There is one other at 52S where you have "the President or Leader and any"; remove the word, "*any*" and replace it with "*the*" - "and the authorized representative".

The CHAIRMAN: That's section 52S; replace "*any*" with "*the*".

I put the amendment.

Put to the Committee and agreed to.

That's it?

Mr. MAIR: Mr. Chairman...

The CHAIRMAN: Yes, Mr. Mair.

Mr. MAIR: Thank you.

Unfortunately, the Bill I had didn't have a Clause 3 or 4, but I'm looking at Clause 52AE, which is on page 23, which I gather is for Clause 3, you might have to recommit if the House agrees to the amendment. But on 52AE it speaks to the duty to submit annual returns. And under 52AE(1) sub-clause (a), it speaks to an annual financial report prepared by a registered public accountant. I would like to recommend that we put "an annual audited financial report prepared by a registered …*et cetera*, audited".

(Inaudible comment by Members)

Mr. MAIR: Well, the Financial Report that is presented is audited.

The CHAIRMAN: So we add 52AE(1).

Mr. PAULWELL: Just to bring to the attention of the Member, that at 52AF, "the power of the Commission to appoint auditor to audit accounts".

Mr. MAIR: Yes, but I believe that any report that is given for scrutiny should be an audited report, that shouldn't be left to the discretion....

Mr. HOLNESS: Just to help the Member. The audited report is required of or would be required by the person receiving the report. The parties prepare a financial statement; if somebody wants to scrutinize it then they would ask for an audited report, they would get their independent auditor. Which is why in the following clause it gives the provision to the Commission to say, well, if we are not satisfied, then we'd....

Mr. MAIR: Good practice would dictate that any financial statement issued by a party be audited and that is the report that should be looked at. Because, if it's not audited, that means it has been scrutinized or verified by somebody outside of the accounting department of that organization.

Mr. HOLNESS: No, but Member, just - it's important that we understand the principle. Registered public accountants have standard that they must meet, it's part of their professional qualification, and a statement that is audited also has standards, but it's - the requirement for an audit comes from outside the organization or if the organization needs to verify something of itself.

In other words, once you do a financial statement it meets the standards of

transparency; it meets all the financial standards and all the fiduciary regulations. Now, you would go into an audit if, for example, the Commission suspects that there is a discrepancy.

Mr. BARTLETT: Mr. Chairman, I would like to, I'd like to give a further clarification to that matter of an audited account. And I tend to, I tend to rely on the standard practice in the profession that an account is due or deemed to be acceptable and be legally ready when an auditor verifies that it is a fair and accurate account of the transactions for the given period.

And so I would support Member Mair in that because what it says to us is that you have a certified account that can stand any scrutiny and, therefore, you would be assured that you are acting on a verifiable set of data by a reputable institution so design by law.

The CHAIRMAN: But we have that here, you know.

Mr. BARTLETT: No, no, but I think the point that is being made, Chairman, the point that is being made...

The CHAIRMAN: You not following this thing, you know.

Mr. BARTLETT: The point that is being made... Yes.

The CHAIRMAN: Fifty-two 52AE(l)(a) states: "An annual financial report prepared by registered public accountant".

Mr. BARTLETT: A registered public accountant is not an auditor that's the point.

The CHAIRMAN: Exactly. But, on the other page, on the other page. Follow this thing; follow the logic of this thing. On the following page it states now that the Commission may have an independent auditor for the account to be audited.

Mr. BARTLETT: No, no, hold on. I think I understand the challenge that the Commissioner may seek to verify the authenticity of the… by the public accountant by going to…. (Inaudible....no microphone being used)

What we are saying is that the Commissioner need to avoid all of that additional expense or effort because he can simply see a document, verified by a certified auditing company or a firm and he's satisfied and he moves on, yes. And the transparency is unquestionable and that's the point.

Mr. MAIR: Mr. Chairman, also we are seeking to bring about transparency and bring about legitimacy of the political parties, I don't think you should give the Electoral Commission that discretion, because in executing their duties properly within the political context, you might have a problem. It's better if the parties have to have those accounts audited and present to the Electoral Commission, audited accounts. That would remove....

(Inaudible comment by a Member)

Mr. MAIR: At the party's expense, of course!

Mr. HOLNESS: No, no, no, I think we are here. I think we - Chairman, if you will allow me. We have to be careful. A public accountant, a chartered accountant audits accounts to accounting standards, which meets the highest level of transparency and accountability and probity, that is the standard

practice. We oftentimes confuse that with saying this is an audited financial statement. Now the field that auditing, whilst it is a subfield of accounting, pursues a totally different set of protocols. Now, if it is that there is something suspicious about what is presented and the person receiving the report requires that it be checked and verified, then you call in an auditor who will go and do either a forensic audit or a financial audit or an audit to ferret out fraud or something, but what the Bill is doing is saying the political parties must present their accounts that meet the standard, the accepted standard of the chartered accounting practice, which is what we all accept. If the Commission sees something or feels that there is something not right, then they engage another set of accounting protocols called the auditor. That is how it is.

The CHAIRMAN: Thank you, Mr. Holness. Okay. So, for Clause 3 we have three amendments.

Mr. MAIR: Clause 52AG standard.

Mr. WARMINGTON: Clause 52AG(7) says: "As soon as is practicable, out of funds approved by Parliament for the purpose of state funding, and made available to the Consolidated Fund". I think it should be "*available from*", am I correct? The word, "*to*" should have been "*from*", am I correct? So you amend "*to*" to "*from*".

Mr. HOLNESS: Where are you?

Mr. WARMINGTON: Fifty-two 52AG(6).

Mr. HOLNESS: I had one before it too, recommit.

Mr. WARMINGTON: No, 52AG(6) the last line, it says "available to the Consolidated Fund". 52Al(iv) says: "Candidates for each election, caretakers or chairpersons for each constituencies who are in place". Each can't be constituencies I believe, so that ought to be "constituency".

The CHAIRMAN: Let me put 52AG(6) where we remove from the last line on page 25 "available to" and replace with "available from".

I put that amendment.

Put to the Committee and agreed to.

Mr. PAULWELL: Chairman, in that same 52AG Clause, we had agreed that we would substitute 120 days for 60 days. So that's under sub-clause (l)(b) at the top of page 25. No, 120 days.

The CHAIRMAN: Let me put that amendment.

Mr. HOLNESS: Mr. Chairman, I want to ask the indulgence of the Minister and the Member from St. Catherine North East. At 52AG(1): "Every registered political party… (a) meets the requirements of section 12(1) - this is dealing now with the state funding of political parties, (b) has its annual financial statement independently audited by a registered public accountant within the meaning of section 2 of the Public Accountancy Act and submitted to the Commission - same thing - within the 60 days....with now 120 days".

So the law further clarifies what needs to tie done, right. But I would want you to consider, Minister, at subsection (2), where it says:

"Subject to subsections (3), [(4)] and (5) for the purpose of this Act the amount approved by Parliament for State funding shall be divided equally among the political parties that qualify to receive State funding."

In our case where we will not be taking, when you make that vote we would want it to be clear.

(Inaudible comment by Member)

Mr. HOLNESS: Which is why we want to make it absolutely clear that the rest of the funding goes back to the Consolidated Fund and doesn't stay in the pool to be divided up between any remaining political parties. I think we need to just specify that and to make it clear as well that even though the Bill presumes it that there is no obligation on the part of the political party to take - the political party may formerly say through a process we would not receive.

The CHAIRMAN: So… as we go along. So we get to 52AG 1(b) replace, *"sixty days"* with "*one hundred and twenty days"*.

I put that amendment.

The amendment put to the Committee and agreed to.

The CHAIRMAN: 52AG(6) on the last line of the page we replace "*available to"* with "*available from"*.

(Cross talk)

Mr. HOLNESS: I'm suggesting, Chairman, that we either add to subsection (2) - under (2), or create -

(Cross talk)

(2) - I'm at subsection (2). You want to finish that?

Dr. GUY: Chairman, Chairman, Chairman. It is the money that shall be paid to each political party the money is entitled to receive pursuant to this Act out of funds approved by Parliament for the purpose of State funding and that money is what is made available to the Consolidated Fund.

(Cross talk)

Mr. HOLNESS: Just looking, and craving your indulgence on it, would be to either add to subsection (2) and where a political party does not take up the funding made available that funding is returned to the Consolidated Fund. Either you add it or add a separate section (c). I'm suggesting that.

(Cross talk)

Dr. GUY: What's the basis for this Chairman? Tell me?

(Inaudible comment by Mr. Holness)

Dr. GUY: No, no. you see - sorry, in this case it's whether you take it or not you would have qualified for it.

Mr. HOLNESS: Yeah, but how the law is phrased would suggest that a pool is created that is divided up equally. So if a political party withdraws from the pool the pool to be divided gets larger and that to me defeats the purpose.

(Inaudible comment by Government Member)

Mr. HOLNESS: So whatever is assigned to a political party that qualifies, but does not take it up should go back to the Consolidated Fund. That I think is a fair provision. In other words, you would be benefiting from us not deciding to take it. No, that done make sense.

Mr. WARMINGTON: 52AG, can I ask you...

(Cross talk)

Mr. PAULWELL: What I'm hearing is that the funds that are not taken up by a political party would return to the Consolidated Fund and that is just a simple addition. Yes, so we agree in principle on that subject to the proper - so we'll get the wording in a moment? All right, we'll get the wording in a moment.

The CHAIRMAN: 52AG?

Mrs. NEITA-HEADLEY: Mic! Mic!

Mr. PAULWELL: 2, yes. 2(a) yes.

Mr. HOLNESS: 2(a) or something.

Mr. WARMINGTON: 52A1 that deals with the financing of - no, 52AH rather that deals with the financing of constituency offices...

The CHAIRMAN: Let us close off - we understand the essence of what the Leader of the Opposition is proposing, so I'm going to put that amendment. I put the amendment to 52AG (2).

The amendment put to the Committee and agreed to.

The CHAIRMAN: Mr. Warmington - no, let me continue.

Mr. WARMINGTON: Thank you, 52AH that deals with funding of party headquarters and constituency offices, which include the salary of party administrator, electricity, water, telephone, party recruitment, education and so on. When I spoke last week I ask for *caveat* or something whereby if a constituency chairperson, as you mentioned here, does not wish to participate there be a *caveat* where that constituency can opt out of that fund. We should have the freedom so to do.

A Government MEMBER: We can.

Mr. WARMINGTON: No, no it's not here.

(Inaudible comment by Government Member)

Mr. WARMINGTON: No, no, I'm not talking about that I'm saying where constituency chairperson wishes to opt out of it, because the party might wish to take it but I might not want to participate, you see me.

(Inaudible comment by Government Member)

Mr. WARMINGTON: Hold on no man. It says - hear me.

(Inaudible comment by Government Member)

Mr. WARMINGTON: Oh, keep quiet and listen to sensible argument.

(Cross talk)

Mr. WARMINGTON: I am saying here, the case where a constituency chairperson that's why constituency chairperson is mentioned here. If he wants not to participate then he must have the right so to do, because what the Electoral Commission is saying here you know the provision they are providing here is to finance 126 campaign offices, you know. One hundred and twenty-six (126) campaign offices in the 63 constituency plus the…

(Cross talk)

The constituency office then *nuh* campaign office.

The CHAIRMAN: No!

MEMBERS: No!

Mr. WARMINGTON: Hold on, this does not refer to the Member of Parliament office, you know, because the Report which was done by [Clerk] this office is separate and apart from the Member of Parliament office. It is separate and apart...

(Inaudible comment by Member)

Mr. WARMINGTON: No man, it's 126 offices they are proposing here. It's a 126, it's a campaign constituency office, headquarters so it's a 126 offices they want to set up in Jamaica at taxpayers' expense. It's not just 63, you know. As a matter a fact if you have a 3rd party and its qualified, they also will have a next 63 so we might be looking at over almost 200 campaign offices and constituency office that they want to finance. I am asking that where a constituency chairperson wants to opt out of it, he or she does not participate. So I just want that amendment.

Mr. PAULWELL: Mr. Chairman I am proposing that we do not accept that amendment, because this Bill relates to political parties.

(Inaudible comment by Mr. Warmington)

Mr. PAULWELL: If your party doesn't want to accept it, that is one thing. But it can't be left to the units of the party to decide.

(Inaudible comment by Mr. Warmington)

Mr. PAULWELL: No! No! No!

Mr. WARMINGTON: He doesn't seem to understand public financing. In every country where there is public financing any candidate or any ... can opt out of it. Any. This is the only place we want to... It says here: *headquarters and constituencies.* Look at it.

(Cross talk)

Look at it. Look (b)(i), (b)(i) says, you know, (b) (i) says, headquarters and constituency offices.

(Cross talk)

No, no, it's not the party. I said the constituency should be free to opt out of it.

If I don't take it I should have that right not to participate. Not talk about party now, I'm saying the constituency should have the right to opt out of it. That's what I said last week. If you go along with this I'm going to call for a divide on this. I'll call for a divide on this.

(Cross talk)

Dr. CHANG: Thank you, I think the offensive clause I tend to agree with it, it's the headquarters and constituency office. Now constituency office is separate from an MP office and I don't think there is - first of all I think there's certain injustice in not doing the MP's office - in doing the constituency office over the MPs Office. The purpose of this whole operation is to ensure that the constituents in any constituency, the Jamaican people are served better by the Members of Parliament and the political parties, right. It's a separate issue I recognized that. I'm saying that to fund the constituency office before the MP Office is suggesting a certain priority given to the political party over the people. It's a different issue, but I think it should be taken out of it, I agree. The office is a separate issue. The whole political party is there and the political party may choose to use it in that direction, but I think the constituency office should not be named in it.

Mr. PAULWELL: Mr. Chairman I think

the Members need to come back to purpose of this Bill. We are dealing with the registration of political parties; we are dealing with State funding of political parties. Now political parties have headquarters. They also have constituency offices and it's for the political parties to make that determination whether or not, as the Leader of Opposition has said today...

(Inaudible comment by Member)

Mr. PAULWELL: Right, so it's entirely an internal matter. It cannot be within the framework of this law for an MP to - sorry, for a candidate, for the chairman to opt out of it. It is a matter for the internal wranglings of the party. It must be; it must be. No!

Dr. CHANG: Chairman, sorry, I just want to - let me just clarify. I'm not...

Mr. HOLNESS: I think what the Member is trying to get across to you is in the event that a political party decides to accept the State funding of both their headquarters and their satellite offices. Now, yes, it could be an internal matter but, but, but it would be important for a public show and important for a political statement that it's just not internal, because what he's saying is that the funding would be less by those Members who have decided not to take it. So that if you put in the law to say.

(Cross talk)

No, but that's the ultimate political statement. A political party may very well decide to, but you may have a unit such as a MP or a constituency chairman as acknowledge here who may say, well, we won't take it because we don't need it and then that funding would not be at the discretion of the political party because by virtue of how this is framed it is funding by constituencies. So if one constituency decides it's not going to take it then it shouldn't go to the pool it should be returned. And I think we should look at it.

Miss GRANGE: Mr. Chairman, I want to just ask one question. What damage would it do if you delete that specific point of headquarters and constituency offices? What damage would it do?

Mr. PAULWELL: Mr. Chairman, the ECJ that is going to be involved with regulating this matter doesn't want to be regulating 200 chairmen of constituencies. You have three or four political parties, that is what we are regulating, and this in relation to State funding now. It would make the law unmanageable if at the party level, a local party person can come within - can be identified by the law of having status to decline or not to decline, it has to be at the…

(*Sotto voce* comments by a Member)

Mr. PAULWELL: Yes, but that must be - that is an internal affair. But...

Mr. HOLNESS: If I may. It would help us if funding were given to the political party.

(*Sotto voce* comments by a Member)

Mr. HOLNESS: No, but you have it here stated that you are funding headquarters and constituencies. So then - so you are either going to get around this by just say you are funding the office of the political party, and then the political party could determine how it distributes it.

Mr. ATKINSON: The problem, Chairman, is that we are reading the section

disjunctively. You have to read it in its totality. It says the funds shall be allocated to a registered political party. It then gives a catalogue of the type of activities which that political party may use the funds for. For instance, the party may decide that it doesn't want to include electricity, water and telephone bills. But use the other items. But what this does is to put a catalogue of the events for which the money can be used. But you have to look at it in its totality. Each individual candidate or office is not being funded, you are funding the party and here are the things that the party may use, and hence you have the list A to F which includes office. If you want to fund 61 of your offices instead of all 63, that is the party's...

(*Sotto voce* comments by Mr. Warmington)

Mr. ATKINSON: What 'may'? It says 'shall' it shall be used solely and exclusively for. And then it gives you the list of the items. So it maybe that the party doesn't want to use it for its headquarters, but just to use it for the individual offices.

(*Sotto voce* comments by Mr. Warmington)

Mr. ATKINSON: No, you would want to make a political personal - a political statement man.

Dr. CHANG: Minister, if we change the word at the -

Miss GRANGE: Change it to "*may".*

Dr. CHANG: Hold on. In 52(h) if we change the word "*shall"* to "*may"*, would that help in clarifying it then, because I do sign...?

(*Sotto voce* comments by Mr. Warmington)

Dr. CHANG: If we should change the word "*shall"* to "*may be used solely"* - and suppose I...

(*Sotto voce* comments by Mr. Atkinson)

Dr. CHANG: Hold on. Look, if I own the building that I am in and I pay myself rent, it wouldn't be illegal under this you know, it would not be illegal under this, you know.

(*Sotto voce* comments by Mr. Atkinson)

Mr. CHANG: But that is something that in many jurisdictions that people go to prison for and lose their parliamentary seat that they pay themselves the rent and they pay their wives the salary, we need to exclude that.

(*Sotto voce* comments by Mr. Atkinson)

Mr. CHANG: No, but that is exactly what I am trying to avoid. You are making it legal here and that is not correct that is wrong, that is a mischief.

Mr. PAULWELL: Mr. Chairman I think it is - the Attorney General has explained that, it doesn't mean that you have to fund constituency offices, but that there is a category and that is why the word, *"shall"* is so important, it delineates the category, but you are free within that category to do what you wish.

(*Sotto voce* comments by Mr. Warmington)

Mr. PAULWELL: In that category - yes but it does not mean you have to fund each of those, it is simple.

Miss GRANGE: Mr. Chairman, it reads: "*that the funds allocated to a registered*

political party shall be used solely and exclusively".

Now, I just want to make the point that we really shouldn't be arguing over this because the public sentiment, and the public will feel that in addition to getting some kind of subsidy for Members of Parliament's office, which is grossly inadequate, we are now going to fund 63 constituency offices not Members of Parliament offices for each side.

(*Sotto voce* comments by Mr. Warmington)

Miss GRANGE: I know, so it sends the wrong message. Mr. Chairman, it sends the wrong message and if we can do an amendment to this, to show that we are not just thinking about using State funds to cover our office expenses, it would send a message to the public; it is an issue out there.

The CHAIRMAN: Mr. Pryce, we are still on this same point, we want to wrap up this point you, know okay.

Mr. PRYCE: Mr. Chairman, I think that part of the difficulty, if I could reiterate what the Attorney General said, is that we have stopped at a segment of a menu of uses for which the funds so provided, so allocated may be used internally or then reallocated across these sections or subheads by the political party. When taken in tandem, it is made very clear when you look at research and policy development, education and training and other reasonable logistical and operating expenses it is made more clear that this is not a slush fund for rental for offices. And finally, Mr. Chairman, if there is still so much contention around it, can we consider at section E where it says: "*education and training of Members of the political party"* and we could insert the word, "*or"* which would show that we don't have to do all of these 6 things in tandem, but we may choose among each of them.

The CHAIRMAN: Mr. Samuda.

Mr. SAMUDA: Okay, I just want to throw out an idea. We seem hung up on an idea because it was stated the type of items by way of example, that the funds can be used for. What about eliminating that entirely; and simply saying something like "*these funds are to be used for the good management of the affairs of the political party".*

The CHAIRMAN: We are asking the public to consider.

Mr. SAMUDA: No, not the public, in other words you will eliminate all these little examples, because in any event you can't - let me finish...

The CHAIRMAN: The public must not assume or speculate what the funds are going to be used for, if you put it generally like how you - then you will have all kinds of misinformation about what it is being used for. When you specify it like this, then you are half way down the road.

Mr. SAMUDA: I hope we get enough money to run some sort of electronic system in our offices, but I don't agree with you, because the report by the auditors will confirm the categories of expenditures that you have engaged in and that is going to be exposed to the Electoral Commission that will examine it. So if you take it and buy whiskey every night and call it entertainment and there is no substantiating evidence that it was towards

political activity. I am just using an example, then you will be - then that event will be highlighted and brought to public attention. So you can't get away once you have the requirements for audited statements. But if you are going to get hung up on the kinds of expenditures I don't - first of all, I think that is a dangerous exercise, because it is going to be - it is going to be disproportionate. Just say: "*the funds are to be used for the good management of the affairs of the political party"*. If that is not good enough for political representatives then they don't deserve to be elected.

The CHAIRMAN: What is the proposal?

Mr. PAULWELL: Mr. Chairman, we are going to propose the following wording because you can't leave it open, you have to circumscribe because then you could use the funds to do welfare for your party members and so on. So after the word, "*exclusively"* we are going to add the words, "*any or more of the following namely and those that are listed".* And that is the proposed amendment to any of the following listed.

Mr. HOLNESS: The use of the term "*constituency offices"* could create confusion in the minds of the public because, MP's have constituency offices and people assume that - and I think would generally agree - that the Government should fund the MPs offices. But I think it would be a stretch to get the public to believe that they should also fund the sub-offices or branch offices of political parties throughout the country that is what it suggests. And I am saying that the legislation should be clear that this is not what you intend to do, rather you intend to fund the office of the political party. The political party may want to break it down and do as they like geographically, but it is not your intent to have a political office for the political party in every constituency. And I think the use of the term there creates that confusion.

Mr. PAULWELL: Are we hearing that the offending funding is the constituency office, and that if we delete that we can move on. Okay, so we are agreeing to delete the reference to constituency office, to delete that.

The CHAIRMAN: Let me put the amendment. Section 52 (a)(h). Let me proceed, I am going to put the amendment to 52 (a)(h) (b) (1) it reads; "*its headquarters and constituency offices"* and we delete *"and constituency offices".*

Motion put to the Committee and agreed to.

Mrs. NEITA-HEADLEY: Item (f) allows for the flexibility within the discretion of the political party as it relates to good management of the affairs. Other reasonable logistical and operating expenses to strengthen the political party as a democratic institution which could include whatever. So I don't think we need to...

The CHAIRMAN: I put Clause 3 as amended.

Mr. WARMINGTON: I am voting no.

The CHAIRMAN: When I put it and I say those in favour?

MEMBERS: Aye.

The CHAIRMAN: Those against?

Mr. WARMINGTON: No.

The CHAIRMAN: Noted.

Clauses 4 and 5 put to the Committee and agreed to.

The Title and the Enacting Clause put to Committee and agreed to.

The CHAIRMAN: The question is that I report the Bill as having passed Committee Stage with eight (8) amendments.

COMMITTEE

The SPEAEKR: I do report the Bill as having passed Committee Stage with eight (8) amendments.

Mr. PAULWELL: Mr. Speaker, I move for the third reading of the Bill.

The SPEAKER: The question is that the Bill be read a third time.

Motion put to the House and agreed to.

Bill entitled:

AN Act to amend the Representation of the People Act;

read a third time and passed.

(Applause)

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker, it is not intended to do any further business this evening. I therefore move for the adjournment of the Parliament until next Tuesday, the 21st of October at 2:00 p.m.

The SPEAKER: The question is that the House do adjourn to Tuesday, the 21st of October at 2:00 p.m.

Motion put to the House and agreed to.

The SPEAKER: (Gavels) The House stands adjourned.

The Honourable House of Representatives accordingly adjourned its sitting at 6:22 p.m. until Tuesday, October 21, 2014 at 2:00 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2014 – 2015

TUESDAY, October 21, 2014

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.30 p.m.

PRESENT

THE SPEAKER

HON. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern, Speaker of the House.

MEMBERS OF THE CABINET

THE HONOURABLES:

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, ON, (PNP), St. Andrew, South Western, Prime Minister and Minister of Defence

HON. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western, Minister of Water, Land, Environment and Climate Change

HON. PETER MURCOTT BUNTING, (PNP), Manchester, Central, Minister of National Security

HON. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western, Minister of Industry, Investment and Commerce

DR. THE HON. FENTON RUDYARD FERGUSON, CD, (PNP), St. Thomas, Eastern, Minister of Health

HON. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western, Minister of Local Government and Community Development

DR. THE HON. KENNETH WYKEHAM McNEILL, (PNP), Westmoreland, Western, Minister of Tourism and Entertainment

HON. LISA RENÉ SHANTI HANNA, (PNP), St. Ann, South Eastern, Minister of Youth and Culture

HON. HORACE WASHINGTON DALLEY, CD, (PNP), Clarendon, Northern, Minister without Portfolio in the Ministry of Finance and Planning with responsibility for the Public Service

DR. THE HON. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing with responsibility for Housing

HON. NATALIE GAYE NEITA-HEADLEY, (PNP), St. Catherine, East Central, Minister without Portfolio in the Office of the Prime Minister with responsibility for Sports and Deputy Leader of the House

HON. EVON PATRICK CULLITON ATKINSON, QC, (PNP), Trelawny Northern, Attorney General

MINISTERS OF STATE

HON. RICHARD AZAN, (PNP), Clarendon, North Western, Minister of State in the Ministry of Transport and Works

HON. IAN DAVE HAYLES, (PNP), Hanover, Western, Minister of State in the Ministry of Agriculture and Fisheries

HON. SHARON FFOLKES-ABRAHAMS, (PNP), St. James, West Central, Minister of State in the Ministry of Industry, Investment and Commerce

HON. ARNALDO ALPHONSO BROWN, (PNP), St. Catherine, East Central, Minister of State in the Ministry of Foreign Affairs and Foreign Trade

OTHER MEMBERS

MR. HUGH CARL BUCHANAN, (PNP), St. Elizabeth, South Western

MR. PAUL LENNOX BUCHANAN, (PNP), St. Andrew, West Rural

HON. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern

MR. WILLIAM JAMES CHARLES HUTCHINSON, CD, (JLP), St. Elizabeth, North Western

MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern

MR. FITZ ARTHUR JACKSON, (PNP), St. Catherine, Southern

MR. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western

MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern

MR. MIKAEL ASHER PHILLIPS, (PNP), Manchester, North Western

MR. RAYMOND FRANKLYN PRYCE, (PNP), St. Elizabeth, North Eastern

MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western

MR. RUDYARD CONRAD SPENCER, (CD), (JLP), Clarendon, South Eastern

MR. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western

MR. CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western

DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central

PRAYERS

Prayers were offered by Mr. Hugh Carl Buchanan

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

The SPEAKER: Let us welcome Mr. Richard Tur Novo from the Cuban Embassy who is visiting with us today. (Applause)

House Leader.

Mrs. NEITA-HEADLEY: Mr. Speaker, today as a Parliament we mourn the loss of one who served the Parliament by way of the Upper House as President of the Senate from 1995 to 2007. We want to take this opportunity to express to her family and friends and colleagues our deepest condolences as a Parliament, but also today to commence a number of tributes starting with our Prime Minister who will be the first of

three tributes to the honour of this great nation builder who we mourn today.

The SPEAKER: Prime Minister.

(MISS OLIVIA ATAVIA GRANGE, (JLP), St. Catherine, Central, entered and took her seat.)

(MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, entered and took her seat.)

(Applause)

The PRIME MINISTER: Thank you very much, Mr. Speaker.

Let me begin first with the celebratory part, which is congratulations to our Deputy Clerk of the House, Miss Curtis for yesterday the honour she received... this House. (Applause) I'd also like to congratulate Honourable Horace Dalley and Member Rudyard 'Ruddy' Spencer on receiving honours yesterday...

(Applause)

(HON. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, Minister of Agriculture and Fisheries, Labour and Social Security, entered and took his seat.)
(MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, entered and took his seat.)

Mr. Speaker, it is not an easy task to rise and speak in the past tense of persons who have been your colleague - whether colleague/colleagues and your friends. It is not an easy task to speak about persons with whom not so long ago you have shared experiences of thought on service to your country. It is even more difficult, Mr. Speaker, to speak about someone from whom you could always rely - rely on that person for advice with full knowledge that.... you can never again benefit from new counsel from them. It is certainly difficult, Mr. Speaker, for me to speak in the past tense about someone who shared my zeal for nation building. Sadly, yet again, much too soon we mourn the passing of one who has served this House and stand to recall their contribution to their nation and to those of us touched personally by their love, friendship and kindness.

Mr. Speaker, we pay tribute to someone who served the Upper Chamber of this House with distinction. I'm strengthened by the courage, compassion, quiet brilliance and sterling national and international accomplishments of the outstanding Jamaican we eulogize this afternoon.

(Applause)

The former President of the Senate, Mrs. Syringa Marshall Burnett, Commander of the Order of Distinction, Justice of the Peace, was a nation builder and trailblazer. As a health care professional, educator, parliamentarian and social activist she helped significantly, Mr. Speaker, to propel Jamaica's development, the improvement of the health care sector and the advancement of women. She blazed a trail of goodwill not only in Jamaica but across the world. Our friend, our colleague Syringa was not someone given to raising her voice. A member of the People's National Party who proclaimed her

membership with dignity ever present, ever sure at party functions, elections, and wherever her service was required. As a Senator and later President of the Senate, she raised the bar of political decorum - parliamentary and political decorum by the fine example she set, Mr. Speaker. Her parliamentary contributions were profound and her leadership fair and respected.

(REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston, Central, Minister of Education, entered and took his seat.)

In her professional life as a nurse and nursing educator, Syringa Marshall Burnett was the nurse's nurse, boldly ensuring the professional advancement of her colleagues. Some persons would not have known her for the shrewd and successful negotiator that she was; she came to every bargaining table acutely seized of the facts of the situation and calmly advanced her position in ways that could hardly be challenged. The Nurses Association of Jamaica benefited immensely from her sharp negotiating skills...

(Applause)

Miss HANNA: Hear, hear!

The PRIME MINISTER: ...and up to the time of her passing she led the National Council for Senior Citizens with passion, devotion and professionalism. Mr. Speaker, Syringa Marshall Burnett's lifetime record was testimony and proof that one can give political service and retain your dignity, professionalism and impartiality.

Political association and sympathies were never allowed to diminish the level of professionalism and stridency with which Syringa Marshall Burnett approached her work. Serving at the UWI first as tutor in the Advanced Nursing Education Unit and later as Senior Lecturer and Director, Head of the Department of Advanced Nursing Education, she successfully defended the retention of the Department's status in the restructuring of the Faculty, in order to increase the number of young persons entering the nursing profession. She participated actively in the expansion of the Kingston School of Nursing to Bellevue Hospital and was instrumental in the establishment of the Cornwall School of Nursing. Syringa introduced the Bachelor of Science in Nursing Programme on the Mona Campus and its first franchise to the Brown's Town Community College.

As a champion of nursing, Syringa has ensured that the local heroes of her profession received their full honour. She recommended to the UWI and received approval to honour Dr. Mary J. Seivwright by designating the Nursing Education building as the Mary J. Seivwright Building. (Applause) Syringa Marshall Burnett was instrumental in getting this done.

Today, I salute this outstanding daughter of St. Mary who was ready and academically qualified to study nursing at a time when she was too young to be admitted to the programme. I acknowledge on behalf of the Government and the people of Jamaica Syringa Marshall Burnett's decades of contribution to Jamaica and her attainment of

the pinnacle of service in her chosen professional calling. It is in memory of her endearing compassion, commitment and selflessness that today I recall her, in her own words, her dedication of her life when she said that:

"That my whole life may become an instrument for that which is greater than I".

(DR. THE HON. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern, Minister of Transport, Works and Housing, entered and took his seat.)

(DR. LYNVALE GEORGE BLOOMFIELD, (PNP), Portland Eastern, entered and took his seat.)

I am deeply saddened by the passing of one of Jamaica's finest daughters who has been a nation builder in her time, and who has contributed so much to the development of our country and people.

Once again, I want to extend sincere condolences to her husband Jasper and her daughter, other members of her dear family at this time of their great loss. We will miss her outstanding contributions, incisive interventions, her activism, her wise advice and the great passion, which Syringa Marshall Burnett had for the development of her country and certainly for her fellow Jamaicans.

An unknown poet wrote a tribute to a nurse which speaks of the gentle flower, the beacon of service, the dedicated caregiver that Syringa Marshall Burnett truly was and so I quote:

In the silence and the darkness,
When no eye may see or know,
There her footsteps shod with mercy and fleet kindness come and go.
Not amid the sound of plaudits,
Nor before the garish day;
Does she shed her soul's sweet perfume,
Does she take her gentle way.
But draped in white alike her ideal flower,
With its honey-laden breath;
Still her heart blooms forth its beauty
In the valley shades of death.

Rest well, dear Syringa. (Applause) May her soul find peaceful rest in the arms of her Saviour. May the light of the Lord shine perpetually upon her.

Thank you. (Applause)

The SPEAKER: Miss Grange.

Miss GRANGE: Mr. Speaker, today I rise to join in the tribute to a powerful Jamaican woman who has left us.

I welcomed the opportunity to pay tribute to a woman who has blazed a remarkable trail in the growth of Jamaica, and the development of its women.

I feel privileged knowing that she stands out as an example to our daughters that there is no glass ceiling that can't be shattered. (Applause)

Today, we can't forget that this marks the passing of a hugely important and patriotic Jamaican who has greatly influenced several aspects of our lives including the political and the professional.

As a Jamaican nurse, educator and politician she contributed immensely not only to the national efforts to improve the areas of the society in which she was engaged, but she also stood out as a strong positive woman who helped to change the cultural realities of our society which grew out of a slavery environment and the false idea that a woman's place was in the home.

She was a leader in every sense because in her field of endeavour she not only served and contributed, but she usually ended up as the leader.

She was closely involved with the effort to create a University-based Nursing Education Programme in Jamaica, and she went on to serve as the head of the Nursing Education Programme at the Mona Campus of the University of the West Indies. She was a politician who did not allow her allegiance to her party's supremacy over her allegiance to her country. (Applause)

She eventually became the eighth (8^{th}) President of the Senate of Jamaica, serving from 1995 through to 2007, and the second woman to serve as President of the Senate.

The effect of these efforts were to show that as women we need not to feel inferior and afraid to make our true feelings public and that these characteristics should never hamper our efforts to succeed and to lead.

A native of the parish of St. Mary, she started exposing her grit and determination from a very young age. She had a desire to go into nursing and she applied to be trained at the Kingston Public Hospital when she was only 14 years old. Obviously, she was turned down at the time for being too young. But continually she reapplied until she was accepted four (4) years later. She went through three (3) years of onsite training in a hospital, and half a year of training as a midwife in 1959.

She travelled to Canada where she entered the University of Toronto and received training in Hospital Nursing and Public Health Nursing achieving a Bachelor of Nursing Degree in 1967.

It was in Canada that Syringa and I became good friends, there we shared a wonderful relationship and worked together tirelessly in the interest of Jamaica and the Jamaican diaspora. We remained friends throughout, and even when she came back to Jamaica and she became active in politics we had total respect for each other.

In 1972 she received a Masters Degree in Adult Mental Health, and Nursing Education and she would later obtain a Diploma in Management Studies from the University of the West Indies. It was unavoidable that her career would cross paths with another great Jamaican woman of the era, Dr. Mary Jane Seivwright who at the time was playing a central role in an effort to create a University-based Nursing Education Programme at the University of the West Indies, Mona. This led to the start of the UWI Certificate Programme in 1968 and Dr. Seivwright became the head of the department in 1971.

Mrs. Marshall Burnett later expressed an interest in becoming a faculty member and was offered a position in 1972. She and Dr. Seivwright pushed for a degree giving nurse

practitioner programme which was eventually established in 1977. Another Bachelor's Degree granting programme, geared towards already practicing nurses was established five years later.

She went on to become the head of the School of Nursing in '89 and established its Masters Programme in 2001. She retired from the position the following year but remained a part-time lecturer. She was instrumental, Mr. Speaker, in the setting up of an examination and licensing system for nurses and served five (5) terms as the President of the Nurses Association of Jamaica where she campaigned for housing and better pay for nurses.

She was a Member of the World Health Organization, Expert Committee on Nursing and served on the Advisory Boards of the American Journal of Nursing and the Journal of Advanced Nursing.

She held several other positions in her professional capacity, including member of Graduates of Foreign Nursing Schools, member of the International Advisory Board, American Journal of Nursing, member of the International Advisory Board Journal of Advanced Nursing and Member of the CARICOM Regional Nursing Body.

In 1992 she was appointed to fill a vacant seat in the Senate of Jamaica, but her contributions to this House of Parliament was so remarkable that she eventually became Deputy President of the Senate, and in 1995 became its President where she served until 2007.

Mr. Speaker, the Opposition believes that the nation is deeply indebted to her for the invaluable contributions she has made to the nation and its people. We wish to record our sincere grief at her passing as well as our condolences to her husband, family and friends. We will always remember her as a true patriot, a committed professional, a great friend of the poor and a great woman who has left a trail of achievements which should be regarded as a sign-post in the struggle of our women to reach the goal of equal opportunity and fair reward.

Mr. Speaker, I join today, with the Prime Minister and other Members of this House to say farewell, and to wish and pray that she is resting in the arms of the Lord, and that she will continually rest in peace.

I thank you.

(Applause)

The SPEAKER: Minister Pickersgill.

Mr. PICKERSGILL: Mr. Speaker, I rise to speak on behalf of the People's National Party, in my capacity as Chairman of that distinguished organization.

But at first let me also add my words of congratulation to the Deputy Clerk and to my two colleagues. (Applause) If you will allow me to be informal, my two colleagues Rudyard and Horace, richly deserved. (Applause)

Mr. Speaker, as is typical in situations like these, the news of the passing of a friend, colleague and in this case a comrade causes a spate of sadness and indeed, of reflection.

The death of the former President of the Senate Syringa Marshall Burnett has been no different. For one thing it was sudden, and therefore, surprising. It would only have been

a few weeks prior to that her gentle moderated and familiar voice was heard across the airwaves successfully advocating a review of increases that had been announced by the JUTC for rates charged to senior citizens who use the public transport service.

Then, she spoke as Chairman of the Council of Senior Citizens, a commission to which she adapted herself with the typical zeal and care she had shown at every stage of her professional, social, personal and yes, her political life.

A long standing supporter, defender and Member of the People's National Party, Syringa would often marshal us to a place and space of worship at the start of executive meetings over so many years. It seems no one else ever did it. Indeed, she was our official Chaplin in the absence of Ronnie who, when absent, after prayers were said, there would always be a remark by an Executive Member which would, with jocularity, describe just how much serene prayers were after Syringa would proclaim; and she would proclaim executive at prayer.

No wonder then that she was an exceptional member of the Webster Memorial congregation. The calm and solemnity in her voice was in itself prayerful, as was the command and familiarity which was reassuring. Once present, Syringa ensured that all rancour was absent.

Indeed, it was on the bases of these important, albeit intangible qualities, why for more than 15 years Comrade Marshall Burnett served as the Chair and veritable Chief Justice of the Internal Affairs Commission of our noble Movement.

Many a squabble or dispute that would have excited the palate of political cynics, or produced scores of column inches and endless commentary for media houses, were settled in privacy, and in relative quiet, and privacy I said, all because of her sage advice, wisdom, and natural gift of mediation and fairness.

Oh, how her political opponents were robbed of the opportunistic gains upon which they would have pounced, except for Syringa's adeptness. She was a member of the National Executive Council for more than 30 years - a group member, a part of policy commissions, a guide of talent and a maker of success. Many of our First-Term Members on our side, now serving, were aided by her deliberate overtures to them, individually and collectively. Perhaps only the Party President could have felt the joy Syringa did as so many of her *sons* took the Oath of Allegiance in this House in January 2012; one of them, the Member from North East St. Elizabeth, she knew, literally, since birth.

At a meeting dubbed *Orange Lyme* one Sunday at her home some years ago, Comrade Marshall Burnett opined:

> *"This party has always brought forth new ideas from its young and diverse Members. It is what is expected of it, not only by its Members but especially by our country, even when they disagree with the idea, in part, or in its entirety. We are better for it as a Movement, and must*

always inculcate the development of new talent and of new ideas."

The discussion was then about an aspect of the Progressive Agenda, for which Comrade Syringa hosted a meeting regarding delivery of primary health care services across rural Jamaica. The Jamaican expression "*weh no eye nuh see, no heart nuh leap"* applies, as this bit of fact I now share may shock many.

In the vigorously contested presidential elections of '06, Syringa was a member of the Appeals Tribunal to review complaints, or challenges which may have arisen among the contending camps. History reminds who the contenders were. Each was an icon in their own right, their camps a collection of strong-willed power houses, yet all agreed and confirm the trust, respect, and high regard and esteem which Syringa had in surplus abundance. She, as Lionel Richie said in his memorable song, '*she was three times a lady'.* As history rightly confirmed, she confirmed the process, held up to scrutiny, and all disrepute were eschewed. Of course, Syringa appropriately received national honours.

Mr. Speaker, she was named after one of God's most delicate and fragrant flowers and these qualities I have summarized were like the petals on the corolla of the beautiful Syringa, beautiful among plants as she beautiful among people. The garden has been robbed of her radiance, yet we can only measure the extent by which we miss her, by the extent of the luster which she has taken with her. Travel on Comrade Syringa, and travel well.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Dr. Ferguson.

Dr. FERGUSON: Mr. Speaker, Syringa Marshall Burnett was truly a stalwart, doyenne and a national icon in the profession of nursing. She was many things to many persons, and we will well remember her for her leadership, particularly in nursing, education, and politics. She was the President of the Nurses Association of Jamaica several times, Head of the Department of Advanced Nursing Education Unit at the University of the West Indies. I worked very closely with Syringa as she was a part of my Health Task Force that I led while we were in Opposition. I witnessed at that time, her dedication and love for country, as well as her desire to see better health care, and indeed, a better quality of life for all Jamaicans.

I would like to use this opportunity to communicate to this Honourable House, some of the sentiments coming out of the Ministry of Health from persons who have worked with her, or have experienced the work of Syringa Marshall Burnett.

Our Permanent Secretary, Dr. Kevin Harvey, said:

> "*Her light will continue to shine through all those whom she taught and mentored. She was committed to developing the next generation, and ensuring that persons were empowered through education, to move themselves and their country forward. She was truly a trailblazer*."

Our Chief Medical Officer, Dr. Marion Bullock DuCasse described as a selfless

human being who was committed to the development of people, and the development of Jamaica. She quotes:

> "*She has made many sacrifices for country, and has made very important contribution to nursing education and national development. There is no other like her, and she will truly be missed*."

Our Chief Nursing Officer, Mrs. Marva Lawson-Byfield said:

> "*We honour Mrs, Syringa Marshall Burnett for her selfless commitment to the nursing profession. She will be remembered in a happy way for a lifetime dedication to nursing and the country in general."*

Our former Chief Nursing Officer, Dr. Leila McWinney-Dehaney, described her as exemplary, the consummate professional and the consummate leader. She added that:

> "As Mrs. Marshall Burnett's work unfolded in this country, it went far beyond the realms of the profession and found roots in national leadership. Syringa served her country, the region, and the international community well. She has blazed the trail, and her professional offsprings have, through her lessons and examples, learned to serve their country well in whatever place they may find themselves. Mrs. Marshall Burnett loomed larger than life in a country seeking earnestly to understand the role of women and their impact on national life and development."

Mr. Speaker, I consider Syringa to be within the ranks of Jamaican nursing giants, such as, Mary Seacole and Mary Seivwright. Her work has extended far beyond the profession of nursing, and beyond the shores of Jamaica. She has also made significant contribution to national development. Mr. Speaker, today ;we pay tribute to Syringa Marshall Burnett, a midwife, a public health and psychiatric nurse, nursing administrator, nursing researcher, legislator, and giant among many.

May her soul rest in peace and light perpetually shine on her.

(Applause)

The SPEAKER: Minister Kellier.

Mr. KELLIER: Thank you, Mr. Speaker.

Mr. Speaker, the late Syringa Marshall Burnett ranks amongst the truly phenomenal women whose contribution of service helped to shape the character of modern Jamaica. In her capacity as Chairperson of the National Council for Senior Citizens, an agency of the Ministry of Labour and Social Security, Mrs. Marshall Burnett's quiet demeanour, master determined spirit, willing to succeed in the best interest of her country. Her zeal, sound judgement, creative imagination and a liberal leaning towards best practices in the welfare of senior citizens, were some of her strongest attributes that were displayed up to her untimely passing.

Mrs. Marshall Burnett promoted healthy and active aging among senior citizens in Jamaica, with activism and distinction. In consequence, the National Council for Senior Citizens succeeded in forging a symbiotic relationship with the Mona Aging and Wellness Centre, and the Caribbean

Community of Retired Persons in studying the health and social status of older persons in Jamaica, and indeed to identify their needs.

When she joined me in launching the Senior Citizens' Week, 2014, on 23rd September, she expressed her eagerness to participate in the upcoming review of the 1997 National Policy for Senior Citizens, which will seek to identify and develop contemporary and appropriate responses and strategies for addressing the current demands of the country's elderly population. Our nation has lost a truly wonderful public servant whose devotion to public service prioritizes personal interest with prudence and willingness to act only after every circumstance and consideration was mutually weighed.

Mrs. Syringa Marshall Burnett endeared herself to everyone she came in contact with, professionally and socially. I am honoured to have known this outstanding Jamaican woman, and thank her tremendously for her wise counsel, her generosity of spirit, her indelible contribution which will remain with us for many, many years to come.

May her husband Jasper, family and friends find comfort in the fact that through her work, her legacy will endure the test of time, and may her soul rest in peace. (Applause)

The SPEAKER: Mr. Smith.

Mr. D. SMITH: Mr. Speaker, I have known Mrs. Syringa Marshall Burnett for many, many years. I last saw her about little less than a month ago. We were together at a 50th Anniversary Service of the United Church - Meadowbrook United Church at Meadowbrook - her husband and herself, and like everything else, she was seemingly in good order - good shape; a little challenge with mobility, but that is nothing new.

Mr. Speaker, the Leader of the Opposition who is out of the island on official business, I know if he was here he would really want to, for the records, say something. I was able to extract a brief statement that went out at the time of her passing, and I would just like to quote for the records, as I said, a paragraph. It says: The Leader of Opposition, Andrew Holness said,

> "Syringa Marshall Burnett will go down as one of the finest examples of our women achievers, and a role model for young women in our society. Her service to the Senate of Jamaica, and as Head of the Nurses Association of Jamaica are only two among her many accomplishments which contributed greatly to Jamaica's nation building. Jamaica has lost a great daughter".

Mr. Speaker, I too would like to say that Mrs. Marshall Burnett came, made her contribution in an outstanding way and has gone.

May her soul rest in peace.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: The Clerk will pass on the sentiments of the Parliament to the family of Honourable Syringa Marshall Burnett.

The House will now stand for a moment of silence in tribute to Mrs. Syringa Marshall Burnett.

(A moment's silence observed)

May her soul rest in peace and light perpetually shine upon her.

STATEMENTS BY MINISTERS

Mrs. NEITA-HEADLEY: Mr. Speaker, we will now have a Statement from the Minister of National Security at this time.

The SPEAKER: Minister Bunting.

Mr. BUNTING: Thank you, Mr. Speaker.

Mr. Speaker, this afternoon I will update this Honourable House and the nation regarding two recent issues, which this Administration consider to be serious threats to our national security. The first concerns our recent refusal to land a CARICOM national in the interest of public safety and security, and the second, the security sector's contribution to Jamaica's preparedness for the threat posed by the Ebola virus.

Mr. Speaker, the Most Honourable Prime Minister tabled the 2013 National Security Policy in this House earlier this year. The NSP 2013 identified terrorism and natural hazards, including infectious diseases, among the Tier 2 threats to national security. And to remind you, Mr. Speaker, Tier 2 covers threats that are currently seen as relatively low probability, that is, they might not happen but could be high impact if they did happen, and high impact means in terms of fatalities, economic loss, civil unrest or social disruption. The Tier 2 threats therefore require very careful monitoring. It is also essential that we take all necessary steps to ensure that they are prevented or mitigated as far as possible.

The National Security Policy 2013 noted that there are two key points with respect to Tier 2 threats such as terrorism and infectious diseases. The first is that these threats have the potential to cause catastrophic harm to Jamaica, so it is important to actively monitor all Tier 2 items so that they can be rapidly upgraded to a Tier 1 'Clear and Present Danger' status if necessary.

Second, the concept of 'low probability' always refers to a particular period of time. So, for example, the probability of a terrorist attack may increase during certain high profile events relative to other periods. A US-led operation in the Middle East, for example, might increase the risk of a terrorist attack on American tourists in a third country.

Similarly, a low probability designation would have applied to the threat of Ebola even a few months ago. Now, however, as a result of the recent spread of the disease across the world, the risk that it might arrive in Jamaica has increased.

It is within this policy context that I now turn to the two issues. The first is the refusal of leave to land Yasin Abu Bakr. This Honourable House would be aware that the Nation of Islam held a mass event at the National Arena last Sunday to commemorate the 19th Anniversary of the Million Man March. Kingston welcomed hundreds of members and well wishers from the USA and other countries to participate in this event. Our

security planning recognized that while the Nation of Islam did not itself represent any threat, it was possible that the occasion might be used as a cover-up for others to enter Jamaica for purposes that could be detrimental to our national security. Therefore, the security forces and PICA maintained a heightened state of alertness during the period around the staging of this event.

On Wednesday, October 15, 2014, Jamaica's Passport Immigration and Citizenship Agency (PICA) executed a decision to refuse leave to land Trinidadian Yasin Abu Bakr, leader of the Jamaat al Muslimeen, a radical group based in Trinidad and Tobago.

Mr. Speaker, for those Members in the House under 40 years old they probably may be hearing about this person for the first time or are not familiar, not very familiar.

Dr. WHEATLEY: Stop throwing words.

Mr. BUNTING: So we may ask, who is Yasin Abu Bakr? Given the wide speculation and public deliberation on the matter, it is important to share with this Honourable House a brief history of Abu Bakr's and the Jamaat al Muslimeen's conflict with the law.

In 1990, Abu Bakr co-organized and attempted a violent coup d'etat with the suspected aim of establishing an Islamic state in Trinidad and Tobago. The country's then Prime Minister, A.N.R. Robinson and other Parliamentarians were taken hostage, other Cabinet Ministers included. The Prime Minister was subsequently shot and another Member of Parliament was killed. Twenty-four deaths in total were attributed to this coup attempt.

As recent as March 2014 a Commission of Enquiry Report into the 1990 attempted coup identified Abu Bakr as the unrepentant mastermind of this coup and described him as, I quote, "ruthless".

Mr. McKENZIE: We say the same thing about Walter Boyd.

Mr. BUNTING: In November 2005, Abu Bakr was arrested and charged with inciting extortion and sedition. A search of his office turned up a high-powered assault rifle, along with a hand grenade and 700 rounds of ammunition.

In 2007, Bakr found reason to deny connections that were made between him and an alleged plot to bomb the JFK International Airport in New York. The alleged plot led to the arrest and conviction of two nationals from Guyana and one from Trinidad and Tobago. To date three members of Abu Bakr's Jamaat Al Muslimeen group have pleaded guilty to the murder and dismemberment of a Trinidadian woman. Mr. Speaker, it has also been reported that a number of Trinidadians are currently fighting for or otherwise aiding ISIS and other Islamic terrorist groups. There is therefore a real possibility that there are now connections between radicals and militants in Trinidad and some of the most dangerous and ruthless terrorist organizations in the world.

So, Mr. Speaker, let me tell you what happened when Abu Bakr was refused leave to land. Yasin Abu Bakr was refused leave to

land under section 4(1)(h) of the Immigration Restriction (Commonwealth Citizens) Act.

The Act permits the Minister of National Security to refuse leave to land to, I quote:

> "Any person who, from information or advice is deemed by the Minister to be an undesirable inhabitant of, or visitor to the island".

Under the revised Treaty of Chaguaramas, a CARICOM state is allowed to refuse to land a CARICOM national on the grounds of national Security. In the celebrated Shanique Myrie ruling, the Caribbean Court of Justice said at paragraph 70:

> "...no restrictions in the interests of public morals, national security and safety, and national health should be placed on the right of free entry of a national of any Member State unless, that is my emphasis, unless that national presents a genuine, present and sufficiently serious threat, affecting one of the fundamental interests of the society".

Mr. Speaker, in the judgement of this Administration, Yasin Abu Bakr "...presents a genuine, present and sufficiently serious threat..." to our national security to prohibit his free entry to Jamaica. (Applause)

Mr. Speaker, a great deal has been said in media and by the Opposition about the sum paid by the Government, to charter a private plane to return Yasin Abu Bakr to Trinidad. Here are the facts surrounding this specific issue. The immediate attempt by PICA was to return Abu Bakr on a Caribbean Airlines flight to Trinidad. He was not co-operating and had to be accompanied by immigration and security personnel. In fact, I believe he insisted that he had to be handcuffed or he would not go back on the plane. He was placed in an economy-class seat, but became boisterous, uncooperative and refused to comply, citing medical issues among other reasons.

Authorities at Caribbean Airlines indicated that it would be a breach of security protocol to have a non-compliant passenger fly in the first class or business class cabin, which is in the vicinity of the cockpit and which, in any event, was already fully booked on that flight. The flight was unwilling to depart given Abu Bakr's display of resistance. He refused to sit down and the entire flight was at risk of being cancelled as the other passengers became increasingly concerned.

Section 28 of the Immigration Restriction (Commonwealth Citizens) Act provides that, in these circumstances, it is the duty of the State that refuses a person leave to land to bear the cost of the return of the individual from its public funds.

All things considered, Mr. Speaker, this seemed the best course of action immediately available to the Government, given that it was clearly in the interest of national security to not land this individual and to remove him from Jamaica at the earliest opportunity. (Applause)

We, Mr. Speaker, we did not wish this individual to be in Horizon spending time attempting to radicalize persons there.

MEMBERS: No, no, no!

Mr. BUNTING: The individual's noncompliance and unruliness was an obstacle

to his travelling on commercial and in fact, most private chartered aircraft would not take a noncompliant individual.

Mr. Speaker, when the US is deporting persons who are either suspected of terrorism or have some criminal convictions, they have specialist charter airlines that deal specifically and that configured airplanes to deal with these persons.

A MEMBER: Correct.

Mr. BUNTING: So this is not just any aircraft that you can get to do this type of work. The fact is he also needed to be accompanied by a number of immigration and security personnel given his behaviour.

Notwithstanding all of the above, the Jamaican Government still had a duty of care to the individual, particularly with regard to his medical issues, which may have put him at risk from protracted delay or even travelling in economy.

While the cost of Abu Bakr's removal by a private charter was significant, it pales in comparison to what the attempted *coup d'etat* cost Trinidad in 1990. (Applause) It pales in comparison to what a terrorist incident would cost Jamaica today. (Applause) And, Mr. Speaker, it pales in comparison to the billions of dollars that the mishandling of the Christopher Coke extradition cost this country in 2010. (Applause)

A MEMBER: Oh yes!

Mr. BUNTING: Mr. Speaker, I regard this expenditure the same way I do a home insurance policy. We regret having to pay the premium when nothing happens, but we're really happy to have that insurance in place when a hurricane hits.

(Applause)

Mr. Speaker, I now turn to the second issue, and this is the National Security Ministry's Contribution through its Departments and Agencies, to Jamaica's preparedness for a possible Ebola outbreak.

Mr. Speaker, as you may already be aware, the Most Honourable Prime Minister has established the Integrated National Coordinating Team to lead the country's preparations should the Ebola virus reach Jamaica. This multiagency taskforce is jointly led by the Ministry of Health and the Jamaica Defence Force. It is important to understand that responding to an outbreak of a serious infectious disease such as Ebola does not only require the medical care component, but also requires a serious logistics capability...

A MEMBER: Hear! Hear!

Mr. BUNTING: ...to plan, implement and coordinate the provision of facilities, supplies, personnel and services for the operation. This is traditionally a core competence of military organizations...

Mr. ATKINSON: Correct.

Mr. BUNTING: ...and the JDF has always played a critical role in our disaster preparedness and response.

It is important to note that one of the contributing factors to the successful response to Nigeria's recent Ebola outbreak was that they had a Command Centre - originally established by the Bill and Melinda Gates Foundation to fight polio - but which was

rapidly redirected to coordinate the national response to Ebola. The World Health Organization and public health experts are now applauding the speed, decisiveness and coordination of the response by the Nigerian Government.

We too have put the necessary facility in place. Jamaica has established its National Emergency Operation Centre, which is based at ODPEM and supported by the JDF and the relevant partner agencies, and will be utilized to coordinate our Ebola preparedness and, if necessary, our response.

Mr. Speaker, let me assure this Honourable House and the people of Jamaica, that our preparation to fight Ebola using the multiagency approach, is in keeping with the best-known practices as stipulated by the World Health Organization and adopted by countries that are now Ebola free.

The Ministry of National Security will be taking a number of steps to strengthen border security:

- The Coast Guard and the Marine Police will be increasing surveillance of our maritime space
- The Passport Immigration and Citizenship Agency will be enforcing the recently announced travel ban on persons travelling from or via countries designated by the World Health Organization as worst affected by the Ebola outbreak.

PICA advised IATA last week of this travel ban and got conformation this morning from IATA that it is now in effect. (Applause) This means, Mr. Speaker, that no bookings will be taken that are inconsistent with this ban on their reservation system, and it will avoid us and avoid the inconvenience to the traveller of having to refuse to land them when they get to our borders.

- PICA and the Ministry of Health will be implementing temperature sensors at our ports of entry. A number of handheld versions of temperature scan machines have already been handed over to staff at our ports of entry. These machines were made available through kind donations from well-thinking citizens.

Mr. Speaker, just this morning, Minister Ferguson and I accepted a cheque of $4.3 Million from Sagicor Jamaica Limited as a donation to PICA to purchase a body-scanning machine that uses infrared technology to detect individuals with elevated body temperatures. (Applause)

- The JDF will participate in the establishment of quick response teams to be based at Up Park Camp and support the public education and partner engagement activities of the Ministry of Health. The JDF has the track record, both in terms of experience and capacity, to provide leadership in disaster preparedness and relief, and will support the Ministry of Health in mounting a robust response to the threat of Ebola.

Mr. Speaker, the Government is taking all necessary steps to protect our citizens from threats to our national security, whether from terrorism or infectious disease. We must avoid

panic and fear mongering. We must all focus on what we can do to educate the public, encouraging them to keep calm, and build our preparedness for, and resilience to, these threats.

We hope and pray that Jamaica will avoid these threats altogether, but we will also ensure that if we are faced with a major incident, we will have the capacity to respond effectively and minimize the impact on the people of Jamaica.

Mr. Speaker, in closing, I want to acknowledge the hardworking and committed public servants in PICA, in the Ministry of Health, in the JDF, in all our First Responders, in Customs who are on the frontline of our borders and who are working diligently to keep Jamaicans safe and secure.

Thank you.

(Applause)

Mr. D. SMITH: Mr. Speaker, on this matter of - in the interest of national security, it's an area that the Opposition will always endeavour to cooperate with the Government.

Dr. DAVIES: Hear! Hear!

Mr. D. SMITH: And for that reason, Mr. Speaker, I'm a little taken aback to some reference to Christopher 'Dudus' Coke, in a statement of this nature.

(Cross talk)

Mr. D. SMITH: Mr. Speaker, one can understand the obsession of the Minister with that particular name, but let me stick specifically with the issue that the nation is interested in.

Mr. Speaker, we commend the Government in terms of its original decision to refuse entry to our shores of Mr. Abu Bakr. I'm well over 40 so I have a good understanding on the...

Mr. PARCHMENT: Well over 100.

(Heckling/Laughter)

Mr. D. SMITH: ...I've full knowledge of the history of this gentleman that we refused entry into our country. But what is quite odd Mr. Speaker is that the issue was allowed to play out on the shores of Jamaica.

My sure knowledge is that we developed a system from as far back as 2007, at the time of the World Cup, where individuals would not be accepted in this country, we would know beforehand of their intent to travel to this country, and beforehand it would be the business of the Government of the day to advise the original point of departure along with the airline not to - I repeat, not to board the, or these individuals so as not to have any international drama as we had sometime last week.

So the Minister would have to explain to the House and by extension the country, at what point it became, or he became aware that this gentleman was about to come to Jamaica. Was he travelling here on the invitation of the organizers of the Million Dollar...

A MEMBER: Million Man.

(Laughter)

Mr. D. SMITH: Well it's really Million Dollar, it's $4 Million.

MEMBERS: Aah!

A MEMBER: Yeah man, yeah, yeah.

Mr. CHUCK: Million dollar trip.

Mr. D. SMITH: ...Million Man March, was he travelling on the invitation of the

organizers of that function? Was Mr. Abu Bakr the only individual who'd plan to come to that function, who the country denied entry at some point or the other? And if that's the case, then the Minister needs to explain to the House why that method was used with that individual, or individuals, and that similar method was not used with Mr. Abu Bakr.

The Minister made heavy weather of why they had to spend this scandalous amount to send Mr. Abu Bakr back to his home. Now, is he admitting that one individual from a CARICOM territory, we in Jamaica are unable to handle him in terms of shackle him and subdue him and send him back to where he is coming from?

Mr. VAZ: Chik-V man, Chik-V.

Mr. D. SMITH: Is he admitting that as a fact that the security personnel in this country are unable to deal with a situation like that? He came here, should've had a return ticket, why is it we're spending $4 Million to send him back on a Learjet?

Mr. CHARLES: First class.

Mr. D. SMITH: Keep him here until he decides that he wants to go!

Mr. CHARLES: That's right.

A MEMBER: What?

Mr. D. SMITH: Keep him here until he decides that he wants to go! Feed him, offer him medical care...

A MEMBER: And he died.

Mr. D. SMITH: ...and when he submits that he's ready to go you send him back. We will not accept that you're spending $4 Million to send him back from where he came, right.

(*Sotto voce* remarks)

(The Deputy Speaker gavels)

(Inaudible comments)

Mr. D. SMITH: No, that's not my interest, my interest is not camera, it has never been for the 30-odd years that I've here, my interest is the Jamaican people and my constituents, right.

So, Mr. Speaker, I have more questions, but let the Minister answer those first.

Mr. CHARLES: Come, Mr. Minister, we have some more questions fi yuh.

Mr. BUNTING: The two questions that I discern that the Opposition Spokesman has asked, the first, was he travelling - was Abu Bakr travelling on the invitation of the Million Man March organizers?

We have no confirmation that he was travelling on such an invitation. And, in fact, even during the interviews with himself and his party, there were conflicting statements in that regard. In fact, I believe the basis for his reason given for his visiting was to spend time with family in Jamaica.

The second statement, were we not aware - sorry, the related part of this question, were we not aware? My understanding from PICA, is that the advanced passenger list is forwarded to the local Border Control Agency after the passengers - or about the time, rather, that the passengers have checked in at the airport, which doesn't always give you - usually doesn't give you time sufficiently to have a passenger removed, unless there was already some Prohibition Order in effect.

Now, for some reason, there doesn't appear to have ever been a Prohibition Order

put in effect either by the previous Administration - by you, when you were Minister, or by anyone...

Mr. PICKERSGILL: They had a very short time. (Laughter)

Mr. BUNTING: ...or any of the other many Ministers during your Administration.

But, what we will ensure - and we understand, because there was not much time for you to have done many things. But the fact is, there was no Prohibition Order. We intend to correct that, shortly.

Finally - and I quote - Mr. Speaker, the Opposition Spokesman makes quite an astonishing statement. I will quote:

"Keep him here until he decides that he wants to go".

(*Sotto voce* comments)

Mr. D. SMITH: Keep him here forever!

Mr. CHARLES: Detain him at your pleasure? Send him back on a…. (Inaudible)

Mr. BUNTING: The Opposition Spokesman said he wasn't happy with my reference to Christopher Coke. But I wonder, Attorney General, whether in that case this was not the approach taken. "Keep him here until he decides that he wants to go". (Applause)

A Government MEMBER: Sounds familiar!

Mr. Luther BUCHANAN: Six runs!

Mr. PICKERSGILL: Six runs! (Heckling)

Mr. BUNTING: Apparently, Mr. Speaker, that is a policy statement from that side...

Mr. PICKERSGILL: Yes!

Mr. BUNTING: ...as to how they treat individuals who are threats to national security.

But, that is not our approach. As we said, Mr. Speaker, we believe and we stand by the fact that...

Mr. McKENZIE: How long we did have Bey-Bey...for? What you a talk 'bout?

Mr. Luther BUCHANAN: Stop yu foolishness!

(The Speaker gavels)

Mr. BUNTING: ...it was in the public interest to have him removed as quickly as possible from Jamaica.

Mr. D. SMITH: Mr. Speaker, there is another question I have which he didn't answer - if there was any other individual who was on the way here to this MMM, Million Man March Anniversary function, who was turned back at any stage?

And, also, to reinforce that no regional terrorist would force a Jamaica Labour Party Government to hire a Learjet, right, at Four Million Dollars ($4M) of the Jamaican people money to send him back home. He would be at Horizon until he submits and goes home on a commercial flight! That's our position!

(Cross talk)

Mr. Luther BUCHANAN: Whose money you would use? Tell us whose money you would use!

(The Speaker gavels)

Mr. BUNTING: Mr. Speaker, you know, apart from the rules laid down in law, Mr. Speaker, if you have someone here that you are going to keep until he decides that he wants to go, you would have to give him

medical care. This is somebody who was having medical issues, which the cost of caring, feeding and all the attendant costs to do with that person could easily have exceeded Four Million Dollars ($4M) over a period of time. The amount of distractions for in Court, security forces, *et cetera*, that would have been used on this, it is a case of penny wise and pound foolish.

(Applause)

Mr. Darryl VAZ: Chicken feed money!

Mr. BUNTING: And, really, Mr. Speaker, as my colleague, Chairman, would say, this is a case of majoring in the minors.

In terms of the other, I am aware of at least one other individual who was turned back, who similarly had already embarked upon their flight - but a longer flight, coming from Guyana rather than Trinidad - and they were turned back when they had reached Antigua.

Now, Mr. Speaker, this is really an operational matter. PICA refuses leave to land to hundreds of persons during the course of a year, and, I, as Minister would not be familiar with every case. But, I trust and support the professionals who work at PICA. We are not going to say in all two hundred and odd cases per year or whatever number of cases per year, they will make the correct judgement call. But, if they are going to, in a marginal case, make a call, then out of an abundance of caution, better you make the call to prevent the person who is a risk, from landing, than to err on the other side and later we are all regretting it.

(*Sotto voce* remarks from Miss Hanna)

Mr. BUNTING: No, Caribbean Airlines could not have carried that individual back, and not in the way they were behaving. And, I don't know how many commercial airlines that the Opposition Spokesman has travelled on, where he sees somebody being brought in, in shackles, fighting, creating a whole scene in the aircraft. And, how would that make the regular tourist or other travelers feel in that aircraft, based on what was - the flight would not take off, it would be cancelled, or at a minimum, the passengers would disembark.

So, Mr. Speaker, I really think that the Opposition Spokesman really continues to major in the minors.

Mr. CHUCK: Mr. Speaker, I just want to ask the Minister, Abu Bakr clearly came here and must have had a return ticket. That return ticket - he probably came first class and that return ticket would have been first class. Could you say when that return ticket - what date it was for the return ticket? And, was it possible to put an option to Mr. Abu Bakr, you can return on your return ticket, but while you are here you will be kept in protective custody...

(*Sotto voce* comments)

Mr. CHUCK: ...or kept detained, as Jamaicans are detained in Trinidad... (Applause) ...until you return on your ticket, or you return and behave yourself in economy. So, the options I would like to ask, are you prepared to return in your economy flight, or are you prepared to remain imprisoned until you can return on your first class ticket?

Mr. BUNTING: Mr. Speaker, I don't believe that there was - I don't believe there

was any basis - I don't believe there is any basis in law for that sort of option that the Opposition Spokesman is speaking of.

In fact, since you spoke about the Shanique Myrie case, which you are - obviously not very familiar with. But, if you read the CCJs Judgement, you either...

Mr. CHARLES: CCJ? Which CCJ?

(Cross talk)

Mr. BUNTING: The Caribbean Court of Justice.

Mr. Speaker, under the Revised Treaty of Chaguaramas, as interpreted and expanded by the recent CCJ ruling in the Shanique Myrie case, a CARICOM national, if landed, has an automatic right to stay for six months - for six months! So, the choice was, either we refuse to land him, but having landed him, he would have had a right to remain for at least six months. And during the period of that time of six months, there could have been all sorts of appeal in Court, *et cetera*, tying up the matter. If we had him in custody, then it would have become a Court matter, and most likely he would have got bail, or the possibility he would have got bail, and the risks that we want to protect ourselves against we would then have been exposed to them.

So, I really - and this thing about negotiating and saying to him, well, will you travel on this class ticket or will you travel on this; I think, based on his attitude and his disposition, he clearly wanted to make an issue, he was looking an opportunity to become some sort of *cause celebre.*

(*Sotto voce* comments from Opposition Members)

Mr. BUNTING: A weak Government! And we removed him from the jurisdiction within 24 hours! You dilly-dallied for months when you got a lawful extradition request!

(Government Members applaud)

Mr. D. SMITH: Weak Government!

Mr. CHUCK: Mr. Speaker...

(Cross talk)

(The Speaker gavels)

Mr. CHUCK: Mr. Speaker...

The SPEAKER: Mr. Chuck.

Mr. CHUCK: ...the question of him getting landing status does not arise. Because the Minister stated, on the grounds of national security he would not be granted a stay in Jamaica. So the CCJ's position is clear, he will not be landed because of national security. The only issue is how do you return him to Trinidad?

And I am saying, Minister, he has to go back the way he came, because he has a return ticket.

Mr. PICKERSGILL: Rubbish!

Mr. CHUCK: How you mean, rubbish?

Mr. PICKERSGILL: How you mean he has to go back the way he came?

Mr. CHUCK: Mr. Speaker, an airline would not take him to Jamaica without a return ticket, so he has a return ticket to go on Caribbean Airlines. And it is the duty of Caribbean Airlines that brought him here to take him back.

(Cross talk)

With due respect, it is the weakness of the Government in acceding to Abu Bakr's indiscipline why you had to put him on the Learjet. If you told Abu Bakr, you will be in

jail until you keep yourself quiet to go back on Caribbean Airlines, you would not spend the Four Million Dollars ($4M)!

(*Sotto voce* comments)

Mr. Anthony HYLTON: Mr. Speaker...

The SPEAKER: Mr. Hylton.

Mr. Anthony HYLTON: I make the point, Mr. Speaker, it is a matter of International Civil Aviation Law that it is the captain of the aircraft that will determine whether a passenger who is uncooperative and is unruly, will remain on the flight. And, having made that determination, the law is that the State that is returning - in this case, Mr. Abu Bakr, to his original jurisdiction - has that responsibility to get him to that jurisdiction for national security, particularly if the reason invoked is a national security reason. (Applause)

Mr. CHARLES: Foolishness! Rubbish!

The SPEAKER: Mr. Charles.

Mr. CHARLES: Mr. Speaker, it is unfortunate that this incident is taking on a PNP, JLP situation, very unfortunate.

(Heckling by both sides)

Dr. DAVIES: I agree. I agree.

Mr. CHARLES: Because, in my opinion, it is a matter of national security.

(Heckling)

And I… relax man, because you wrong 'wid whe u sey! Rubbish yu talking!'

Mr. A. G. HYLTON: Shut up your mout!

Mr. CHARLES: 'A man has not landed into a country until im pass tru the Customs!' When yu come off the plane and walking, you still not landing, you not in Jamaica until the Immigration clear you and put you tru'. Up to the... Relax man! Up to that time, if the Immigration refuses to take you in Jamaica, you go 'back' on the flight! You don't 'have no country in the world providing first-class Lear Jet to take a man bak' when the Government 'sey im caan lan!' You cannot land unless you take your documents to the Immigration, process, stamp and sent through, until dat, you have not yet landed! ' 'Dis man... '

Mr. PICKERSGILL: Who denied that?

(Heckling)

Mr. CHARLES: My problem with the Minister - a thing like that happens in Jamaica, we know of this man, you read a lot of the things that he has done and will do, and your security could not tell you that the man is coming here? Your security couldn't tell you when him take off! Your security couldn't tell you he was in the air? Minister, something is wrong! Something is wrong!

(Inaudible comment by Mr. Hylton)

Mr. CHARLES: Not as Minister of Public Utilities and Transport. I was Minister of Public Utilities and Transport. I was in charge of the plane and I *wudda* know. Nobody couldn't fly a man like that out a Trinidad that have all a these things and coming to my country and my security don't advise me! The Minister of Security should have been advised; he should have known from the man book!

Mr. A. G. HYLTON: It wouldn't change anything.

Mr. CHARLES: You should have known from the man book and coming to Jamaica,

much less he landed and you offered him such first-class....

The SPEAKER: Mr. Charles.

A MEMBER: Learjet.

Mr. CHARLES: ...Learjet!

The SPEAKER: Mr. Charles, Mr. Charles, Mr. Charles....

Mr. CHARLES: Let me.... relax, I don't finish wid yu yet.

The SPEAKER: (Gavels) Mr. Charles....

Mr. CHARLES: Don't finish wid you yet.

The SPEAKER: ….you are supposed to be asking a question.

Mr. CHARLES: Minister, you need to tell us why such a meeting was not being monitored by you and the security of this country, both military and police, you need to tell us why you failed on that!? Why you did not know that this man is coming to Jamaica, book to come to Jamaica, (Heckling)....took a flight to come to Jamaica, land in Jamaica, and you let him come through that you hav fe accommodate him!?

(Heckling)

(Inaudible comment by Mr. Hugh Buchanan)

Mr. CHARLES: Minister, let me tell you something. You talking about the Minister, saying, he should go back. He should return at your pleasure, at the security of Jamaica's pleasure! The Immigration should decide, he should not have landed and escort him back to the aircraft! That's what happens in America when they sending back Jamaicans. That's what happens anywhere in the world when they say you are not going to land. You come to Immigration and you are taken back to the aircraft. That aircraft would return the same night to Trinidad or the next flight! And you have him here raising hell. You lucky!

(Inaudible comment by Mr. Pickersgill)

Mr. CHARLES: Lots of things could have happened! Minister, you made a grave error to allow that to happen. One, you were not aware of the man coming to Jamaica, or the security force was not aware to advise you. And you know all of these things about the man, so you didn't want him here. You could have gotten us into serious pressure and problems. This international situation would not arise. This partisan discussion should not have arisen, because you should have followed the international rule. You are not going to land in my country, you are not coming through Immigration, you go back on the flight, that's what should have happened!

(Heckling)

Mr. BUNTING: Mr. Speaker, I have addressed that matter in my Statement, but I'm going to ask the Clerk if they could give one of the written copies because obviously, he wasn't listening.

Mr. Speaker, but I just want to address one and I quote Statement from the Member from North Central Clarendon. And I quote. He says, "No country in the world sends people on Learjet when they refuse them entry or they are deporting them".

Mr. Speaker, I happened to have to approve the flights back to Jamaica, which are carrying Deportees. I know recently, for example, we have had cases where Jamaican Nationals being deported from Western

Europe, persons who are no threat, no relative to Abu Bakr, no scale of threat in the order of magnitude of an Abu Bakr. They are not only sent on a jet, they are accompanied by a doctor, a nurse, three security personnel, two pilots flying from Western Europe to Jamaica to return one, one individual being deported.

So, Mr. Speaker, I.... you know, I understand some time has passed, some time has passed between when…

Mr. CHARLES: Send him back on the flight.

Mr. BUNTING: …when the Member from North Central...

Mr. CHARLES: Answer that!

Mr. BUNTING: When the Member from North Central Clarendon was Minister of Public Utilities, when was that? When was that?

(Laughter)

What year was that? What year was that? Let's just say, let's just say, it was a few decades ago. It was a few decades ago and a lot has changed since that time.

(Laughter)

So, you know, I won't get into a debate on what happened 30-odd years ago, but I am just telling him what is happening today.

He talks about, you know, we should not have allowed him to board. Mr. Speaker, you should know that - he should know first of all, we have no intelligence agents in every other country in the world; we have to rely on cooperation. We cannot prevent a sovereign country from boarding one of their nationals on a plane.

(Inaudible comment by Mr. Charles)

Mr. BUNTING: So, you know, I really don't know what he's talking about, but he's having - and of course, he's continuing to not even listen to the answer. So, I expect he will come up and ask the same question again.

(Inaudible comments by Mr. Charles)

The SPEAKER: Dr. Wheatley.

Dr. WHEATLEY: Mr. Speaker, I ask for permission to speak from a seat other than my own.

The SPEAKER: You may proceed.

Dr. WHEATLEY: Can you inform this House as to the ownership of the Jet that took Mr. Abu Bakr?

Mr. BUNTING: No, I cannot. This is an operational matter and Ministers really don't concern themselves with that.

Mr. CHARLES: What, no man, that's a security matter?

(Heckling by both sides)

The SPEAKER: Mr. Vaz.

Mr. VAZ: Mr. Speaker, Mr. Speaker....

(Inaudible comment by Mr. Charles)

Mr. VAZ: Mr. Speaker...

(The Speaker gavels)

Mr. VAZ: ....I have been listening to the toing and froing and I would like to put on record the concerns of the average person out there who is listening for this discussion this evening, and especially, my poor humble persons from the parish of Portland.

It is, Mr. Speaker, very right to have the back and fro in terms of the Minister's explanations, *et cetera*, however, commonsense raises the following questions. Let us not compare what the United States does or any other First World country with a

country that is grappling to deal with what is required to deal with Chik-V and prepare for Ebola. So let us - let us put things in perspective. Four Million Dollars ($4M) may be chicken feed to some people and very miniscule in terms of an overall Government expenditure. But when you think of $4 Million and what that could do for the Portland Health Clinic and the Portland Hospital, *et cetera*, to deal with these persons on a daily basis, the question is, Mr. Speaker, was chartering a jet at the time when you chartered a jet the first call of duty, meaning, was that the first scenario that you should have gotten to?

I have no argument if it is that you reach to that after a process of elimination. But my understanding is that this gentleman arrived here in the afternoon, and he was jetted out by 3.00 o'clock the following morning, so he was here for a matter of hours. Now, is it that we are going to give in, as Member of Parliament Smith said earlier, to the indiscipline and because of the way he was behaving, the quickest and easiest solution is to find J$4 Million out of a stretched budget?

Mr. D. SMITH: Him frighten them man.

Mr. VAZ: Or to decipher. How can we go about achieving the objective that we all want to achieve, which is, national security number one, but doing so in terms of...

A MEMBER: A prudent.

Mr. VAZ: ...a prudent operation. I find it hard to swallow US$36,000, knowing what I know is happening around the country in such a quick decision, yes. And the question is, if it is that he had this returned ticket and one captain, which happened to be on the same day, I guess it was the returned leg of the flight, I would expect because it happened within short time, and based on the mood of the situation, just being declined entry, *et cetera*, I am wondering, could we have achieved the same objective with less cost by waiting till the next day, when there was another flight to Trinidad - Caribbean Airlines flies every day.

So I'm just saying to you that, let us not, let us not just go across and justify the $4 Million, tek it or leave it, because it raises serious issues among the suffering people of this country. (Applause)

Mr. PARCHMENT: And we spend more than that on….

Mr. VAZ: Yeah, but that's my money.

A MEMBER: That's his private money.

Mr. VAZ: That's not an argument. As a matter of fact, I tell you something better. Anyway, I won't bother tell you.

(Laughter)

Mr. Speaker, what I am saying to you is that, I am sure that had that gentleman understood....

(Inaudible comment by a Member)

(Laughter)

Mr. VAZ: ...what his options were... (Chuckles) ....that he would have settled down. And to me, going with a private aircraft to satisfy an indiscipline passenger is, to me, a first step, a bit much.

Mr. Speaker, I would have handled it maybe a different way, because maybe I would have gotten the single engine, a JDF single-engine plane and land it on the tarmac and show it to him. (Laughter) Because - he can go back on that too, you know, it *gwaan*

tek im a few days, and a lot a heartache with a single-engine going over the sea. I'm just saying to you, that my argument to you is that, if it was that decision was arrived at as a last resort to protect the nation's security, *et cetera*, I would have no problem. I have a problem because I believe it was rushed and I believe we played into Mr. Abu Bakr's hand, by his outburst being able to maneuver and I'm saying to you, let us not lose sight or be mindful of what $4 Million, US$36,000 can do in the situation that we find ourselves in a country to ease the pain and suffering of hundreds of thousands of people across Jamaica that are suffering physically from Chick-V and mentally from the thought of Ebola.

Thank you very much.

(Applause)

Mr. BUNTING: Mr. Speaker, heavy weather is being made of this money that is spent. The truth of the matter is that PICA, every year, spends millions of dollars to deport people from Jamaica. In fact, from memory, in 2011, the last year of the Administration formed by that side, roughly $9 Million was spent, $8.8M to be exact, deporting persons. We will spend less than that this year. So we are operating within a budget that you spent almost three years ago, doing the same thing. How we allocate that budget among individuals?

Mr. SPENCER: How many persons?

(Heckling)

Mr. BUNTING: You know. I don't have that figure, but all I am saying is -

Mr. CHARLES: They all went on commercial flight.

(Heckling)

Mr. BUNTING: …there is, there is…

Mr. CHARLES: They all went on commercial flight.

Mr. BUNTING: Pearnel, you don't have to shout at me, I can hear you.

Mr. CHARLES: I have to shout because I don't know if you are hearing me.

Mr. BUNTING: The fact of the matter is that there is a budget…

(Heckling)

…that PICA has a budget that they operate within to cover these matters. Notwithstanding this we are operating within the same sort of budget that you did last year.

You know, Mr. Speaker, the Opposition can't have it both ways. On the one hand they say we must be decisive, but on the other hand they say we rush and make the decision. All things…

(Heckling)

And you know the truth - and the truth of the matter is -

(Heckling)

- the truth of the matter is, whatever we do they are going to nitpick it. They are going to continue trying to get political mileage from it, but, Mr. Speaker, that's not what governs... In our judgment we took decisive action, we think it is in the interest of protecting the Jamaican people and we stand by it.

ANNOUNCEMENTS

(Cross talk) (The Speaker gavels)

The Clerk laid on the Table of the House a copy of the following:

- **Ministry Paper 138/14**
  Cabinet Agenda Issues dated October 6, 2014;
- HEART Trust/NTA Annual Report with Audited Financial Statements for the financial year 2013/2014.

BILLS BROUGHT FROM THE SENATE

The Clerk read the following message from the President of the Senate:

"To the Honourable House of Representatives:

I have the honour to advise the Honourable House of Representatives that on the 16th day of October 2014:

Bill entitled:

"AN ACT to Repeal the Bankruptcy Act and make new provisions for the regulation of insolvency; to make provisions for corporate and individual insolvency; to provide for the rehabilitation of the insolvent debtor; to create the office of supervisor of insolvency and for connected matters", was passed in the Senate with 43 amendments for which the Honourable Senate desires the concurrence of this Honourable House, and the amendments have been circulated.

Signed: Floyd E. Morris
President of the Senate

The SPEAKER: Mr. Hylton.

Mr. Anthony HYLTON: Mr. Speaker, I now move that the Senate Amendment Act be now considered and approved.

Mr. CHUCK: Mr. Speaker, my understanding you see, is that there were a number of changes made by the Senate. I must admit, Mr. Speaker, I have not seen them. I beg of you to just put it off until next week so we can at least see what adjustments were made.

(Inaudible comment by Mr. Anthony Hylton)

Mr. CHUCK: No, no, but please, please, Mr. Speaker, I think nothing is wrong to put it off until next week so we can at least see what changes - there must have been important amendments. I have not even seen it.

(Inaudible comment By Mr. Anthony Hylton)

Mr. CHUCK: No, no, but I ask that it be put off until next, Mr. Speaker.

Mr. D. SMITH: You don't need to beg, we have not seen it.

The SPEAKER: If you have not seen it - let me hear from Mr. Hylton.

(Heckling)

A MEMBER: Cho man, shut your mouth.

Mr. D. SMITH: Shut up? You can't do it today with 40 amendments. We are insisting.

(Heckling)

(The Speaker gavels)

Mr. D. SMITH: Beg? You joking.

Mr. Anthony HYLTON: Mr. Speaker, having regard to the amendments…

Mr. D. SMITH: See them just coming here. We are insisting.

(Cross talk between Mr. D. Smith and Mr. Dalley)

Mr. CHUCK: I just want to see them.

The SPEAKER: Okay.

REPORTS FROM COMMITTEES

Mr. JACKSON: Mr. Speaker, you will recall a few weeks ago I raised the question of the Economy and Production Committee that has not met for over seven months now, considering a matter before it, which is a resolution of this House. You had advised then that you will seek to have a meeting scheduled for the work to continue. I have to date no information as such. I would be grateful, Mr. Speaker, if you can update the House on that matter.

The SPEAKER: I met with the Chairman of the Committee Mr. Samuda, and he said there are some fundamental differences between himself and yourself, so I will have to take that matter under consideration.

Mr. JACKSON: Mr. Speaker, in that regard I will only say, on my part, my position is guided by what the Standing Order of this House prescribes, and I will say, I will insist that those guidelines be adhered to, and I will insist that any attempt to muzzle me and to have the full expressions of the Committee realized, I will resist it.

The SPEAKER: I understand your position.

Mr. D. SMITH: Mr. Speaker, I just want to reinforce the point that you made except to say that it's not really fundamental differences, it's major differences.

The SPEAKER: Well major is fundamentally…

Mr. D. SMITH: Well, fundamentally major if you want to put it that way. And also to say, Mr. Speaker, that the Member continues to raise the issue when the Chairman is not here.

The SPEAKER: No, no, no, Mr. Smith. Come on, Mr. Smith.

Mr. D. SMITH: Mr. - I am just saying what is a fact, right? But I support the position that you are taking, and I believe that in due course, with a different approach there can be some resolution.

Mr. CHARLES: Hear! Hear!

Mr. JACKSON: Lastly, Mr. Speaker. You will appreciate, seven months is a long time.

The SPEAKER: Too long!

Mr. JACKSON: Too long. It is not the remit of any Member, including myself, to detain the business of any committee of this House.

Mr. PRYCE: And then choose to be absent when…

Mr. DALLEY: And they are insisting.

Mr. JACKSON: And then I am hearing here now, Mr. Speaker, that I should only choose to raise the matter at the convenience of the, or the coincidence of the presence of the Chairman.

The SPEAKER: I will deal with the matter, sir, with some urgency.

NOTICES OF MOTIONS GIVEN ORALLY

Mr. Hylton.

Mr. Anthony HYLTON: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move the following motion:

Whereas this Honourable House has for the past five years passed a motion in support of Cuba's Resolution submitted in the United Nations General Assembly titled, Necessity of Ending the Economic Commercial and Financial Embargo imposed by the United States of American against Cuba;

And Whereas last year some 193 Member States of the United Nation including Jamaica, and representing the vast majority of the international community, voted in favour of the Resolution;

And Whereas the 54-year-old policy of economic strangulation against Cuba is governed by the logic of the memorandum of April, 1960 - April 6, 1960 that is, written by Deputy Assistant Secretary of State, Lester Mallory, which states: "The majority of Cubans support Castro. There is no effective political opposition. The only foreseeable means of alienating internal support, from the government is through disenchantment and disaffection based on economic dissatisfaction and hardship. Every Possible means should be undertaken promptly to weaken the economic life of Cuba, denying money and supplies to Cuba, to decrease monetary and real wages to bring about hunger, desperation and overthrow of government."

And Whereas the Office of Foreign Assets Control, OFAC, a Department of the Treasury, is the vehicle used to investigate and prosecute those who establish or may consider establishing normal relations with Cuba;

And Whereas an editorial published on May 3, 2013, by the *Bloomberg News Agency* revealed that just from 2000 to 2006, the U.S. Government had opened 11,000 investigations of alleged breach of the sanctions regime against Cuba. The same report indicates that for all other countries combined 7000 investigations were conducted;

And Whereas the period since the March 3, 2013 Bloomberg Report has been marked by a toughening of economic sanctions by the United States against Cuba, as evidenced by the unprecedented harassment of banking or financial activity;

And Whereas all this takes place in a context in which the U.S. authorities themselves recognize that Cuba is not a threat to its national security, but insists in including Cuba in the spurious list of countries that sponsors terrorism in order to justify the fierce persecution of Cuba's financial transactions and the tightening of the blockade;

And Whereas in an unprecedented event relating to the WHO and PAHO offices in Cuba, a Canadian bank also

under U.S. pressure withheld funds to purchase influenza vaccines intended for an elderly immunization programme;

And Whereas Cuba has established an enviable reputation the world over, for assisting other countries facing humanitarian crises and currently has more than 50,000 Cuban-trained health workers, in 66 countries, including Jamaica, Cuba has risen to the huge challenge of fighting Ebola sending 91 healthcare workers to West Africa who will face the most risky assignment of their career.

(Applause)

These health workers will be joining some 165 of their colleagues already working in the region to halt the spread of Ebola. One New York Times editorial pointed out that while the United States and several other wealthy countries have pledged funds and military personnel, only Cuba and a few non-governmental organizations are sending health care, meaning non-military workers in the field. Cuba remains a model to the world in its steadfastness and conviction in the fight for human development.

(Applause)

And Whereas on September 14, 2009, the U.S. Administration by Presidential Order, decided to extend the application against Cuba of the Trading with the Enemy Act, thus keeping in place the legal framework in which the policy of blockade against Cuba of 1962 are based;

And Whereas recently the U.S. Government imposed a $619 Million fine on the Dutch Bank ING, for carrying out transaction with Cuba in U.S. dollars representing the highest fine that has been imposed on a foreign bank for doing business with Cuba, thus confirming the intensification of enforcement measures of the blockade policy by U.S. authorities against Cuba's economic and commercial interest;

And Whereas despite the expectation by the international community, that the accession to the Presidency of Barack Obama would bring about fundamental change in the implementation of a blockade policy against Cuba;

And Whereas the increased persecution of Cuba's international financial transactions, including those coming from multilateral organizations for cooperation with the island, has been one of the distinctive features in the implementation of the blockade policy under the current U.S. Administration;

And Whereas the economic, commercial and financial blockade imposed by the United States against Cuba continues to be the main obstacle to the economic and social development of Cuba and to its recovery from the effects of the global recession and natural disasters;

And Whereas the blockade is a violation of international law and is contrary to the purposes and principles of

the United Nations Charter and to the norms governing international trade and freedom of navigation, as well as constituting a transgression of the right to peace, development and security of a sovereign State; and which in its essence and its aims continues to be an act of unilateral aggression and a permanent threat against the stability of a Member Country of the United Nations;

And Whereas international humanitarian law prohibits any embargo on raw materials for food and medicine, even in wartime, Cuba continues to be unable trade even food and medicine, with subsidiaries of U.S Companies in third countries;

And Whereas Jamaica's national interests are being adversely impacted by the continuation of the blockade and the extraterritorial application of U.S laws regulating transactions between Jamaica and Cuba, directly and indirectly;

And Whereas Governments and persons committed to the norms of the multilateral trading system, to the freedom of trade and navigation, to the principles of law of the United Nations, to international law and to the rejection of the extraterritorial application of a national law, are expected to vote again on October 28, 2014, in favour of the draft at the United Nations General Assembly, which demands the lifting of the blockade;

Be it Resolved that this Honourable House express itself on the morality, the legality and desirability of this decade-old blockade against Cuba and give support to a dialogue between the U.S. and Cuba and to the Government of Jamaica in putting forward Jamaica's position on Tuesday the 28th of August, 2014 in support of the anticipated draft resolution.

Mr. Speaker, I further beg to give notice that at a later stage today I will move for the suspension of the Standing Orders to enable me to take this Motion.

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: House Leader, we need some...

Mrs. NEITA-HEADLEY: Mr. Speaker, we will have...

The SPEAKER: You have a time problem.

Mrs. NEITA-HEADLEY: Mr. Speaker, I beg to ask for the suspension of the Standing Orders for us to take Questions and Answers to Questions at this time.

The SPEAKER: The question is for the suspension of the Standing Orders to allow us to go beyond the designated time for Questions and Answers to Questions.

Put to the House and agreed to.

The SPEAKER: Miss Robinson.

Mrs. ROBINSON: Thank you, Mr. Speaker.

I wish to get the answers to Question Number 15 standing in my name on the Question Notice Paper.

Miss HANNA: Thank you, Mr. Speaker.

Question 1:

Is the Minister aware that ground was broken for the reconstruction of the boyhood home of the Right Excellent Marcus Mosiah Garvey?

Answer: Yes, I am aware on October 13, 2014 - 2011, my apologies.

Question 2:

Is the Minister aware that funds were approved and allocated by CHASE Fund for the said reconstruction?

Answer:

Yes, I am aware.

Question 3:

Can the Minister update the Honourable House as to the status of the project and the funds that were allocated?

Answer:

The property is a declared national monument under the Jamaica National Heritage Trust Act since December 31, 1992.

On July 3, 2009, the National Land Agency determined the worth of the property for acquisition purposes as $3,200,000.00. On March 1, 2010, Cabinet gave approval for the compulsory acquisition of the property. There was no decision made, however, by Cabinet on the relocation of the occupants.

On October 13, 2011, the Government broke ground for the restoration of the property although there had been no compulsory acquisition of the property and no decision on the relocation of the occupants. One of whom had advised in January 2011 of her steps to obtain legal ownership of the land.

The Jamaica National Heritage Trust was then advised that before the restoration of the property could take place or that it could proceed, the JNHT had to acquire the land and the occupants who had been living there needed to be relocated.

The proof of ownership of the property has been the subject of legal representation on behalf of some of the occupants who claim lineage from the original owners. Their attorneys recently withdrew from the matter, but as recently as September 19, 2014, one attorney has reentered the matter.

CHASE's commitment of $16 Million made on September 9, 2011 was specifically for the restoration of the home. It was subsequently withdrawn because of the acquisition and relocation issues which did not allow for the relocation to proceed. JNHT is advancing for compulsory acquisition of the property and negotiations are also ongoing for the relocation of the occupants with the attorney who remains on record. Should the issue of ownership not be resolved the Commissioner of Lands will now pay the funds into the Court until the matter is settled, but the process of relocation and rehabilitation are and can continue.

Mrs. ROBINSON: Thank you, Minister.

Minister, while I accept the answers that you have given, would you not agree that in almost three years very little has been done to

advance the process of relocation and restoration?

Miss HANNA: Ahmm, not exactly. What has happened, and I have all the legal letters here, there has been a back and forth thing as to what the persons living on the property have said in terms of their lineage to the property. We were actually giving them time to come up with the documentation to show, because at no time would I have wanted to compulsory acquire anything if they had said that they had legal ownership to it. In addition to that, throughout the negotiation some of the relocation options that were given were in Runaway Bay and Richmond Estate. Also, in the three years, the lawyers had withdrawn; we were not able to discuss it anymore. It was just in September that another lawyer came. So where we are now is that we're proceeding with the compulsory acquisition. The money is there and we have two options for relocation.

Mrs. ROBINSON: Minister, relocation is not an insurmountable challenge. Government is the biggest landowner certainly in that constituency and there are many unoccupied houses in that area that ought to have been looked at. I don't know if the persons who are doing the relocation exercise if they are, indeed, familiar with what is available and what belongs to the Commissioner of Lands. But I believe that it has taken too long to get to this stage, because Marcus Mosiah Garvey, the Right Excellent Marcus Mosiah Garvey is the first National Hero for Jamaica and for his boyhood home or birthplace to be in the present condition that it is in, it is unacceptable. And I want to ask you, Minister that since the property has been declared a national monument who is, in fact, responsible for the upkeep of this property?

Miss HANNA: Well, the Jamaica National Heritage Trust is and I have met with CHASE and the money is still available for the restoration of the property, which I, more than anybody else wants to see it happen. But the issue is that when Cabinet took the decision in 2011 it was for compulsory acquisition and at the time relocation was never discussed. So the issue now is to get the relocation done where we are proceeding and the documents are here and I can assure you if you want to work with me on that matter there are two options that we have given to them: we took the Richmond Estate and the Runaway Bay Estate, because there were three properties that they were asking in Richmond Estate - I believe it was two, and we just ask them to reconsider. And in that reconsidering, we have another option that we're working. We're almost there and as MP I would like to work with you on the matter.

Mrs. ROBINSON: Sure, I'm willing to work with you, Minister and I am willing to work overtime because I believe that is the least that we could do for the first national hero and a son of St. Ann and, particularly, St. Ann North East. But, Minister, to my certain knowledge relocation was discussed. It was actively being pursued at the time and prior to the groundbreaking I know that the people who lived there were engaged and they had expressed some preferences, but I believe that there would have to be a meeting of the minds

and we would have to be - a reasonable relocation exercise would have to be worked out. I know that they are not unreasonable as they understand the importance of the site and they also understand that whatever development takes place at that site they would be the first in line to benefit from any sort of economic advantage from that would present itself there. So I don't believe that it is beyond, you know, us to meet and really bring this thing to a closure very quickly so that we can see something there.

I'm sure your colleague, the Minister of Tourism, would agree that it will be a great heritage tourism site, indeed, and it will help to uplift the area. So we look forward to working together and to really - not coming back next year August 17, on Marcus Garvey's birthday for me to be besieged by the media to ask what is happening at his birthplace. So, Minister let us work with speed to really bring this to a quick closure.

Thank you.

Miss HANNA: Thank you, Mr. Speaker.

(Cross talk)

Miss GRANGE: Mr. Speaker, I have a few questions for the Minister.

First, were you aware that this project was being treated as a Jamaica 50 Legacy project and, if so, why has it taken this long for the project now - for you to say it's going to be moving forward?

Mr. D. SMITH: Yeah man, Babsy is back. (Laughter)

(Cross talk)

Dr. DAVIES: You sound surprised.

Miss HANNA: Which Jamaica Legacy 50 project are you talking about?

Miss GRANGE: All the documentation that you have received, that's left in the Ministry had this project listed as a Jamaica 50 Legacy project and that is why the groundbreaking took place in 2011 so that the project would have been completed in time for Jamaica 50.

Miss HANNA: I've looked through the files, some of which I have here, but I don't recall seeing it as a Jamaica 50 Legacy project. But just moving on from that, the issue with why it has taken so long certainly has nothing to do on my urgency of pushing it. Lawyers have been involved. There have been negotiations back and forth. The compulsory acquisition is not the hard part, that's actually the easy part. What is the difficulty is the negotiations in terms of the relocation and what were the desires of the persons for relocation.

The other difficulty was balancing when someone says to you, look, we are the original and rightful owners of this place coming from the lineage of Marcus Garvey. I certainly wouldn't want to throw anybody off land who has a sincerity until they can produce the documents. I have given enough time; the lawyers are not able to produce the documents; the lawyers are working together with the JNHT and we're coming to an agreement now of the relocation. I've been meeting with CHASE ongoing and they have committed to the money for the restoration for the property.

Miss GRANGE: Minister, we've been there done that. All that you are saying that you are doing now was done. Absolutely everything was done. Absolutely everything was in place: the designs, the discussion about relocation. In fact, the Member of Parliament and the Minister of Housing, the former Minister of Housing, held discussions about the relocation.

An Opposition MEMBER: What!

Miss GRANGE: In fact, the project all it needed was continuity where it was left when the Government changed and to continue those discussions because the residents of that property had already agreed that they were willing to be relocated. Although, there was, you know, the issue about who owns the land and all of that, but Cabinet approved compulsory acquisition. Absolutely everything was in place. And if you look at the documents carefully you will see that it was listed as a legacy project. In fact, the Chairman of the Legacy Committee can confirm that.

Now, at this point, Minister, what is needed is for the Ministry of Housing to sign-off on lands where they should be relocated and a timeline given for getting the project started. All the designs are in place; it went out to tender, the tender was approved, the cost - absolutely everything went to Cabinet, everything, absolutely everything went to Cabinet. And in fact, the amount that CHASE agreed to contribute, I don't see how it could be withdrawn because you are saying it was withdrawn, however, the funds are still there. So there is nothing to delay this project.

What I am asking you today to do, is make the commitment that you will develop a schedule, a time schedule for the relocation and for the construction to begin because everything else is in place. Do I have that commitment?

Miss HANNA: I think I gave that commitment earlier and certainly, in working with the Member of Parliament everything is in place, certainly in terms of the monies, in terms of all person and all hands on deck including the Minister of Tourism.

What has happened now is that whereas we never had lawyers to work with for a while another set of lawyers have come forward in September. The National Land Agency has said we can go ahead and compulsory acquire the place. The issue has always been the relocation because when Cabinet took the decision in 2012, and I have gone through the decision, it was never a matter of relocation and the time that we have taken to discuss the relocation has also been marred by the persons saying that they are the rightful owner. So at the time we didn't know whether or not to pay the money to them, and I was not going to take the decision at that time to put people off of land if they had documentation.

So, Member, absolutely, as our first National Hero, I can commit to you, I will even bring you in if you would like for us to do this as a national project, because I really believe that this issue warrants a lot more than partisan division. And it is a heritage site; all of us need hands on deck for this particular

project. So I commit to you, we are trying to relocate the persons, and it is going to happen in short order.

(Applause)

The SPEAKER: Mr. Hutchinson, you have a question for the Minister.

Mr. HUTCHINSON: Mr. Speaker, I ask that the Minister of Labour, Social Security, Agriculture and Fisheries answer the question at No. 5 standing in my name.

Mr. KELLIER: Mr. Speaker, the questions asked by the Member, on the 8th day of July, was asked of the Minister of Agriculture and Fisheries. And based on the time of the response that was required of the questions the fact is that, at this present date in October, the 21st the answers will be a little bit dated, based on the time when the questions were asked. So I am replying - I want to make it clear, Mr. Speaker, less there be anyone misunderstanding the numbers that this response is based on a response that was prepared to answer the Member at the particular time, and we know the things that happened in between then and now why there is the difference.

So first of all, we want to apologize to the Member for the late answering of the questions but to ask for his understanding.

Question:

Will the Minister give a status report on the Plantain Garden River Agro Park?

Answer:

Mr. Speaker, by way of background the Plantain Garden River property consist of approximately 290 acres, with 61 active farmers, 61 participating farmers, of that only 35 have so far paid their lease.

The infrastructural development, Mr. Speaker, expenditure to date is J$112.4 Million and land clearing has taken place on 140 acres. There have been clearing of internal drains, some 1200 meters, clearing of main drains some 800 meters, farm road construction 1.5 kilometers the installation of irrigation systems to cover 133.4 acres, construction of main canal crossings using culvert structures is in progress, and changing room facilities, the construction of which are also in progress.

Production to date and I refer to the time again, Mr. Speaker, is 145,676 pounds of vegetables, cucurbits, condiments and tubers. Crops harvested as at May 30, 2014 include pumpkins, some 66,350 pounds, ginger 18,433 pounds, scotch bonnet peppers 33,254 pounds, red pepper 4,577 pounds, onions 18,262 pounds, cucumbers 4000 pounds, Irish potatoes 800 pounds.

A Resuscitation Plan was developed, Mr. Speaker, to assist the farmers to recover from the fallout of the onion crop lost in May 2013. The plan entails financing all land preparation activities, seeds, chemical inputs and the farmers were to provide labour in the establishment of 40 acres of onions.

The re-establishment of the onion crop under the Resuscitation Plan was planned for October 2013, but this was delayed due to irrigation facilities not yet in place in the area intended to re-plant the onions. In the meantime, an interim plan to establish cash

crops was undertaken to provide some revenues to the farmers to offset their loans, as well as to provide some income for their farm families.

The interim plan is intended to produce 50 acres of pumpkin, 25 acres of hot pepper, 15 acres of scotch bonnet and 10 acres of West Indian red pepper, 5 acres of escallion and 10 acres of callaloo.

The Ministry of Agriculture through the AIC has since provided some $7.5 Million, which was deposited with the St. Thomas Credit Union to manage the disbursement of funds in support of the interim plan. In support of the interim plan, AIC has loaned a tractor to the Plantain Garden River Farmers since October of last year at no cost to them, in an effort to reduce the operational expenses of the farmers and this is estimated at a value of some $882,000. AIC has also taken on the responsibility of paying for the irrigation water utilized for sustaining the crops under the interim plan.

Currently, Mr. Speaker, 39 acres of the targeted 50 acres of pumpkin has been established, 66,350 pounds have been reaped to date with an estimated earnings of some $1,327 Million. All 15 acres of the targeted 15 acres of scotch bonnet peppers have been established to date, 33,254 pounds of scotch bonnet peppers have been harvested with an estimated earnings of some $1,995, 240 Million, 8 acres of the targeted 10 acres of West Indian Red peppers have been established to date. Harvesting have recently commenced with 4,577 pounds harvested with an estimated earnings of some $183,000. Ten (10) areas of ginger were established and to date, 18,433 pounds have been harvested with an estimated earnings of $921,650,000. The farmers have however Mr. Speaker, refused to reap the remaining ginger but instead opted to retain the remaining portion as planting material for the subsequent crop.

The AIC's position, however, on this matter is that the farmers should sell the crop and use some of the earnings to service their loans, and they should also seek to purchase new materials for planting in the future.

Forty-two (42) acres of land in various stages of preparation for the production of various crops, including ginger and of this amount 5 acres will be utilized for the planting of the remaining West Indian red peppers under the interim plan.

Plantain Garden River farmers are currently reaping approximately 5,000 pounds of hot peppers weekly, with an estimated earnings of $350,000 from the peppers alone. Crops harvested as at June 27, 2014 some 145,676 pounds of vegetables, cucurbits, tubers and condiments and I have set out the table for the Member: Pumpkins 66,350 pounds, ginger 18,433 pounds, onions 18,262 pounds, cucumbers 4,000, peppers, 33,254 that is scotch bonnet and the West Indian red 4,575, and Irish potato 8**,**000**.**

Where the loan repayment is concerned, Mr. Speaker, only a few farmers at the Plantain Garden River have made some effort of servicing their loan, despite generating earnings from the existing crops.

The St. Thomas Credit Union has once again suspended honouring payments to

suppliers of inputs for the recovery programme which has resulted in a temporary suspension of the planting of the remaining crops in achieving the planned acreage. The reasons given is that the farmers have not shown any indication that they intend to repay their loans, and therefore, the Credit Union is holding the remaining funds in the account for interest payment.

Mr. Speaker, a meeting has been arranged with the Credit Union to discuss this matter in order that we can arrive at an amicable solution. And I just wish to state, Mr. Speaker, before the Member continues his questioning that I have indicated...

(*Sotto voce* comments)

Mr. KELLIER: ...that I have indicated to him that it is my intention to, in a statement, to give a quarterly update on the progress - the great progress of the agro parks across the island.

(Applause)

A MEMBER: Hear! Hear!

Mr. HUTCHINSON: Mr. Speaker, I see that all these figures here that have been mentioned - I am not sure if the Minister is aware that these figures that you mentioned were figures that were from 2013. This is not now. And so, during that time - and I am just saying - during that time, something was going on; but during that time also, we found that there was a total failure of that agro park. And I am sure if you went and did your research you would have found out that that agro park is a failure. And you must have gotten some documents which indicated why it was a failure.

And some of the things that were mentioned - tools and equipment required were not procured. The Park Manager was not stationed at agro park and did not have, nor was given the required technical support to properly advise the farmers, and promptly detect issues when they occurred. This is all part of the failure.

Now, the failure was one where they had planted onions, and that onion crop failed miserably. As a result, the farmers have been left holding a bag of over $12 Million that they owe now because of the failure of this Park.

Mr. DALLEY: (Inaudible) ...subsidiary question you must ask.

Mr. HUTHCINSON: I am coming; I have to explain so you understand. It is one where, Mr. Minister, because of the failure, the former Minister said: *"The original agro park concept will now be adhered to at this facility".* And this he said on January 16, 2014. I would like - part of Question 1 has this concept, the original agro park concept now being adhered to, are you aware of how much money is now owed by the farmers at this agro park, because it varies from various figures? I was looking at my tabulation at $12 Million but there is a gentleman from micro financing who said that the St. Thomas Cooperative Credit Union, the loan now stood at US$217,800 or J$24 Million that is owed by these farmers because of the failure of the Agriculture Ministry.

The other question is that the original concept was one where you would have grading, packaging, processing, where you

would go into a value chain. I would like to find out if there is anything being contemplated about going into this concept of a value chain: grading, packaging, processing which was the original concept, not growing out all these things.

And I would like to also say that there is this international food security micro finance expert, Herb Bouchard who said:

> *"Funding agriculture without a proper value chain approach is too risky, as demonstrated by an experience conducted recently id Jamaica by the Inter-American Development Bank".*

In other words, your agro parks that you are now going with are without the value chain.

Mr. PICKERSGILL: You said that already.

Mr. HUTCHINSON: I am saying with this, do you intend to go with the concept: grading, packaging, processing, in this agro park? Other questions to come.

Mr. KELLIER: Mr. Speaker, I just wish to say that the original concept of the Agro Park - and I think the Member is referring specifically to Plantain Gardens.

Mr. HUTCHINSON: No, no, no, agro park.

Mr. KELLIER: Well, generally speaking, the original concept has not been changed, but some of the...

Mr. HUTCHINSON: The original concept has been changed.

Mr. KELLIER: Has not - has not been changed. And, indeed, we will be working assiduously to ensure that those things that are intended to complement the value chain of which he spoke in respect of the packaging, the processing and the grading, that those things will come on stream in the very near future. All these things, with all the best will in the world, could not have happened as quickly as we would have wanted. And we had to start with some production because the truth is the farmers who operate in these agro parks, there are arrangements that have been made in respect of the marketing of the produce that they have within these parks. To date, there are no parks, based on my own information, and investigation, and visits, that have any surplus material there for which they do not have markets.

So, the truth of the matter is, when we speak about grading, and packaging, and processing, it is a work in progress, and we will get there as soon as the agro parks are fully up to their maximum potential of production. They are not there yet. What has happened in the quick startup is that the farmers in all these agro parks have made - along with the guidance of the AIC - have made arrangements in every instance, to get rid of the crops that they produce.

So we have not abandoned the concept, and we are going to ensure that the infrastructure - the irrigation which is critical to sustainable agriculture is in place, in these parks where necessary, to arrange for the grading stations, and it is also necessary for processing and packaging, those things to complement the agro park will indeed be put in place. So, we have not abandoned them, Member.

In respect of the Credit Union's debt to which the farmers - your figures say $24 Million, I am not disputing that.

Mr. HUTCHINSON: Not mine.

Mr. KELLIER: The figures that you use - not necessarily your figures - the figures that you use. I am not disputing that for any moment, but like I said it is my intention - and I have had discussions at the level of the officers of the Ministry already - to have discussions with the farmers about this, and with the Credit Union directly to see how we can bring this thing to closure, because the truth is we cannot allow it to drag on any longer, because, as you know, money grows interest, and it will be to the farmer's account.

But, you know, the farmers could have made some payments, as I said in the Statement, because they did earn monies from other crops that they have within the agro parks. They could have serviced the loan. They may not have been able to pay it all off, but they could have made some more strident efforts to repay some of those loans.

So, we intend to meet with them very shortly. And there has been a meeting, I think, quite recently with the credit union and the farmers, and as soon as we get the full report of what came out of that meeting, we will pursue the efforts strenuously, because we want to make sure that it is a win-win situation for everybody. It is difficult now but I believe it is something we can work through, and let the farmers be satisfied, and let the credit union be paid.

The success of the Agro Park, sustainable agriculture, and to see to the food security of the nation is critical, and I believe that it is for us to work collectively to support this effort and to make it work.

The persons from the World Bank that say - well, not the World Bank - the persons whom you quoted as saying that - did not give a good impression of what the agro parks were about, I suggest we give it time. We can't throw cold water on this effort because it has already shown, in many instances, where there has been tremendous move and improvement in the crops that are in the ground.

So I think it is something we need to support, and in a very systematic way, make sure the expertise is there on hand to be able to project, very early, problems that may arise in terms of the need to treat crops for infestation and other things like that, to make sure that they are a success. I believe we can do it, and we have the capacity and the resilience so to do, and all we need is good cooperation on both sides.

Mr. HUTCHINSON: Mr. Speaker, I am not sure if you quite understand yet. If you are growing agricultural crops, you grow them and you need somewhere for them to be marketed. It is like sugar cane. You are going to grow sugar cane but you don't have a factory. How it is going to be processed? They need somewhere where these crops are grown, and they can be processed. What is happening here now...

(*Sotto voce* comments)

Mr. HUTCHINSON: Let me explain.

A Government MEMBER: What is the question?

Mr. HUTCHINSON: And that is why

the concept - the concept, was to put up the grading, packaging, and processing first. So, what is it whereby you now have moved from going to that concept of putting that up first - in other words, you putting the cart before the horse.

Mr. KELLIER: No, no!

Mr. HUTCHINSON: You know some of us don't understand the...

Mr. PICKERSGILL: Don't understand what?

The SPEAKER: Mr. Hutchinson… Mr. Hutchinson...

Mr. HUTCHINSON: ...they don't understand putting the cart before the horse, but what I am saying...

The SPEAKER: (Gavels) Mr. Hutchinson, let me help you; let me help you.

(*Sotto voce* comments)

Mr. HUTCHINSON: Yes, sir...

The SPEAKER: Could you just ask the Minister simply, the time schedule for the building of these packaging houses. That is what you want to know.

Mr. HUTCHINSON: No, sir. That is not really what I want. My thing is, why is it the concept whereby you put up the structures, are not done before you grow out the crops? This is what we are asking.

(*Sotto voce* comment)

Mr. HUTCHINSON: Now, hold on... the other thing is that you are talking about you have markets all around; right now, the point is that there are hardly any crops coming out of the Agro Parks, so therefore, there are hardly any problems in marketing.

Mr. ATKINSON: What is the question?

Mr. HUTCHINSON: It was - I have to lay the foundation before the question comes.

(*Sotto voce* comments)

A MEMBER: Everybody knows what it was.

Mr. HUTCHINSON: It was said here, you have gone - and this is quoting from the Minister:-

> *"We have gone out there and negotiated secured markets: pumpkin, pepper, calalloo. I don't know where we went off track, he said, we must now sit down and find how we can straighten things out".*

Now, this is where - they grow all these things; it has now gone off track.

Mr. PICKERSGILL: Read the paragraph; read the paragraph now. You are selecting.

Mr. HUTCHINSON: No, no, no, that is what - it says,

> *"Honouring their loan obligations in March, we have gone out there and negotiated secured markets for pumpkin, pepper, and so forth".*

But the point is that the markets are there, but they are unable to supply the markets.

(Heckling)

Because what - hold on, hold on - the problem is that there is not enough production going on right now.

(*Sotto voce* comment by Miss Hanna)

Mr. HUTCHINSON: Mr. Speaker, may I ask, why is it there is a decrease in production?

(*Sotto voce* comments)

Mr. HUTCHINSON: Decrease in production in one of the things that you call

pepper - in 2011, pepper production was 28,000, and in 2013 it went down to 15,000, and with this, the agro parks, including Plantain Gardens, were supposed to have been increasing the production of pepper, why is there a decrease? In onion... in onion...

Mr. PICKERSGILL: Drought and... (Inaudible)

(*Sotto voce* comments)

Mr. HUTCHINSON: No, I have not said that. In onion, it was 1000; in 2011, it went down to 680. Why is there, with all these agro parks, including Plantain Gardens, there is a decrease in production, and not an increase?

(*Sotto voce* comments)

Mr. HUTCHINSON: But, I am asking the question now. With the agro parks including Plantain Garden, there is a decrease in production in just about every crop, I want him to tell me why is there a decrease and not an increase over 2011?

(*Sotto voce* comments)

Mr. KELLIER: Mr. Speaker, the decrease of which the Member speaks in real terms are correct. What he will see when I present the report that is current, will pose a completely different picture from what he has alluded to.

The agro parks now have the level of irrigation support, which is critical to the growth of agriculture and sustainability, which he knows very well, that in some of the areas it never existed at the time. It is there now and it means that the farmers can do that much better.

I am committed to, as I said, Mr. Speaker, ensure that we don't move from the track of the original proposal, because for the parks to be profitable and sustainable, we must put these things in. But you could not spend all the money at the beginning putting up buildings and all these other things and you didn't start to plough any land to get the people producing things that they could sell. The truth is that the figures here have stated that they've been able to sell hundreds of pounds of things and they're not losing any of their production. So I agree with you that these things need to go in ASAP - as soon as possible, and we'll be working assiduously to make that happen. Because we would never want to ramp up the production and then we find that we're not able to dispose of properly by way of grading, packaging and possibly processing.

So that is really to make the park sustainable and I fully agree with you, and we can have further discussions with your level of experience in these matters that can advise me too as well, and I'm sure we'll benefit from it, and the country will benefit from it. But we're working - we'll be working towards that end.

I can assure the House, Mr. Speaker, and the Member, that we'll be cooperating and working assiduously towards that end. And like I said...

Mr. DALLEY: Together.

Mr. KELLIER: ...the inputs that are necessary to bring the production back up and to surpass where it was in 2011, will definitely take place when I present the up-to-date report to this House.

The SPEAKER: Thank you, Minister.

Mr. HUTCHINSON: Mr. Speaker...

Mr. KELLIER: And you accept it.

Mr. HUTCHINSON: ...can you tell me when is it that you will be starting the construction of the facilities that are necessary to take off the crops in these agro parks?

Mr. DALLEY: It's only construction yuh a worry yuh head bout.

Mr. HUTCHINSON: Let me just say, one of the things we must understand...

A MEMBER: Yuh nuh have no question?

Mr. HUTCHINSON: ...one of the things we must understand, do you remember - were you aware of some time ago, production was ramped up in St. James, Manchester, St. Elizabeth for the production of cassava to go into a cassava factory.

Mr. PICKERSGILL: Yuh gawn back pon dat again?

Mr. HUTCHINSON: And when the production was up and ready there was no factory to take it off, and so we would like to know what timeframe when this production is ramped up, when is it going to be taken off by this complex?

Mr. DALLEY: Did you build a cassava factory Hutchie?

Mr. HUTCHINSON: No.

Mr. DALLEY: Did you build one?

Mr. KELLIER: Mr. Speaker, I can't give the House a precise date at this particular moment, because as you know, all these things have to do with the finances that are available. What I can give the House is the commitment that we will be undertaking as soon as is practicable, as soon as is practicable, to get - because we know the necessity of those facilities that we have to put in, right. We have done the irrigation, which is critical to production, now we must move to the next stage of getting the packaging houses ready and getting the processing facilities where necessary also ready.

The commitment I give to the House and to the Member, Mr. Speaker, is that it will be pursued with alacrity and the Member can hold me to that.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Mrs. NEITA-HEADLEY: Mr. Speaker, on behalf of the Minister of Finance and Planning, I now move to introduce and have read a first time a Bill shortly entitled, The Revenue Appeals Division Act, 2014.

Bill shortly entitled:

The Revenue Appeals Division Act, 2014 read a first time.

Mrs. NEITA- HEADLEY: Mr. Speaker, I beg to give notice of second reading of the Bill.

PUBLIC BUSINESS

Mrs. NEITA-HEADLEY: Mr. Speaker, at Public Business we will take the Minister of Industry, Investment and Commerce, to take the motion, notice of which he gave earlier regarding the removal of the embargo against Cuba.

We will take the Minister of Tourism and Entertainment to take the Timeshare

Vacations Act, 2014 through all its stages.

The Minister of Agriculture, Fisheries Labour and Security, to take the amendments to the Disabilities Act, 2014; and the Deputy Speaker of the House.

We'll take Report of the Regulations Committee on the following:

- The Judiciary (Salaries) Order, 2014
- The OUR Order, 2014
- The Foreign Nationals and Commonwealth Citizens Employment Work Permit Fees, 2014; and
- The Deposit Insurance Regulations 2014.

The SPEAKER: Minister Hylton.

Mr. Anthony HYLTON: Mr. Speaker, I beg for the suspension of the Standing Orders to enable me to take the motion, notice of which I gave earlier.

The SPEAKER: The question is for the suspension of the Standing Orders to allow the Minister to take the motion, notice of which was given earlier.

Put to the House and agreed to.

Mr. D. SMITH: Mr. Speaker.

The SPEAKER: Yes, Mr. Smith.

Mr. D. SMITH: This House continues to operate in a very sloppy situation.

Mr. PICKERSGILL: You can't tell the Speaker that.

Mr. DALLEY: You are out of order!

Mr. D. SMITH: I can't? Well let me repeat it; very, very sloppy situation.

Mr. DALLEY: You're out of order!

Mr. D. SMITH: Early this morning I telephoned the House Leader who told me that he was in Korea, to find out from him what the House had planned - business for today, in that the Opposition did not receive any notification either from the Leader of the House or from the Parliament itself.

I subsequently got the Deputy House Leader, who gave me a schedule - that was about 7:00 o'clock this morning - and there was no mention of what the Minister is standing to debate at this time. Subsequent to that, I got a call from the lady, suggesting that they're going to be wanting to debate the motion today, because of some schedule with the UN some time next Tuesday.

But you know, Mr. Speaker, we come here from time to time, time after time, almost every meeting and speak about the situation. The Opposition would love to give a fulsome response to the Minister this afternoon on this very, very, important issue, very important issue, but we're not, because we obviously not properly prepared. That's a fact.

And Mr. Speaker, you know, I understand that there's a visitor in the Gallery from the Cuban Embassy or whatever...

MEMBERS: Embassy! Embassy!

Mr. D. SMITH: I said Embassy; I said Embassy.

Mr. PICKERSGILL: Talk bout sloppy.

Mr. D. SMITH: Shut up man, when I'm talking shut up!

Mr. PICKERSGILL: That is sloppy use of the language! Sloppy usage!

Mr. D. SMITH: Yes it is, but then I'm falling into the trap of the sloppiness of the Government.

Mr. ARSCOTT: Sloppy manners!

Mr. PARCHMENT: Out of order!

Mr. PICKERSGILL: Sloppy use of the language!

The SPEAKER: Mr. Smith, Mr. Smith, address me nuh.

A MEMBER: Him don't understand, yuh nuh si a big man dat?

Mr. D. SMITH: Mr. Speaker, Mr. Speaker, it's in deference to the visitor, why the Opposition will allow this debate to proceed.

MEMBERS: Allow? Allow?

Mr. D. SMITH: Because we speak every week about the situation, and the Government continues to behave on that basis. But I'll just like to bring that to your attention again, Mr. Speaker.

The SPEAKER: Thank you.

Minister Hylton.

Mr. Anthony HYLTON: Mr. Speaker, I want to - notwithstanding the looseness of the language used, I want to thank the Opposition - Leader of Opposition Business, for his acknowledgement that this really is not a seminal debate; this now is a debate that has been really annual that we'll have this discussion as we table the resolution in the UN and we seek to have the House join in that debate.

So Mr. Speaker, I say again, that the - on the 28th of October, next Tuesday, the United Nations General Assembly will again ask for members to vote...

Mr. PICKERSGILL: Yes.

Mr. Anthony HYLTON: …on the resolution entitled: Necessity of finding the Economic, Commercial and Financial Embargo imposed by the United States against Cuba.

And on this, Mr. Speaker, there can be no real controversy. There has not been on the previous five - the previous four resolutions that has been debated, and unless there's a change of policy on that side, it really should be a very collaborative and agreeable debate.

Mr. Speaker, the debate is really not about us here in this House, it really is about the role that the United States continue to play in its imposition of this useless, futile embargo on the Cuban people.

It has, Mr. Speaker, visited tremendous hardship on the Cuban people, in areas of medicine, in areas of food. In the resolution move in its term, it spoke to unprecedented denial of financing by multilateral agencies of medicine and food to the elderly of Cuba, to those who are in need in Cuba.

And so Mr. Speaker, we are, on this side, very consistent and insistent that...

Mr. PICKERSGILL: And on that side.

Mr. Anthony HYLTON: Let them speak for themselves.

...this embargo be lifted as quickly as is possible….

Mrs. NEITA-HEADLEY: Hear! Hear!

Mr. Anthony HYLTON: ...because it continues to inflict great harm on a people who have, through their deeds, through their programmes, through their acts of cooperation globally, have demonstrated that they are not a risk, a threat to the United States national interest - national security interest.

Indeed, Mr. Speaker, we pointed out in the motion that the Cuban people continue to be

the most resolute in their support of humanitarian crises and causes around the world.

(Applause)

Even at this stage they are preparing to send their brave workers - health workers, not military workers, health workers into the field in West Africa, to help to staunch the feared Ebola, which, if not addressed on an urgent basis, poses a pandemic - a threat, a pandemic threat to the global economy and the society at large.

Mr. Speaker, these - I suggest these are not acts for which they should be punished, these are not acts of threat or terrorism to US or global interests, these are acts - model acts of support to the global society and to humanitarian causes, and for which they should be commended, not to continue to work under this heavy yoke of punishment and blockade against the Cuban people.

Mr. Speaker, the act, as we pointed out on previous occasions, by continuing the embargo, it not only interferes with Cuba's normal development, it affects our cooperation, Jamaica/Cuba cooperation; it imposes a burden on commerce, globally, and our ability to trade normally.

For these reasons, Mr. Speaker, we ask again, and I ask that the resolution be approved in the terms that the resolution - that's the prayer, that the resolution asks, and that we approve this resolution yet again, in solidarity with our friends in Cuba.

(Applause)

The SPEAKER: Mr. Brown.

Mr. BROWN: Thank you, Mr. Speaker.

Mr. Speaker, like my colleague before me, I take this opportunity to express Jamaica's firm opposition to the Unilateral Application of Economic and Trade Sanctions that obstruct freedom of commercial cooperation.

I would like to indicate, Mr. Speaker that Jamaica stands in solidarity with the people of Cuba, in opposition to this blockade. We wish to indicate that Jamaica has been consistent at the international/regional level, in relation to our support for the removal of this embargo that has been imposed by the United States against Cuba. The support of Jamaica in calling for an end to the economic and commercial embargo against Cuba, and we urge all States to apply such laws and measures and take the necessary steps to repeal and invalidate the laws that have imposed this embargo, which are extra territorial, and therefore, run against the grain of international law.

Mr. Speaker, we note - as my colleague in front, before me - the grave impact that this embargo has had on the people of Cuba and the wellbeing of the Cuban nation. And we find that it is particularly unjust when it comes to critical sectors such as health and education.

We want to indicate, Mr. Speaker that Jamaica will continue to support Cuba in its endeavours to have this embargo lifted. And I am advised, Mr. Speaker, that Cuba has confirmed assistance to Jamaica in our efforts to prevent the entry of Ebola in our country.

(Applause)

And should - in the unfortunate case that were to happen, they would also provide well-needed support in our response to it.

In that context, Mr. Speaker, and certainly in the context of our long-standing diplomatic relations and friendly relations with Cuba, Jamaica stands in full solidarity, and we call for the lifting of this embargo against Cuba.

Thank you very much.

(Applause)

The SPEAKER: Mr. Dalley.

Mr. DALLEY: Thank you very much, Mr. Speaker.

Mr. Speaker, at this time of the year over the past couple of years, in preparation for the Vote in the United Nations, many parliaments around the world adopt this Resolution and take a vote against this unjust economic embargo on our sister nation, Cuba, one of the most internationalist country in the world.

And, so, we join today in supporting this Resolution that the embargo of fifty-four years be lifted, doing so conscious of the fact that in this House there is bi-partisan support after many years of division on the subject of Cuba. In fact, it has been a period - or, there has been a period where this debate would find dissent all over on the two sides of the aisle.

Last year it was unanimous vote in this Parliament that the embargo be lifted.

(Applause)

And I am sure there is no one from the side of the Opposition who would oppose this unjust embargo.

But let me just say, Mr. Speaker, in supporting the resolution and calling on the United States Administration, and I am calling on President Obama, in particular, to ensure that before he demits office, that the embargo against our sister country, Cuba, be lifted, and that once again Cuba be left free to participate in the world economic systems, and also to participate as an independent nation that can trade and work and have relations all over the world with people.

Despite the embargo, Cuba has helped hundreds of thousands of poor people around the world with its Medical Missions, with its Educational Missions. Not only that, but also helped to liberate people around the world, especially in Angola, Guinea-Bissau, Mozambique, when those countries were...

(Applause)

...as frontline States were feeling the brunt of South African injustice and Apartheid system.

So despite the fact that they have suffered - Cuba, because of this embargo, despite the fact that they have been denied free entry into the global economic markets, despite all of these things, Cuba has not lost sight of its mission of internationalism and its mission to support people.

And so, once again Mr. Speaker, we all join with the other countries around the world who will vote next week in the United Nations against this unjust embargo. We the people of Jamaica in this Parliament, representing the people of Jamaica, agree and declare that this embargo must be lifted.

I thank you. (Applause)

Mr. Anthony HYLTON: Mr. Speaker, seeing the unanimity in this House, I now move that the debate be closed and ask that the motion be approved.

The SPEAKER: Those in favour of the motion?

Put to the House and agreed to.

The SPEAKER: Motion passed.

(Applause)

(Inaudible comment from Mr. Charles)

The SPEAKER: Minister McNeill.

Dr. McNEILL: Thank you, Mr. Speaker.

Mr. Speaker, it's my pleasure to start the debate on the Timeshare Vacations Bill here in our Parliament. As you know, Jamaica is keen on developing a more sophisticated tourism product, one that also embraces the Timeshare Vacation Ownership market.

Research has shown that vacation ownership is one of the fastest growing sectors of the global hospitality industry...

Mr. PICKERSGILL: Hear! Hear!

Dr. McNEILL: ...and that there is a huge and significant potential for further growth and development of the timeshare product in the Caribbean, and especially in Jamaica.

At the 16th Annual Shared Ownership Investment Conference held in Miami, on Wednesday, October 15 - which would have been last week - Mr. Howard Nusbaum, the President of the American Resort Development Association (ARDA) said that there is a high demand for timeshare ownership in the Caribbean, and that the Caribbean is the most highly sought after timeshare destination in the world...

(Applause)

...partly because of the relative scarcity of timeshare units in this region.

Presently, investment in our tourism sector is high. Prospective investors have shown an interest in developing timeshare in Jamaica, and this can be of particular benefit - the Timeshare Legislation - as it includes a mix of accommodation, such as integrated leisure resort facilities, with luxury condo resorts.

So Mr. Speaker, we will be further diversifying our product offering as well as adding another tooth in our investment portfolio.

Mr. PICKERSGILL: Hear! Hear!

Dr. McNEILL: Mr. Speaker, during the last decade timeshare has been viewed as a significant driver of business in the sector. It has the potential to be part of the dynamic growth which Jamaica's tourism sector is currently enjoying. Timeshare schemes are providers of employment and can readily inject funds into multi-purpose projects.

Jamaica's tourism industry stands to benefit from timeshare in several ways. Some of these are:

1. a reduction in the seasonality experience in the accommodation sector;
2. improvement in the quality of tourism accommodation as timeshare offerings tend to be high-end;
3. maintaining increased occupancy levels as timeshare guests are usually repeat visitors; and
4. attracting some of the world's most celebrated hospitality brands that are involved in timeshare.

Mr. Speaker, the Ministry of Tourism and Entertainment has been working on the development of Timeshare Legislation for

some time now and we are pleased that it's finally a reality.

The process involves inputs from many individuals and entities. In this regard, Mr. Speaker, I would like to acknowledge and thank the Honourable Minister of Justice, Senator Mark Golding, who has been personally involved in the development of this Bill. In addition, I would like to thank the Registrar of Titles, the Chairman and Chief Executive Officer of the Real Estate Board, the American Resort Developers' Association, the Jamaica Bankers' Association, representatives from the Attorney General's Chambers, the Chief Parliamentary Counsel, and my staff at the Ministry, for their support, advice and input towards the finalization of this, the Timeshare Vacations Bill.

Mr. Speaker, Timeshare as defined by ARDA is a method used and/or shared ownership of vacation real estate where purchasers acquire a period of time of one week, in a condominium apartment or other type of vacation accommodation. From the purchaser's point of view, Timeshare or vacation ownership equals the acquisition of future holiday's accommodation at today's prices.

Mr. Speaker, the Bill is designed to achieve two main objectives. It will give legal recognition to Timeshare Vacation Schemes in the form of right to use agreements, which are timeshare contracts and deeds issued in respect thereof. And it also regulates the marketing, promotion and provision of timeshare accommodation.

Mr. Speaker, to accomplish this, the Bill provides for:

- the licensing of agents for proprietors of Timeshare Plans;
- the registering of the Timeshare Plans under which accommodation is offered;
- standardization of information to be provided to purchasers before any timeshare contract is entered into;
- a withdrawal period for purchasers after entry into a timeshare contract;
- and the management of timeshare plans.

Mr. Speaker, the Bill contains 27 clauses and I will outline and provide a brief explanation of each. The first two clauses, Mr. Speaker, are the preliminary clauses.

Clause 1 states the Short Title of the Bill and that it shall only come into effect by an appointed day notice made by the Minister and published in the *Gazette.*

Clause 2 provides definitions for pertinent terms within the Bill.

Mr. Speaker, we at the Ministry have recognized that the Bill did not make specific reference to vacation clubs, which are an important marketing tool used by the sector and growing in popularity. To this end, Mr. Speaker, at the appropriate time, I intend to make an amendment to the Bill to include a definition for vacation clubs.

Mr. Speaker, Clauses 3 through 14 are the operational requirements for all timeshare schemes. Clause 3 deals with the licensing requirements for timeshare agents and this

speaks to the licensing agents and empowers the timeshare registrar to grant annual licenses and to impose terms and conditions for the licenses. This license is renewable. The clause also sets out conditions under which the license may be granted.

Clause 4, Mr. Speaker, speaks to the registration of timeshare plans and sets up the regime for registration of such plans.

Clause 5 deals with the permission regarding reservations prior to registration.

Mr. Speaker, the proprietor upon application to the timeshare registrar, but prior to such registration, may apply for permission to market, promote and accept non-binding reservations for rights to occupy the timeshare accommodation. This will aid the proprietors, Mr. Speaker, in stimulating early investment in the development of the timeshare properties.

Clause 6 deals with public offering statements and timeshare contracts. It stipulates the information that has to be provided to a purchaser by the proprietor before the timeshare contract is executed. This information, Mr. Speaker, shall be in writing and shall be free of charge to the purchaser and easily accessible.

Clause 7 speaks to the obligations regarding promotion of timeshare accommodation under the Timeshare Plan. Mr. Speaker, even though a proprietor may have agents who market their timeshare, it is the responsibility of the proprietor to supervise all aspects of the promotion of the timeshare plan.

Clause 8 is entitled "Withdrawal from Timeshare Contracts". Mr. Speaker, this Clause seeks to protect an impulse buyer, who has changed his mind after purchasing timeshare accommodation. The purchaser may withdraw from the timeshare contract by giving written notice of withdrawal within the withdrawal period as stated in the Act.

Mr. Speaker, it's important to note that no reason needs to be given for the withdrawal. A standard Notice Form may be used, as well as any other written document which clearly communicates the withdrawal. The withdrawal notice terminates the obligations under the contract and the proprietor shall return the monies paid.

Clause 9, Mr. Speaker, requires that the proprietor establishes and maintains an escrow account before promoting or offering any timeshare accommodation with an approved escrow agent. All monies deposited in this account shall be held, paid to or applied for the benefits of persons entitled to it. The escrow agent shall administer the account with due care and diligence and release money from the account only in accordance with the provisions of this Act. Mr. Speaker, this Clause is designed to protect the monies of the timeshare purchaser.

Clause 10, Mr. Speaker, ensures that all monies which are received in relation to a timeshare contract shall be paid into the escrow account as mentioned previously within two working days of receipt.

Upon withdrawal of a timeshare contract or cancellation of reservations, monies paid into the escrow account shall be returned to the purchaser within 21 days after written demand is made by that purchaser.

Clause 11 establishes the Purchasers Association and Capital Reserve Fund. The purchasers of accommodation in a timeshare plan shall become the Purchasers Association for that plan. The Purchasers Association shall establish and contribute to the Capital Reserve Fund, which is designed for the maintenance of the capital goods such as the buildings, furniture and equipment. This shall be done in keeping with prescribed regulations. Mr. Speaker, the Purchasers Association shall be a Body Corporate.

Clause 12 mandates the appointment of a management agent for each registered timeshare plan. The management agent shall be licensed as a real estate dealer under the Real Estate (Dealers and Developers) Act, or it can be the Purchasers Association for the Timeshare Plan.

Clause 13 speaks to the rights to occupy not being extinguished by foreclosure. Mr. Speaker, the Ministry of Tourism and Entertainment is conscious of the rights of the consumer who have bought a timeshare that has gone into receivership. This clause seeks to ensure that the rights of a purchaser to occupy a Timeshare Plan shall not be extinguished by foreclosure or the exercise of a power of sale.

Clause 14 prohibits a proprietor or management agent from denying a purchaser access to a timeshare accommodation, which he has the right to occupy within any specified period in the contract if he has complied with all contractual stipulations.

Mr. Speaker, at an appropriate time, I intend to make an amendment to this Clause to allow for proprietors and management agents to offer to purchasers alternate accommodations if their timeshare is not available.

So, Mr. Speaker, Clauses 15 through 18 speak to the procedure in relation to deeds. Clause 15 defines the Certificate of Title and the Registrar of Titles, which is in keeping with the registration of Titles Act.

Clause 16 outlines the basic procedure for the registration of a deed-based timeshare plan.

Clause 17, Mr. Speaker, speaks to the formal effect of deed and addresses the rights and obligations under the deed, which may be assigned or transferred. And the purchaser may create a mortgage charge or other security interest in any right or interest in the timeshare.

Mr. Speaker, this is important that we allow purchasers of timeshare to use the deed as a security to borrow funds from financial institutions to finance their purchase.

Clause 18 is the cessation of Timeshare Plan. This provides for the deregistration of deed-based timeshare accommodation where the property ceases to operate as a timesharer.

And Mr. Speaker, Clauses 19 through 24 deal with the administration.

Clause 19 provides for the inspection of the timeshare accommodation to be carried out by authorized officers. These include: The Timeshare Registrar, who can inspect it, the entity with responsibility for the development of standards for tourists' accommodation, in this case will be TPDCo, the KSAC or the Parish Council, the Ministry with

responsibility for Health and the Jamaica Fire Brigade.

Clause 20 outlines the enforcement powers given to the Timeshare Registrar.

Clause 21 seeks to detail the offences that may be committed under this Act.

Clause 22, establishes the Timeshare Vacations Registry. The Real Estate Board shall be responsible for the administration of the registry, and perform the functions of the Timeshare Registrar.

Mr. Speaker, the Timeshare Registrar, like other statutory bodies will be required to submit annual reports to this Honourable House.

Clause 23 mandates the Timeshare Registrar to maintain a register for the timeshare plans registered under this Act.

Clause 24 outlines the regulation-making powers of the Timeshare Registrar. The Timeshare Registrar is empowered to make regulation with the approval of the Minister. Please note that Regulations which provide for penalties are subject to negative resolution.

Mr. Speaker, at an appropriate time, I intend to make an amendment to this Clause, to allow for the Minister to make regulations governing the marketing of, sale of membership in, and the operation of any scheme or other arrangement excluded from the definition of Timeshare Contract, such as vacation clubs of which we spoke of earlier.

Mr. Speaker, Clauses 25 through 27 are general clauses. Clause 25 speaks to proprietors who develop properties solely for use as timeshare accommodation in a Registered Timeshare Plan. These proprietors will be exempted from any requirements under the Real Estate Dealers and Developers Act. Mr. Speaker, this Clause is intended to encourage investment in the development of timeshare accommodation in Jamaica.

Mr. Speaker, it is recognized that there are timeshare contracts already established in the industry. Under Clause 26, these properties will be given two years in which to register their timeshare. Consequently, proprietors who have these arrangements will not be in breach when this Act comes into place.

Mr. Speaker, last clause, Clause 27 speaks to the amendments of the Electronic Transactions Act; the General Consumption Tax Act, the Real Estate Dealers and Developers Act and the Jamaica Tourist Board Act to facilitate the functioning of the Timeshare Vacation Legislation.

Those were the 27 clauses contained in the Bill, Mr. Speaker. Mr. Speaker, the Bill also contains four Schedules. Those four (4) Schedules are: The First details the particulars required in respect of a timeshare plan, these include the description of the accommodation and the total number of new units of accommodation.

The Second Schedule outlines the information to be provided to a purchaser before execution of the timeshare contract. This includes the price to be paid and the summary of the facilities and services available to the purchaser.

The Third Schedule, Mr. Speaker, contains the standard Notice of Withdrawal Form, and explains the effect of withdrawal from the timeshare contract.

And the Fourth and final Schedule contains the Notice of Acknowledgement of receipt of an executed timeshare contract.

In closing Mr. Speaker, the passage of this piece of legislation is timely in light of the Government's growth agenda, and the fact that global trends show tourism to be one of the fastest growing sectors in the global economy. The Timeshare Vacations Bill has the ability to help to propel the industry into an even more competitive position. I am confident that current and prospective investors will now be more inclined to incorporate this product in their portfolio of services, and that we will benefit from the introduction of this framework to govern the timeshare industry in Jamaica.

I thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mrs. Robinson.

Mrs. ROBINSON: Thank you, Mr. Speaker.

Mr. Speaker, the Timeshare Vacations Act, 2014 is commendable in many respects, and it is an important development in the tourism sector. There is now a well defined framework in place which presents another opportunity for Jamaica to provide alternate vacation arrangements consistent with other international destinations.

The Timeshare Bill presents great potential benefit for several stakeholders. By creating divisible timeshare interest in property proprietors can now obtain funding to improve facilities and to enhance the tourism offering. Purchasers of timeshare interest can own a little piece of paradise and have the opportunity to leverage the timeshare interest by creating security interest in favour of lenders. It is hoped that the various stakeholders will take a close look at the legislative framework and maximize its potential.

So Mr. Speaker, the Opposition supports the objectives generally, of this proposed Act, and as said before, indeed it presents enormous opportunities for the travel and accommodations industry. And so, we on this side do not see it as an overly contentious piece of legislation. It has taken quite some time in coming but nevertheless we welcome the opportunity to debate it and closely examine the proposed provisions.

Mr. Speaker, one of the things that impressed upon me most in examining this piece of legislation, is the extent to which education and awareness, that is stakeholders being cognizant of their right and obligations under this regime, will be critical to the success of this piece of legislation and the seamless operations of the timeshare market.

It cannot be left, Mr. Speaker, to property owners or their agents to warn buyers in public timeshare offerings statements, that is statements that agents may put out from time to time that timeshares should be bought for their vacation value and not with the expectation of resale.

In putting this regime in place to regulate activities in the timeshare sector, we should focus attention on how we may achieve this because it must be made clear to the prospective timeshare buyers that the acquisition of timeshare shouldn't be

considered so much as an investment but rather an acquisition as the Minister said that is intended primarily for vacation and recreational purposes and activities.

Mr. Speaker, I turn to what is commonly referred to as secondary timeshare market activities, which, as we all would appreciate, is one that is to be given careful consideration for this is always a contentious issue in timeshare legislation. And just allow me to share an experience from another jurisdiction in the House.

In the early 1990s the State of Florida passed timeshare legislation aimed at eliminating abuses in the timeshare resale market. That legislative move, however, received heavy criticism from unit owner representatives that is the agents of property owners, as being too restrictive. That piece of legislation required persons who list, advertise, promote or sell timeshares, to have a real estate license, and although individual timeshare owners are not affected, critics argued that it made it harder for them to resell their shares.

Proponents of the legislative amendment express the view, however, that the tightening of the screws was aimed at curtailing fly-by-night operations who helped wrote and lobbied for the initial legislation. Those proponents went on to argue that the new law was an attempt to license and regulate people who sell timeshares in the resale market, because that jurisdiction had enumerable reports and complaints from timeshare owners. In fact, in the year before the amended law was passed there were hundreds of complaints that companies charged exorbitant sums of money for a simple listing fee but made no attempt to sell timeshares.

I would urge the Minister to consider that this experience, albeit in another jurisdiction, closely and see how best to navigate divergent interests and potential conflicts, especially as it relates to the secondary timeshare market. Needless to say, Minister, it is imperative that we implement a regime that wisely balances the needs of timeshare developers along with those of consumers. A timeshare resale market that respects owners' property rights is critical to the health of the timeshare industry.

We note, Mr. Speaker, that the Government is positioning the timeshare mechanism as part of the growth agenda. We note equally, however, that proprietors and developers of property pursuant to this timeshare legislation will be subject to the GCT regime set out in the Fiscal Incentives Act or the Omnibus Tax Legislation. To the extent that this GCT regime is onerous, certainly when compared to jurisdictions across the region, how confident are we that this timeshare legislation, against the backdrop of the Fiscal Incentives Act, will induce optimal levels of investments. In other words, what is in this piece of legislation to really induce significant levels of investment, stimulate interest and generate the kind of vibrancy in the timeshare market we envisage?

Mr. Speaker, having said that, there are some considerations, and I know, Minister, you might point me to the regulations but I just want to raise them.

In light of the GCT implications and the Fiscal Incentives Act, passed in the House recently, replacing the Hotels Incentives Act, will the Minister provide some clarity as to how taxable goods and services on properties serving as timeshare facilities, pursuant to this piece of legislation but are owned and held in the name of accommodation operators who have opted to benefit from the sunset clause of the Fiscal Incentives Act, how will they be treated?

And section 3, section (c) of the Bill, I wanted to ask. The criteria for fit and proper should be set out in the legislation as it is a precursor to determining the eligibility for the license being granted to an individual and to companies. So, fit and proper criteria of directors and senior managers of each company applicant must be met. I want to be clear on that.

Section 11 -

(Inaudible comment by Dr. McNeill)

Mrs. ROBINSON: Yes, the criteria for fit and proper should be set out in the legislation, because it is a precursor to determining the eligibility of the license being granted to an individual and companies.

Sections 11 and 12 refer to purchasers association which shall be a body corporate with defined obligations.

Given that timeshare accommodation can include buildings or premises forming part of strata plans, how is the purchasers' association reconciled with the proprietors of a strata plan which manages a complex? The definition of accommodation, timeshare accommodation is in section 2(1). So I am asking that question.

And section 13. In the event that a lender which has taken a mortgage over the timeshare property, exercises its power of sale or foreclosed timeshare property, section 13 prescribes, Minister, that it will be subject to the timeshare contract, and this may impede a lender's right under an agreement for sale to provide vacant possession or to sell, subject to a timeshare contract. The lender may have to use the proceeds of sale to liquidate the timeshare interest resulting in a reduced net proceeds being allocated to reduce the proprietors indebtedness. So I just wanted to be clear on that.

I am aware that protection is being offered to the purchasers of timeshare interests, however, I see that interest being undermined by the timeshare, because the timeshare license is for a duration of one year and renewable by application, section 3(a). What is the effect of the license where the property is sold or foreclosed by the lender, and the application is not made by the new purchaser or lender? Does this not impair the timeshare contract if the property is not registered as a timeshare property?

(*Sotto voce* comment by Dr. McNeil)

Mrs. ROBINSON: No, I am saying, what is the effect of the license where the property is sold or foreclosed by the lender and the application is not made by the new purchaser or lender; would this now not impair the timeshare contract if the property is not registered as a timeshare property?

And in section 22. Given that the Timeshare Registrar is making significant decisions, that is applications, deciding who is

fit - the fit and proper designation, there should be a process of appeal, Minister, where an aggrieved party can appeal a decision without the need to apply to a court initially. Currently, there is no appeal process in the legislation, and if a party is aggrieved or feels aggrieved they would have to seek redress by way of the judicial review proceedings, which is timely and costly, an appeals process, I would say that an appeals process is therefore necessary.

And in section 23, to Timeshare Registrar. Minister, I think it should be electronic and available to the public free for inspection and search, given that security interest in timeshare properties can be created, and I believe that this could coincide with the electronic registry under the Security Interests in Personal Property Act, 2014. I think that these are some of the matters that we ought to look at, but we on this side have no difficulty with this piece of legislation.

Thank you, Minister.

(Applause)

The SPEAKER: Minister Pickersgill.

Mr. PICKERSGILL: Mr. Speaker, I rise to support the Timeshare Vacations Bill being put forward by my colleague Minister.

Timeshare is the shared ownership of vacation property, as we have already heard, therefore, Mr. Speaker, it was very fitting that the Ministry of Water, Land, Environment and Climate Change, the supervising Ministry of the Real Estate Board and the Ministry of Tourism should form a symbiotic relationship to ensure the passage of this piece of legislation... (Applause)

...for the growth and advancement of both sectors; that is the real estate and tourism sectors, which should ultimately yield positive results for our nation. I therefore join the Minister in thanking and congratulating all those who have participated in bringing this Bill to fruition.

Mr. Speaker, from the outset, May '09, the Real Estate Board, the then Ministry of Land and Environment, the Registrar of Titles and the Ministry of Tourism, formed a part of the steering committee which determined the Terms of Reference of the contractor who did the initial research for the Bill now being presented. Since then my Ministry has continued to partner and support the Ministry of Tourism for the following reasons: One, we are of the view that the timeshare niche market can form a very important catalyst to assist in stimulating the tourism industry as well as the estate market, real estate market.

Real estate and tourism are important drivers of the Jamaican economy. Timeshare can stimulate the tourism industry because the sale of timeshare units either as the sale of new units, or the sale of existing hotel accommodation can ensure that the industry and the nation receive large foreign exchange capital injection.

It should be noted that some of the existing hotels in Mexico, Mr. Speaker, were redesigned, renovated and sold as timeshare units and this led to the regeneration and success of these properties and the industry as a whole in Mexico.

1. Mr. Speaker, owners of timeshare properties are pre-purchasers of

vacation experiences and, therefore, they are likely to use these units or have their families or friends use the units. It therefore follows that timeshare plans have very high occupancy rates.

2. When travellers visit our island, they spend money while they are here and this is good for our nation. Timeshare is a high-end product, a high-end product and, therefore, the earnings per timeshare occupier should be better than that from regular tourists.
3. timeshare owners pay annual maintenance fees at the beginning of each Calendar Year which is used to upkeep and upgrade the real estate assets. This, Mr. Speaker, will ensure that the property maintains its value, pristine condition and therefore, its appeal to the tourist market.
4. It is anticipated that the timeshare market will also generate employment as there would be new entrants to the real estate industry such as off-premises canvassers, sales agents and property managers. In addition, there will be construction workers and employers of the timeshare developers. The timeshare property will also have to hire staff to attend to the needs of the guests.
5. Mr. Speaker, Timeshare will generate income for real estate practitioners and developers of timeshare plans.

Mr. Speaker, although the Minister of Tourism is piloting the Timeshare Vacation's Bill, the Real Estate Board is slated to become the implementing arm of the Act. The Board, based on provisions of the Act, will be the registrar of timeshare with the responsibility of issuing all deeds and documents.

It will be required to register the timeshare plans, register the exchange companies for operation in Jamaica; license the marketers of timeshare property; license the persons who provide property management services for timeshare properties; protect pre-construction purchasers of timeshare units; ensure that purchasers are given the required documents and recession periods; ensure that contractual obligations are met and investigate complaints concerning timeshare.

After the units have been sold, the registrar of timeshare will ensure that the Home Owners Associations, that is the bodies comprising of all the owners of units in timeshare plan will act in compliance with the Timeshare Vacations Act when it comes into being, Mr. Speaker.

The Real Estate Board has taken this anticipated responsibility very seriously, as it sees the proper implementation of this Act as important for nation-building.

In preparation for this new and important role, the Board has already done extensive preparatory work. It has sent a representative to study the operations of the equivalent regulatory timeshare agency in Orlando, Florida, the timeshare mecca of the world. Luckily the Board Chair, Mrs. Elise Wright Goffe has 15 years of experience in timesharing. She has been sitting on the Hylton's Timeshare Board in South Beach,

Orlando in Florida for many, many years. The Board has moved to a larger more spacious office building, where it has designed office space for the timeshare portfolio with a suitable ambience for timeshare product.

The Board has also redesigned its organizational chart, its corporate plan and operational plans to ensure the smooth commencement of its new duties. All of these measures will boost our vacation products and will help us to realize our Vision 2030 goal of making Jamaica the place of choice to live, work, raise families and do business. "One of these days a gwine mek you repeat after me". (Mr. Pickersgill addresses an Opposition Member)

We anticipated what the Opposition speaker will be saying. She's not listening to me right now. (Mr. Pickersgill refers to Mrs. Robinson)

We anticipated what you would be saying and therefore, in addition, the Board is currently establishing a Real Estate Training Institute at 1 Surbiton Road where it will educate the industry about this new timeshare product and how to market it. Members of the Homeowners Association will also be able to receive training on how to effectively manage their timeshare vacation property.

Palmyra Resort and Spa Limited was the first large-scale timeshare development that was being undertaken in Jamaica, Mr. Speaker. Unfortunately, this scheme has experienced challenges due to the worldwide recession. But the Board has ensured that the lessons learnt were addressed in the Timeshare Vacations Bill soon to become the Act, and we are sure that once a new developer comes on stream to complete the development, it will become the timeshare jewel that it was envisioned to be.

Mr. Speaker, the Ministry of Water, Land, Environment and Climate Change and its Agency stand ready to give the Ministry of Tourism and the Timeshare Industry all the support it needs to ensure the success of this new venture.

Mr. Speaker, it is with optimism and excitement that I support the Bill.

Thank you.

(Applause)

Mr. McNEILL: Mr. Speaker, let me thank both speakers for their intervention; the Opposition spokesperson and the Minister of Water, Land, Environment and Climate Change.

Let me just say to the Opposition spokesperson, thank you for your contribution, it was a lot of thought and it was a very constructive presentation. There were some questions you asked and I'll just try and briefly answer some of the questions.

In terms of the resale market that you spoke about in a general sense, the most important thing in ensuring a strong resale market is the information that is made available, and that's why it's so strong in the Bill. And the second thing is the framework that we have put in place that requires the proprietors to do certain things. So those things are the strongest things that will secure a long term resale market and we have seen that in other jurisdictions.

In terms of stimulating the investment, you made the point about incentives. Again, the most important thing to stimulate investment or get timeshare business in Jamaica is to put this framework in place. This legislation, a lot of people that wants to buy high-end wants to buy timeshare, want to know they are protected by law not just by contract, so this will be in there.

Now, you made the point about fit and proper. It's in the Act; but what we are going to look - what you wanted was a definition of what it is. What I will do, is ask the team to look at it and we can determine where that can be inserted and look at the criteria. I understand there are definitions, but I'll come back on that. We can move forward with this but I understand the point you are making but what is most important is that, at least, what the criteria for "fit and proper" are, are out there, and we will ensure that that happens, and we can determine where we place it at a later date.

The point you made about the Proprietors Plan and the Strata Committee is an interesting one. What happens is, you have a strata and all persons who own units in the strata have a committee and they run that. Now, if within this you have a timeshare, that timeshare is now going to be required to play a role in the strata which it's a part. But, it is still required under the Act to have its own proprietors, its own timeshare group, so it's separate; you're going to have both. Where you have a strata, you will have both operating and both will have funds. The strata has a maintenance, but so will this Committee. So both of them have rules and regulations and both are in place by their various Acts.

In terms of what you said about the forced sale and I think that the Minister alluded to it. One of the things that we want to do is protect persons who have bought a strata plan, bought a timeshare unit and then, if for one reason or the other, there is a forced sale or there is a bankruptcy or something like receivership, what happens to them?

What we have done in terms of the deed is created a deed that would be the timeshare registry that covers this period of time. So the person who is lending the money, the persons who have the caveat over it, will know that and any money collected, they will have to apply, hence the reason why we have made so much of putting in place, if you look at it, we are putting…

(Inaudible comment by Mrs. Robinson)

Mr. McNEILL: Right. We are putting in place that all monies that are collected will be put into the escrow accounts. And that all these escrow accounts will be managed by escrow agents, that is, to protect the funds. So those would be the funds that would place somebody in receivership so persons are protected based on that.

You made the point about the registrar, the Timeshare Registrar being electronic. Again, the Act speaks to the Timeshare Registrar keeping a registry of all persons. I don't think it is much of a stretch for the duty for us to put it on an electronic line, so I don't feel very strongly about, you know, I don't

think it is something that we can do.

So, those were the main points, if memory serves me correctly, those were the main points that you raised. And I want to thank you for the....

Mrs. ROBINSON: And the appeal's process.

Mr. McNEILL: Oh, for the "fit and proper"?

Mrs. ROBINSON: No, no, for someone who feels aggrieved.

Mr. McNEILL: Someone who feels aggrieved of....

Mrs. ROBINSON: Section 22.

Mr. McNEILL: Section 22 establishes the Timeshare Vacations Registry.

"The Real Estate Board shall be responsible for the administration of the Registry and shall perform the functions of the Timeshare Registrar.

The Timeshare Registrar, like other statutory bodies will be required to submit Annual Reports.

I'm not certain what…

Mrs. ROBINSON: Sorry, it's 22(1).

Mr. McNEILL: Twenty-two one 22(1)? That details the offences. No, those detail the offences. Most of the offences have to do with breaches of the Act, and those breaches of the Act fall under the Timeshare Registrar. So, there will be issues where, either a purchaser or a proprietor may have some grievance. What this Act speaks to is the Timeshare Registrar being able to enforce those and for them to deal with it, but I don't think we can put in here, I don't think that we can put an appeals process, because, it is only offences for breaches of the Act, it's not really issues of....

(Inaudible comment)

Mr. McNEILL: But, as I said, we can have some further discussion on it, but I do not think that in that position right there that that would be something that would work there.

Let me just - there was one other thing you spoke about, the incentives in general. What Government has moved towards is creating an Omnibus Act. And the Omnibus Act speaks for the entire productive sector on a level playingfield so this is another one of those productive sectors. The good thing about this is that, because its deed - we are dealing with it as real estate - they will be covered in that way. And because it's a tourism product, they will fall under the Omnibus Act.

In terms of those persons who apply and go for timeshare in an existing property that have decided to remain, they will be treated in the same way as the Hotel's Incentives Act persons are treated, once they have opted to - they have elected to stay.

Mrs. ROBINSON: That's those who had opted pending.... sunset clause...

Mr. McNEILL: Absolutely, absolutely! And those that come across from Omnibus will have that, will have that element of it.

In closing, I don't know if there is anything else. But in closing I would really like to thank the Minister of Land, Water, Climate Change and Environment and all other things and his team who have been very,

very helpful. And as he pointed out, the Timeshare Registrar will be housed in his Ministry. So I really want to thank them for the work they have done, along with all the others including the CPC, everybody, they have really done a lot of work in ensuring that we have what, I believe, is a very strong Bill.

So, Mr. Speaker, with those comments I will put the Bill for second reading.

Mr. Speaker, I ask that the Bill be read a second time.

The SPEAKER: The question is that the Bill be read a second time.

Motion put to the House and agreed to.

Bill entitled:

An Act to provide for the regulation of Timeshare Vacations Schemes and for connected matters;

read a second time.

The SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

Dr. McNEILL: Mr. Chairman, there are three amendments, one in Clause 2, Clause 14 and Clause 24. Can we take them one by one, Mr. Chairman?

The CHAIRMAN: Okay. As I go along I will put them.

Part 1, Clause 1 put to the Committee and agreed to.

Clause 2, I put the amendment to Clause 2 as provided by the Minister. There are two amendments to Clause 2.

Dr. McNEILL: Yes, which speaks to the Vacation Clubs, Mr. Chairman.

The two amendments put to the Committee and agreed to.

Clause 2 as amended put to the Committee and agreed to.

Part II, Clauses 3 to 13 put to the Committee and agreed to.

The CHAIRMAN: Clause 14, there are two amendments to Clause 14.

Amendments put to the Committee and agreed to.

Clause 14 as amended put to the Committee and agreed to.

Part III, Clauses 15 to 18 put to the Committee and agreed to.

Part IV, Clauses 19 to 24 put to the Committee and agreed to.

Clause 24, amendment as provided by the Minister put to the Committee and agreed to.

Clause 24 as amended put to the Committee and agreed to.

Part V, Clauses 25 to 27 put to the Committee and agreed to.

The First Schedule put to the Committee and agreed to.

The Second Schedule put to the Committee and agreed to.

The Third Schedule put the Committee and agreed to.

The Fourth Schedule put to the Committee and agreed to.

The Title and the Enacting Clause put to the Committee and agreed to.

The CHAIRMAN: The question is that I do report the Bill as having passed Committee

Stage with five (5) amendments.

Motion put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage with five (5) amendments.

Dr. McNEILL: Mr. Speaker, I now ask that the Bill be read a third time.

The SPEAKER: The question is that the Bill be read a third time.

Bill entitled:

AN Act to Provide for the regulation of Timeshare Vacations Schemes and for connected matters;

read a third time and passed.

(Applause)

Mr. KELLIER: Mr. Speaker.

The SPEAKER: Yes Minister.

Mr. KELLIER: Mr. Speaker, in respect to the debate on the Disabilities Act, Mr. Speaker, you will recall that on the 7th of May, it was Tabled in this House and subsequently passed on the 22nd of July.

This Bill was debated in the Senate and, on the 3rd of October and on the 10th, and with subsequent amendments totaling 14. And with your permission I now respectfully refer these amendments from the Senate to this Honourable House for approval.

Mr. Speaker, the Order Paper sets out the amendments on page 10 of 23 that indicates what those amendments are. So in the interest of time, I will just go very quickly through some of the reasoning behind the amendments and then ask the House for the approval of the amendment from the Senate.

Mr. Speaker, the Senate proposes an amendment to Clause 9 of the Bill which speaks to the requirement that the Jamaica Council of Persons with Disabilities prepare Code of Practice which will provide guidance in respect of matters under the Act.

The Senate, Mr. Speaker, was of the view that the promulgation of a Code of Practice is essential to the proper working and application of the legislation. And consequently, the Senate is proposing that this Clause be amended to require that the code is laid on the Table of both Houses of Parliament.

Clause 15(6) of the Bill, Mr. Speaker, addresses the situation where a division of the Tribunal begins to deal with a complaint, and if any Member of the division dies, is incapacitated or ceases to be a Member of the Tribunal before proceedings are completed before the making of an award, the Bill provided that a new member should be selected and the proceedings of the division shall begin anew, unless all parties to the dispute agree in writing that those proceedings may be continued as if they had not been interrupted by reason of such death or incapacity or cessation.

The Senate is suggesting, however, Mr. Speaker, that in this circumstance the proceedings continue, as if they have not been interrupted by such death, incapacity or cessation, unless one of the parties objects in writing. If any of the parties objects, the proceeding would then give and anew, the

change would result in the mitigation of delays in completing matters.

Mr. Speaker, the Senate also proposes that Clause 36 subsection (2) of the Bill be reworded to impose a positive obligation on the owner or agent of existing public or commercial premises, to make or cause to be made alteration to such premises, to make them accessible to and usable by a person with a disability.

The suggested amendment would also make it clear that this obligation should also apply to entrances to the premises. To this end, Mr. Speaker, the word, '*entrance'* a simple amendment is being inserted as sub-clause (a).

Mr. Speaker, a minor amendment is being proposed in respect of Clause 37 subsection (c). It is suggested that the words, '*and usable by',* be inserted immediately after the words, '*accessible to',* and this is in conformity with the terminology that is used throughout the Bill, no real change but just to add that to make it very clear.

The proposal in respect of Clause 42 is that the provision - is that provision be made for the service of documents under the Act, by such other means as may be prescribed, not just by registered post and delivery by hand, this would facilitate now, Mr. Speaker, the use of other acceptable means of serving documents, having regard to technological innovations in today's society.

In relation to Clause 46, Mr. Speaker, this Honourable House is being asked to approve the proposal that regulations made under the Act shall be subject to affirmative resolution instead of negative resolution. I think that is easily agreed.

Mr. Speaker, in light of the concern raised by the persons with disabilities, it was proposed that paragraph 1 subsection (2) and (3) of the section schedule be amended.

Pursuant to paragraph 1 subsection (2) of the Bill which was passed in this House, a minimum of seven members of the Board of Management of the Jamaica Council for Persons with Disabilities shall be persons who are members of specified groups of persons with disabilities. In other words, we had made a proposal in the Bill that we passed that it should be seven members. What the Disabilities community is asking is that they have a majority on the Board and this is something that the Senate is proposing that we do.

It is now suggested by the Senate that a majority of the Members of the Board shall be persons who are members or representatives of the specified groups and this will ensure that Board adequately represent the interests of persons with disabilities. And it must be noted that the entire Board shall be constituted of not less than 17 persons.

Mr. Speaker, it is also recommended that paragraph (1) subsection (3) of the Second Schedule, which contained a definition of the term, '*intellectual disability'* be deleted in its entirety, some individuals have perceived, so it does not appear in the new Bill that we have before us.

Some individuals have perceived the definition as being discriminatory towards persons with intellectual disabilities and have

opined that the same is unnecessary, so it has been removed.

The Senate further proposes that paragraph l(b)(ii) contained in Part A of the Third Schedule should be amended. This sub-paragraph specify that at least one member of the Disabilities Rights Tribunal should be appointed from persons with knowledge or experience in specified fields. These fields include: quantity surveying, building construction, economics, finance, and accounting.

And in keeping Mr. Speaker with a suggestion made by the Opposition Spokesman on Labour and Social Security in the Debate in this Honourable House, human resource management is being added to this field. This will assist the Tribunal in adequately hearing employment-related complaints.

Mr. Speaker, Part B of the Third Schedule was amended by the addition of a new paragraph 19 which states as follows - and this is new: '*Any reference in this Schedule to an award of the Tribunal includes reference to an order or declaration made by the Tribunal'.*

Those, Mr. Speaker basically, are the matters which the Senate has made a determination on, and I want to commend those clauses that have been amended, to the House for its approval.

The SPEAKER: Mr. Charles.

Mr. CHARLES: We have been briefed by the Minister on the amendments, and we have no objections to the amendments.

Mrs. ROBINSON: Ask for permission.

The SPEAKER: Mr. Charles, you have permission to speak from that position.

Mr. CHARLES: Thank you, Mr. Speaker. You notice I hear you clearly. (Laughter)

We continue to emphasize the importance of this Bill, and to have a feeling of pride that both sides of the House are in unison on it, and we need to congratulate the Senate for the detail they have gone into, and we have no objections.

Thank you very much. (Applause)

Mr. PARCHMENT: Best speech in Parliament.

Mr. D. SMITH: Mr. Speaker, just a question to the Minister, seeing that we have satisfied ourselves and accepted the amendments. If there is now a schedule for this House to be retrofitted to meet the standard prescribed in the Legislation...

Mrs. NEITA-HEADLEY: New Parliament.

Mr. D. SMITH: There obviously will be a new Parliament, but we do not intend, and we should not await a new Parliament, because any new Parliament is going to take at least a couple of years. So...

(*Sotto voce* comment)

Mr. D. SMITH: ...at least - so, Mr. Minister, I would believe that should be a concern of yours which should be taken up with the appropriate authorities. I am just wondering if you are now in a position to give a sort of schedule to the House?

Mr. KELLIER: Mr. Speaker, I thank the Members, first of all, for the support to the

Bill - to the amendments from the Senate. As a Supplementary question that the Opposition business Leader has asked, I remember when I opened the debate, originally, I mentioned that as I spoke, the House was in the process of seeking estimates - part of the procurement process to see how soon, based on funds being available they would be able to retrofit this House, but the process has actually started. I was very careful to find out before I started the debate what was our position as a Parliament in making sure that our House was first in order. And I was so empowered to say that there were efforts being made at procuring primates so we could get the process going. So, I wish to advise the Member as such.

But certainly Mr. Speaker, what would be most appropriate is if we could act in speeding up the arrangements for a new Parliament which would then be much easier for us to get all these things together through the new building codes that will have to come in place, and so on, and so forth.

So, we are very mindful and concerned that the nation's Parliament as it is right now needs to be adjusted, and those things are in train as I speak. So I commend the amendments, Mr. Speaker.

The SPEAKER: Those in favour of the amendments as presented by the Minister.

Put to the House and agreed to.

The SPEAKER: Amendments passed.

(Applause)

Mr. L. B. SMITH: Mr. Speaker, I seek your leave to ask that - there are, in all, four Resolutions with respect to the Regulations Committee, I will just quickly indicate what they are. They are on the Order Paper:

Item 17:

Be it Resolved that the Report of the Regulations Committee on the House of Representatives on its deliberations on Judiciary (Salaries) Order, 2014, which was laid on the Table of the House on the 29th day of July, 2014 be approved.

Item 20:

Be it Resolved that the Report of the Regulations Committee of the House of Representatives on its deliberation on the Office of Utilities Regulation (Amendment of First Schedule to the Act) Order, 2014, which was laid on the Table of the House on the 9th day of September, 2014, be approved.

Item 21:

Be it Resolved that the Report of the Regulations Committee of the House of Representatives on its deliberations on the Foreign Nationals and Commonwealth Citizens (Employment) (Work Permit Fees) (Amendment) Regulations, 2014, which was laid on the Table of the House on the ninth day of September, 2014, be approved.

And finally, Mr. Speaker,

Item 22:

Be it Resolved that the Report of the Regulations Committee of the House of Representatives on its deliberations on the Deposit Insurance (Joint, Trust and Nominee Account) Regulations, 2014,

which was laid on the table of the House on the 9th day of September 2014, be approved.

Mr. Speaker, I ask that these Resolutions be approved.

Put to the House and agreed to.

Mr. L. B. SMITH: Thank you, Mr. Speaker.

ADJOURNMENT

Mrs. NEITA-HEADLEY: It is not expected, Mr. Speaker, to do any further business today. I therefore ask for the adjournment of the House till next Tuesday, 28th October, 2:00 p.m.

The SPEAKER: The question is that the House do adjourn to next Tuesday, 28th October, 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: (Gavels) House stands adjourned.

The House accordingly adjourned at 6:53 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2014 – 2015

TUESDAY, October 28, 2014

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.30 p.m.

PRESENT

THE SPEAKER

HON. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern, Speaker of the House.

MR. LLOYD BARNES SMITH, (PNP), St. James, Central, Deputy Speaker

MEMBERS OF THE CABINET

THE HONOURABLES:

HON. PHILLIP FEANNY PAULWELL, (PNP), Eastern Kingston & Port Royal, Minister of Science, Technology, Energy and Mining and Leader of the House

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, ON, (PNP), St. Andrew, South Western, Prime Minister and Minister of Defence

DR. THE HON. PETER DAVID PHILLIPS, (PNP), St. Andrew, East Central, Minister of Finance and Planning

HON. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western, Minister of Water, Land, Environment and Climate Change

DR. THE HON. FENTON RUDYARD FERGUSON, CD, (PNP), St. Thomas, Eastern, Minister of Health

DR. THE HON. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing with responsibility for Housing

HON. NATALIE GAYE NEITA-HEADLEY, (PNP), St. Catherine, East Central, Minister without Portfolio in the Office of the Prime Minister with responsibility for Sports and Deputy Leader of the House

HON. EVON PATRICK CULLITON ATKINSON, QC, (PNP), Trelawny, Northern Attorney General

MINISTERS OF STATE

HON. JULIAN JAY ROBINSON, (PNP), St. Andrew, South Eastern, Minister of State in the Ministry of Science, Technology, Energy and Mining

HON. RICHARD AZAN, (PNP), Clarendon, North Western, Minister of State in the Ministry of Transport and Works

HON. IAN DAVE HAYLES, (PNP), Hanover, Western, Minister of State in the Ministry of Agriculture and Fisheries

OTHER MEMBERS

MR. EDMUND CURTIS BARTLETT, CD, (JLP), St. James, East Central

DR. LYNVALE GEORGE BLOOMFIELD, (PNP), Portland, Eastern

DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western

MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central

HON. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern

MISS JOYCE DENISE DALEY, (PNP), St. Catherine, Eastern

DR. WINSTON LLOYD GREEN, (PNP), St. Mary, South Eastern

MR. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central

MR. FITZ ARTHUR JACKSON, (PNP), St. Catherine, Southern

MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern

MR. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western

MR. MIKAEL ASHER PHILLIPS, (PNP), Manchester, North Western

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern

MR. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central

MR. AUDLEY FITZ ALBERT SHAW, CD, (JLP), Manchester, North Eastern

MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary, Western

MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western

MR. RUDYARD CONRAD SPENCER, CD, (JLP), Clarendon, South Eastern

MR. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western

MR. DWAYNE FRANCOIS ST. MICHAEL VAZ, (PNP), Westmoreland, Central

MR. CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western

DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central

PRAYERS

Prayers were offered by Dr. Winston Green

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

STATEMENTS BY MINISTERS

The SPEAKER: House Leader.

Mr. PAULWELL: Mr. Speaker, today we have three Statements by Ministers. The first will be the Minister with responsibility for Water and then we are awaiting the arrival of the Opposition Spokesperson on Health, because the Minister of Health is to give a Statement and also the Minister of Industry, Investment and Commerce. So Mr. Speaker, we will start with the Minister who has responsibility for Water.

Mr. CHUCK: The Minister of drought. Where is the Minister of Chikungunya?

The SPEAKER: Minister Pickersgill.

Mr. PICKERSGILL: Thank you, Mr. Speaker.

This really, Mr. Speaker is an update on the implications for water consultation. Mr. Speaker, I wish to update the Members of this Honourable House and the public on our current rainfall situation as well as the projections for the remainder of the calendar year. The fact is Mr. Speaker that despite some recent showers, we are not yet out of the woods regarding our rainfall and consequently our water supply.

Mr. CHUCK: Forest or wood!

Mr. PICKERSGILL: You can use forest.

An Opposition MEMBER: Wrong jungle!

Mr. PICKERSGILL: (Laughter) Why you don't behave yourself?

Mr. Speaker, the National Meteorological Service is reporting that for September of this year, September 2014 rainfall for the island averaged 183 millimetres which corresponds to 90% of the 30-year mean rainfall for the island.

Four parishes Mr. Speaker recorded above normal rainfall for the month. These were Portland with 149% of the 30-year mean, followed by St. Ann with 130%; Trelawny with 119% and Westmoreland with 102% of their 30-year mean. The remaining 9 parishes, Mr. Speaker, recorded below normal rainfall for the month with Clarendon recording the lowest with 38% of the 30-year mean, followed by St. Thomas with 55%; Manchester with 73%; St. Elizabeth and Hanover both with 79%; St. Mary with 83%; St. Catherine with 89% and St. James with 96% and Kingston and St. Andrew with 97% of the 30-year mean.

Mr. Speaker, the cumulative rainfall for the island to date from January 2014 to September 2014 was 1,026 millimetres or 82% of the 30-year mean. This is 18% below what is normal for this time of the year.

Mr. Speaker, the drought assessment for the bi-monthly period August to September 2014 indicates that only one parish experienced normal drought conditions, which was Clarendon which had a drought indication of 45%.

Regarding projections, Mr. Speaker, as I stated earlier, while there has been improvements in drought conditions over most sections of the island during the period October to December, some south central and south western parishes are likely to slip back into abnormally dry to moderate drought conditions.

The rainfall outlook for October to December continues to show a decline in rainfall over most southern parishes and therefore a special consideration is necessary for southern parishes, especially Southern St. Elizabeth, Southern Clarendon and Southern St. Catherine. This may be attributed to likely declines in rainfall amounts over the next three months and the dry season which runs from December through to March 2015.

Mr. Speaker, in addition, the World Meteorological Organization, (the WMO) has reported that according to newly updated data from the National Aeronautics and Space Administration, NASA, that data September

2014 was the warmest September on record globally, the warmest September. The warm months make it even more likely that 2014 will become the warmest year on record since 1880. This September was about 1.4 degree Fahrenheit above the 1951 to 1980 average temperature for the month and this makes it even more likely that 2014 may become the warmest year on record. This increase in temperature is likely to increase the rate of evaporation and transpiration from the soil and plant thereby exacerbating the drought condition that the island is experiencing.

(*Sotto voce* remarks by Mr. Samuda)

Mr. PICKERSGILL: You probably weren't listening to what I said previously.

Mr. Speaker, the latest figures from the NWC indicate that our major catchment facilities: the Mona Reservoir and the Hermitage Dam have experienced some improvements in their levels. The Mona Reservoir is now at 66% of total capacity while the...

Mr. CHUCK: It improved this morning.

Mr. PICKERSGILL: (Laughter) Okay, by one, 67%, yes, while the Hermitage is at 100%, and I will explain that. However, I wish to remind Members of this House that the Hermitage Dam is heavily silted and as such the volume of water available...

Mr. CHUCK: Four truck loads of silt.

Mr. PICKERSGILL: Why you don't listen.

Mr. WARMINGTON: Him don't want to hear the truth!

Mr. SAMUDA: I am looking a little work.

Mr. PICKERSGILL: Yes, tell him that. However, Mr. Speaker, I wish to remind Members of the House that the Hermitage Dam is heavily silted and as such the volume of water available for use is approximately 40%. But let me use this opportunity to explain. Yes, it would be a whole lot of truck loads that your constituents complained about. What we have discovered is that what is going to come out of the dam is so expensive that it will almost pay - yes, valuable resource, waste is now valuable resource.

(*Sotto voce* remarks by Mr. Chuck)

(HON. HORACE WASHINGTON DALLEY, CD, (PNP), Clarendon, North, Minister without Portfolio in the Ministry of Finance and Planning with responsibility for Public Service, entered and took his seat.)

(MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern, entered and took his seat.)

(HON. LISA RENÉ SHANTI HANNA, (PNP), St. Ann, South Eastern, Minister of Youth and Culture, entered and took her seat.)

Mr. PICKERSGILL: Let me remind this Honourable House, Mr. Speaker, that the programme to de-silt the Hermitage Dam is well on its way. The dive and the inspection of the dam have already been done and we are currently awaiting the report from the consultants for the issuing of requests for proposals.

Mr. Speaker, let me also add that last year at this time the levels at the Mona Reservoir

were at 100% or 840 million gallons of water compared with the current levels of 550 million gallons. As such, Mr. Speaker, I am putting the country on alert that the next traditional period drought starts in December and runs through to April next year.

I therefore, Mr. Speaker, cannot over-emphasize the need for all Jamaicans to conserve on their use of water and to prepare for the next drought period.

Mr. Speaker, the NWC is also reporting that there have been improvements to inflows in the rural systems, with the exception of St. Mary, which is still experiencing drought conditions. Mr. Speaker, as a result, we have increased the trucking of water in St. Mary. We now have a total of six Rapid Response trucks deployed throughout the parish.

Let me also assure Members that the Agualta Vale Water Supply Project which will serve Eastern St. Mary, including Highgate, Islington, Richmond, Annotto Bay and surrounding areas, will be completed within 24 months. We are a bit behind, but the Most Honourable Prime Minister had announced that some time ago.

(Inaudible comment by Dr. Chang)

(HON DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, Minister of Agriculture and Fisheries, Labour and Social Security, entered and took his seat.)

(MR. PAUL LENNOX BUCHANAN, (PNP), St. Andrew, West Rural, entered and took his seat.)

(REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston, Central, Minister of Education, entered and took his seat.)

Mr. PICKERSGILL: Don't fall into bad company you're usually well behaved.

We've already completed the rehabilitation on one well, and we are currently in the process of drilling two more wells to serve the system.

Meanwhile, Mr. Speaker, work on our Tank and Pump Rehabilitation programme for rural Jamaica continues apace. Of the 252 Parish Council tanks, we have rehabilitated 90, and work is ongoing on the 100 replacement tanks owned by the NWC.

Mr. Speaker, given the projections, we cannot let our guard down. We therefore must continue to conserve on our water supplies. Remember the adage, "Waste not, want not", or as the NWC often says... "Every Drop Counts".

Conserving our water resources is a shared responsibility for the government and all citizens of our nation and as the country continues to be impacted by drought, this becomes even more important.

Mr. Speaker, as in several other occasions in which I've spoken, I'm once again encouraging the practice of rain water harvesting as a viable means of ensuring our water security, especially given the effects of climate change. This will ensure that vital supplies of water are available for domestic and purposes that support livelihoods.

Rainwater harvesting provides water to supplement conventional water systems and becomes necessary where a centralized water

supply system does not exist. I am happy to report that the Rainwater Harvesting Policy within the Building Code is now with the Legislation Committee.

Harvested rainwater must be stored in tightly covered storage containers to exclude access to mosquitoes and I'm happy to report, Mr. Speaker, that the public rainwater catchment tanks, the public rainwater catchment tanks, are now being covered by the Rural Water Supply Limited.

Also, wherever possible, I'm urging persons to separate all items that are recyclable, reduce the amount of waste generated and always punch holes in cans before disposing to reduce chances of providing for mosquito breeding sites. We must remember, Mr. Speaker, always to practice the three 'Rs' - Reduce, Re-use and Recycle.

In all of this, Mr. Speaker, we cannot ignore the importance of our watersheds and indeed, forest ecosystems play a critical role in delivering clean water to the public. Forests are essential to water quality and overall watershed health.

Most importantly, forests protect and enhance our water supplies by reducing the rate of runoff when rain falls thus helping to minimize flooding. They reduce soil erosion and improve water infiltration rates and of course, Mr. Speaker, recharge our aquifers.

Forests also filter pollutants, such as fertilizers and pesticides from agricultural and urban runoff, thus reducing the sediment levels in the reservoirs.

To understand the importance of trees to water, Mr. Speaker, consider that 100 mature tree crowns can capture 380,000 litres of rain fall in a year. This is why we often say, "A forest is irreplaceable".

Dr. CHANG: A forest is irreplaceable.

Mr. PICKERSGILL: I'm glad you know it more than me. I'm happy.

Mr. Speaker, careless and wanton human activity and improper practices in our watersheds can have significant negative effects and impacts on the quality and availability of water supply. It is therefore critically important that we protect our watersheds.

At present, Jamaica's watersheds are threatened by a number of factors that can be addressed through sustainable practices. For example, Mr. Speaker, the wanton and careless use of fire to clear lands and the unregulated cutting of forest for agriculture and housing development can lead to widespread soil erosion and the siltation of our rivers, while at the same time resulting in less water entering and recharging the aquifers.

Just recently, Mr. Speaker, the Forestry Department launched the Sawmill Licensing Programme and Registry, which I believe is a well needed intervention in our efforts to preserve and conserve one of our most precious natural resources, namely our forests.

The Legal and Enforcement Division of the Forestry Department will oversee the process of licensing the stakeholders in this burgeoning industry and it is anticipated that through the introduction of these measures,

the Agency will be better able to monitor the logging operations currently taking place in Jamaica's forest areas.

Under the licensing system, Mr. Speaker, persons who intend to operate a sawmill must obtain a licence from the Forestry Department. This licence is required whether the source of the lumber is from private or public lands. The application fee is $15,000 and the Licence, once granted, is valid for one calendar year after which it must be renewed.

I encourage persons to become more aware of how their actions can impact the health of our watersheds and work with the Forestry Department in the protection of our nation's forest resources.

The Government through the National Environment and Planning Agency is currently working with other agencies and civil society stakeholders to ensure that Jamaica's water resources are protected and conserved through the implementation of a Watershed Area Management Mechanism (WAMM) which is now being rolled out in 10 of our critical watershed areas across Jamaica.

Additionally, Mr. Speaker, in April of 2013, I signed into law the Natural Resources Conservation (Wastewater and Sludge) Regulations, 2013. These regulations are intended to control discharges to the environment from sewage treatment and industrial wastewater treatment facilities so that they meet the required standards as determined by the natural Resources Conservation Authority.

Mr. Speaker, it is expected that with the implementation of these new regulations the country will over time see significant improvements in the quality of both our marine and fresh water resources.

Mr. Speaker, in the meantime, in an effort to improve our watersheds, as well as increase our forest cover, which currently stands at approximately 30%, the Forestry Department, which is an agency of my Ministry, holds its National Tree Planting Day on the first Friday in October annually. National Tree Planting Day was first observed as part of the Forestry Department's celebration of its 65th Anniversary in '03. The first Friday of the month of October was earmarked and officially declared by the then Governor-General, Sir Howard Cooke.

Since the inaugural staging of the National Tree Planting Day in '03, Mr. Speaker, over 100,000 seedlings have been distributed island-wide. Each year, an official site is chosen to launch the activity. For this year's National Tree Planting Day, Church Teacher's College was the official site and I am pleased to state that I was a part of the day's activities during which several trees were planted at this site.

In addition, tree planting day activities were also undertaken by the Forestry Department's staff in 18 locations regionally, including schools, church groups, Local Forest Management Committees and Forest Reserves. Approximately twenty thousand (20,000) seedlings were earmarked for distribution in 2014. These included:

- Hardwood trees including the Blue Mahoe and Mahogany

- Ornamental trees including Acacia, Almond, Cassia, Lignum Vitae, Poinciana, Poui
- Pride of Barbados
- Poor Man's Orchid and Willow among others.

A number of fruit trees such as:

- Ackee
- Apple
- Carambola
- Custard
- Guava
- Soursop and
- Star apple
- Sweetsop
- Sweet Tamarind and.
- Jackfruit were sold for a nominal sum.

Distribution activities commenced on September 22nd and ended on October 10**.**

Mr. Speaker, given the significance of trees to the economic and social life of the country, as well as their critical role in maintaining our water supplies and mitigating the effects of climate change, I have brought seedlings for distribution to each of my colleagues in this Honourable House - well I hope they come - with the hope that they too will lead by example in their constituencies.

Mr. SHAW: Yuh hope they come?

Mr. PICKERSGILL: (Laughs) Yes.

Mr. SHAW: Yuh hope they come?

Mr. PICKERSGILL: I urge you all to plant the seedlings...

Mr. SHAW: Wha kind a poppy-show talk dat?

Mr. PICKERSGILL: Listen man, listen, just listen.

...I urge you all to plant the seedlings you receive, and to spread the word to your constituents and to the wider public about the importance of trees in our quest for sustainable development and our vision 2030 goal of making "Jamaica, the Place of choice to live, work, raise families and do business". And remember, a forest is irreplaceable.

I thank you, Mr. Speaker.

(Applause)

(Inaudible comment by Mr. Shaw)

The SPEAKER: Dr. Chang.

Dr. CHANG: Thank you, Mr. Speaker, just a couple of simple questions to my colleague.

First, Minister, it is noticeable and we are happy that the areas of excess rainfall in the last two months happening in the parish of St. Ann and Trelawny, that's an area occupied - large areas of the cockpit country occupied. And it is to be noted that the primary area of storage for Jamaica's water is not Mona and Hermitage, they're minor players in the pack, it is the underground aquifers throughout the island because we're a limestone country, and the cockpit country plays a critical role in this.

I'm therefore asking, the rivers and the plains south of the cockpit country have large aquifers; large aquifers where you can take water from. The question is what steps are being taken in the negotiation by you, with your colleagues, to ensure that the capital expenditure in the Water Commission is brought to a level that will ensure we can have relief in the dry season from these areas?

We had - the programme of ten billion which you spent in the first two years of Government was in fact negotiated with the multilateral agencies, and it was designed that over a five year period certain areas of Jamaica would have a reliable water supply. That capital budget had been cut to four; I'm not going to question the Government's right to do so, but it seems to me, given what is happening to cut the budget is your... but I don't agree with it, but it seems that you should begin the process of planning how to restore that capital expenditure to bring relief to these areas.

The planes in West Clarendon, in fact, was at one stage had one of the largest wells in Jamaica; it produced 20 million gallons per day. I know the pump was stolen. It would be best at this time to restore and develop sources in those areas I think, and I think at least you could assure us of the discussion to layout some kind of alternative expenditure programme.

(Inaudible comment by Mr. Pickersgill)

Dr. CHANG: Yes, above Spring Plains, it's one of the best, most reliable sources of water in the country.

(DR. DAYTON RICARDO CAMPBELL, (PNP), St. Ann, North Western, entered and took his seat.)

(MR. WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, entered and took his seat.)

(MR. RAYMOND FRANKLYN PRYCE, (PNP), St. Elizabeth, North Eastern, entered and took his seat.)

(MR. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, entered and took his seat.)

Secondly, on that note, a loan was signed by the Government of Jamaica in November 2011 for a Hundred and Thirty-three Million Dollars ($133M) which was supplementing an additional Fifty-three Million Dollars ($53M) by the IDB which was started before that. It was designed to bring - to continue the programme of reducing non-revenue water, which, with all the conservation measures announced, if we can reduce non-revenue water by 25 per cent, we have far more water than we can use and will go through the drought period.

I would like to know the status of that expenditure and the status of the loan itself, which also had components to look at Old Harbour, May Pen and Mandeville, both for implementation and some planning. What's the status of that loan at the present time, and what is the level of expenditure in that particular loan?

The third area of questioning, Minister, you referred to conservation, well, that's non-revenue - you referred to the watersheds - and, again, we had an agreement - I think you signed it - we had negotiated an agreement with the Global Environmental Fund, to spend significant funds in the Hope and Yallahs Valleys, which are the two principal areas of fresh water supply to the Corporate Area Southern Plain rivers. Both valleys have had severe damage to the watersheds and need rehabilitation. That money was designed to

start the process, and to make long-term plans for rehabilitation.

(*Sotto voce* comments)

Dr. CHANG: It was, but I am not aware, that is, I haven't seen it in the Budget.

In addition to that, the Water Commission had a convention of spending not a large sum but a significant sum, I think we are looking at Two Million ($2M) a year, in spite of their impairment.

(Inaudible comments)

Dr. CHANG: I am asking a question, what the money is, the money is there.

The Water Commission had the practice of spending about Two Million ($2M) a year in the Hope River Valley for reforestation. Is that practice still in place? If not, why not?

Those, Minister are my three questions - spending some money on forestry with the Forestry Department, in the Dallas Mountains. That's where the - it was being spent. I have visited the site and I am asking if that practice is continuing and if it is not, why not because the importance of a watershed is critical. The Hope River Valley, in particular, is particularly damaged, and needs...

(*Sotto voce* comments)

Dr. CHANG: The Hope River Valley watersheds need significant rehabilitation. And if you are not doing so, I know forestry is part of your remit; do you have any alternative plans to ensure that the Forestry Department can begin even significant restoration in that watershed?

(Cross talk)

The SPEAKER: Mr. McKenzie.

Mr. McKENZIE: Thank you, Mr. Speaker.

Minister, you just explained about the state of the water supply and the fact that we are still in some areas - especially the Corporate Area - way behind in terms of rainfall.

(*Sotto voce* comments)

Mr. McKENZIE: Well, there are some areas. But, the Corporate Area, Minister, are you aware of the serious problems that exist in the Corporate Area as it relates to broken water mains? Just about every section of the Corporate Area you go, Minister, millions of gallons of water is running to waste on a daily basis, Minister. I haven't heard you mention anything in your presentation as to what is the intention of the National Water Commission, as it relates to that, because it is a serious problem. Even in my own constituency, Minister, almost every road.

And Minister, while we are on that, I want to raise again the question of the state of the infrastructure in the Corporate Area. When is the National Water Commission going to pay attention in upgrading the infrastructure in the Corporate Area? Because that in itself will go a far way in saving millions of dollars to the NWC, and to help to bring some ease to the drought conditions in the Corporate Area. Those are just my few comments.

The SPEAKER: Mr. Vaz.

Mr. VAZ: Thank you very much, Mr. Speaker.

My colleague spoke about the Corporate Area, Mr. Minister, I am sure I will have the

support of the many rural MPs that are here. And the issue that faces us, Mr. Minister, is that we are all aware of the drought. In most of these constituencies - of rural constituencies you have a situation where you are damned if you do, damned if you don't.

Why is that, Minister? It is because when there is no rain there is no water and when there is rain there is no water. Why is there no water, Minister? Because they have to turn off the supplies because of turbidity. And, it is a major, major, major problem. Because when you pray and your prayers are answered and you get the rain, the next thing you know is that they turn it off because the pumps are unable to pump the water because the filters are no longer good, etc., etc., and, of course, they have to turn it off to save the pump from being destroyed by the stones and the turbidity.

Mr. Minister, the issue that we face is that as long as this drought continues there is going to be a need and a requirement for sufficient trucking of water to these areas. Plenty rain but unfortunately, where the rain goes is not necessarily the catchment areas.

But, that's for another discussion.

So Minister, I get the text every day, and in fairness - and I must be reasonable, that the times when I do ask for intervention we do get a stipend through Minister Hayles and we get a small amount of money to carry us, but the money is not enough. It requires, Minister, a long-term plan and the funding to be put in place, because I can tell you, the people are suffering, suffering, suffering. And, it is very hard to know that these people, whether it rains or it does not rain, are not getting access to potable water.

So, as I say to you, while I understand what you are saying about the drought, I am going to once again appeal to you and the Minister of State, to try and come up with a sustainable plan, so that water can be delivered and trucked to these areas. Some of these areas, Minister, have tanks; it requires to refill the tanks so that the tanks can gravity feed down. They are not being done as regularly as they should.

This weekend, Minister, I called the Water Commission in Portland, and they told me for a very vast area, Heart Hill and Windsor Castle, to be specific, Tuesdays and Thursdays was the regime for delivery of water. Two days a week, it's difficult to survive, because most of them have the 600-gallon tanks, *et cetera*, so that water being filled - a lot of them live off the main, so even when the truck comes on the main the people that are living in the hills and in the valleys are not able to access that water from the truck. So, it is good to say that we are trucking water, but it is not factual that everybody is getting reprieve from the water. So I know it's difficult and what it requires is some strategic planning, which I am sure that you will put in place for the rural parishes. And I heard the Member speak about the Corporate Area, I happen to live in the Corporate Area so I am fully aware that it affects the Corporate Area as well.

Thank you.

The SPEAKER: Mr. Bartlett.

Mr. BARTLETT: Mr. Speaker, thank you, sir.

Mr. Speaker, I just want to ask the Minister one question with two parts.

The first, of course, is a comment before that, that 96 per cent average rainfall is recorded in St. James, 96 of its average for the last ten years, is it?

(*Sotto voce* comment)

Mr. BARTLETT: Yes, based on what you said. Which means we are below what the average rainfall is in a parish which has a huge demand for water because of the type of industries that we have there to support the economy.

The fact, however, is that St. James has one of the largest aquifers in the region, in terms of the Queen of Spain Valley, which really is fed from the Cockpit Country. And all that water comes down there, passing through my friend from North Trelawny, and settles in the Queen of Spain Valley - the Caanan source is among the largest.

The need therefore, Minister, is for you to indicate to us what steps are going to be taken to ensure that those areas which are large areas for water source resources, will be tapped into. And specifically, that the Caanan source, which we have been talking about, for which resources we gather were earmarked and then de-earmarked, and now we are not sure where that is. What I want from you is an assurance today that the Caanan source is in fact going to come on stream, in terms of the expansion for the additional well that is to be sunken, and also for the reservoir which is, to be built in the Sommerton area, to provide the storage for distribution throughout the central areas of St. James.

And secondly, that the Martha Brae Development Programme, which should have come on stream in June of this year, that that is on track for a time within perhaps this side of the Budget cycle, or perhaps what time next year.

What we seek to have, Minister, is an assurance that you are on top of the game, in terms of those plans that you now have, to ensure the water security for the areas of the North Coast that are central to the tourism industry, which is the largest supplier of foreign exchange to the country.

And secondly, that those poor little people in the interior of St. James, which include East Central St. James and Southern St. James, in particular, will be in fact dealt with by the Caanan Water source.

The SPEAKER: Mr. Henry.

Mr. HENRY: Thank you very much, Mr. Speaker.

Mr. Minister, I think everyone should begin to appreciate the question I am going to ask you. I am prefacing it against the continuous effort by successive Governments, and no ability to successfully address the water problem of the country. And I don't want to see this continue where you get a basket to carry water. And I have been here throughout the long period of time and I have noticed that very few issues really get resolved, and I have to wonder what is the reason? On both sides of the House I think we want to get this matter resolved.

Could it be, therefore, that again in my mad moments, that the demographics you are getting and the population count is incorrect?

And therefore, what you are trying to do is cater for what is not able to be catered for if your planning is based on wrong statistics. And I will summarize that very clearly and very quickly, because I think the traditions and history I have spoken to is that the population is undercounted.

If there is 1.75 million people on the voters list then I assume 20 per cent aren't on the list. I'm already close to 2 million people.

The Minister of Education is not in the House, and the Ministry of Education, I think, is the official figures for the people who are age six to 18, which is the school registration, as some 800,000. That's already a 2.9 million. That leaves out the zero to six year old.

Then I look at that issue against the other statistics coming to me which says that the average household in Jamaica is 2.6 people. If it's 2.6 people and we have 2.7 million population, all we have in Jamaica is a million shelters. That seems also to me incorrect, and if you are therefore planning with the wrong demographics, the wrong population count, you deteriorate continuously and your job is an unenviable one. Therefore, I can only ask at this stage, that in all the planning that you are doing you add some 40 per cent to the needs if you are going to attempt to satisfy what I think is there. Because those figures I have added up has already gone out about 800,000 above the 2.7, and, therefore, I've been here for 30-odd years, I hope to be here a little longer, and 34 more years I would aim, but I will never ever see. I'll never ever see. I no longer meddle or joke about the reality of what the country faces, because if I'm correct that the population is undercounted by even 20,000 people, that is a serious problem in hunger out there, and I continue to say that.

I think on all sides of the House we want to see this country move in the right direction. It has not done so in 50 years. Water is the major problem of all the persons in Jamaica. I grieve at it when my colleague speaks about how they patch – 64 per cent of the water pumps is being lost by bad pipes in May Pen. The demographic shows that the capturing of land increases that need and you are trying to satisfy it.

I beg you, Mr. Minister, since no one will listen about the population count and the reality of, I can ask you as the Minister of Finance to include in your planning a plus-forty per cent that we can address the real needs of everyone in Jamaica.

I thank you for the intervention and it's not a question but it's a request that we should look at in all seriousness because I cannot believe that on either side of the House I continue to hear the same approach, the same problems and it intensifies rather than decreases.

Thank you very much, Mr. Speaker. Thank you very much, Minister.

The SPEAKER: Mr. Charles.

Mr. CHARLES: Mr. Speaker, the Minister. I wish you had enough money to give your Minister of State that he could respond as fast as he is doing, of trucking of water, and I must say a special congratulation to that. But Minister, we'll never be able to truck water to the people of Jamaica. It has to be an emergency programme, because you

would have to truck water at least three times per week to each community. Not only because they don't have anywhere to store it. So I think trucking of water just has to be an emergency, as you are doing now. So I'm glad to know that you are establishing a water project situation.

I would like to bring to your attention three points that I'd like us get involved.

Minister, for years, not only under this Government, under previous government, nearly 60 per cent of the water that is mobilized, treated and distributed goes to waste. Billions of dollars. I mean, trust me, we should be put before a tribunal and tried. All of us know that. Billions of dollars. I would like to know, Minister, that in your programme once and for all we are going to start the replacement of pipes islandwide. We cannot continue to deliberately - in other words, it's a man-wasting situation for the workers. We carry millions of gallons of water from St. Thomas into Kingston, treated, and by the time we distribute it from Kingston and reach Harbour View and West Kingston, 60 per cent leak out.

Mr. CHUCK: No, no, 70.

Mr. CHARLES: Leak out. How do we answer that before our water god? How do we answer that?

Mr. CHUCK: Leaking social water.

Mr. CHARLES: And as I said, sir, it is not only under this Government, but somebody has to stop it. Minister of Finance, the money comes from you and, and, and, all of us have to call a halt to this.

Dr. PHILLIPS: Getting that money would be a miracle. (Laughter)

Mr. CHARLES: So, Minister, as I said, it's not this Minister's problem, it has been many of us who have had the responsibility to carry the water Ministry but somebody has to take it.

The Minister of Finance bowed and smiled when I made an appeal earlier this year for the thousands of mined-out areas in Jamaica, bauxite mined-out areas, where thousands of trees were destroyed. Fruit trees, lumber, all of that, and hear you to be talking about planting of trees. Minister I want to make an appeal. I know you going to laugh when I say Mocho, but I live with pain when I see what happen to what I should call the Garden of Eden in Mocho that has now turned, you know, forest of tansy. You know what tansy is? A little dwarf thing. No trees. So I beg you, Minister, take some of the thousands of acres between Clarendon, Manchester and St. Ann, and start. Believe me, I will contribute part of my own CDF if you will find the trees and let us plant them in rain whether, because there is no way I want to fly over Jamaica and see stones everywhere, knowing that economics 101 tell us, if you if you don't have no trees you not going get no rain.

(HON. SHARON FFOLKES-ABRAHAMS, (PNP), St. James, West Central, Minister of State in the Ministry of Industry, Investment and Commerce, entered and took her seat.)

Mr. PICKERSGILL: Economics 101?

Mr. CHUCK: No, no, geography 101**.**

Mr. CHARLES: Well, you can call it -

Mr. CHUCK: Geography 101.

Mr. CHARLES: Well at least some of you a listen, let's talk about geography then. (Laughter)

If you don't have trees you are not going to get the kind of rain we used to get. So, I am appealing to you, Minister, to let us, let us get out there. Members of Parliament, churches, schools, communities, when the rains are coming - you can get the projection, what type of rain we are going to get and put in trees.

The last point I want to make on that because it bothers me every time, I think. One breadfruit tree, I saw a D9 from a bauxite company pushing it down, loaded, and woman was crying and I said "What happen?" She said, that breadfruit tree send all her children to school. Hundreds of breadfruits and thousands of dollars send her children to school.

(Laughter)

Mr. CRAWFORD: Har one tree.

Mr. McKENZIE: One tree, hundreds of breadfruit.

Mr. CHARLES: One breadfruit tree.

Mr. McKENZIE: Hundreds.

(Laughter)

Mr. PICKERSGILL: One dege-dege tree.

Mr. CHARLES: But you know the problem now, Minister, when they push it down they give her $300 fi di tree, and no more breadfruit neither for consumption at home or to sell in Manchester, St. Catherine and Kingston, and send her children to school. It sounds like a laugh but there are several of us who come from families who depended on that to go to market: mangos, breadfruit, this, and get a chance….

So, the bauxite land, Minister. The trees, Minister, and Minister, the Minister of Finance and the Prime Minister did indicate by looking at me, that the time really has come when all of us have to make a sacrifice to stop the waste of water by replacing the broken pipes. You, Mr. Minister carry the big thing, water is life. So if we don't have no water, what we don't have? We are about not to have life. I beg you, Minister.

Thank you, Mr. Speaker.

Mrs. ROBINSON: Mr. Speaker, while I understand that the Minister is making efforts at improving the water supply throughout the island, and I see where he has a pump rehabilitation programme that he says is on track, I would implore him to look at the pumps in St. Ann North East. It is a shame that we have - our supply of water is almost inexhaustible and yet still communities like Steer Town, Chalky Hill, Davis Town, Warwick Mount, sometimes even Ocho Rios, Priory, Farmers Heights, those areas are without water most of the times. We have to be trucking water and I want to put on record my thanks to Minister of State for his assistance in helping us in St. Ann North East to truck the water to people. (Applause by Mr. Warmington) To truck water to people. We are indeed grateful for his help, but I believe that where we have the supply, Minister, we ought to create the will because the water is

there, there is no shortage of water in St. Ann North East, what we need to do is to harness the water, put in the necessary mechanics and electricity, energy, whatever it is that we need, to energize these pumps and get water going into the homes of the people.

The watershed, the forestry. I want to say that I hope that Government will lead by example, because certainly in the constituency of St. Ann North East, the biggest violators of the watershed in that constituency happens to be the Government. We know what happened in Ocho Rios and that was because of the denuding of the hillside to set up an Operation Pride scheme there that did not work. That could not work.

(Heckling)

Currently as we speak, Mr. Speaker, CHEC, I suppose because of the alignment of the highway, they have just bulldozed acres of trees in the Steer Town, Chalky Hill area. Lydford too, the Member from South East St. Ann will bear out on that. So, while we understand that with improvement you must have some sort of dislocation. We urge that the dislocation of the forest, certainly, in those areas where we have watershed, be contained to a minimum.

Thank you, Mr. Speaker.

(Applause)

Dr. WHEATLEY: Thank you, Minister. A very straightforward question. Minister, is the Government contemplating the use of desalination as an option for drought mitigation? I don't know if you have looked at the cost involved relative to the benefits, because we cannot continue to truck water and keep doing the same thing over and over, and over. We keep talking about planting of trees. While that is good we need to look at modern technology also, and look at the costs, the costs relative to the benefits. Because, Minister, the trucking of water doesn't answer the problem because right now I am in a dilemma where my constituency was given funds by this Government to transport water, over six months now, six months, six months now the contractors are waiting on payment, and I am sure, Minister, that you have the letter that indicates how much money was allocated to South Central St. Catherine and I'm sure the bills were passed to the relevant agency as it relates to payment. In fact, Minister, I am sure that these contractors who truck water for my constituency are no longer willing to do so, and I don't know if it is the case for other constituencies but I know for South Central it is a real problem. You can ask your junior Minister beside you. I see him nodding his head.

Mr. HAYLES: It's not in the affirmative.

Dr. WHEATLEY: It's not in the affirmative that the bill has not been paid. But, Minister, I can ask the St. Catherine Parish Council to furnish you with those bills that are dated some six months ago.

(HON. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western, Minister of Local Government and Community Development, entered and took his seat.)

(MRS. MARISA COLLEEN DALRYMPLE-PHILIBERT, (JLP), Trelawny, Southern, entered and took her seat.)

(MR. KEITH ANTHONY WALFORD, (PNP), St. Ann, South Western, entered and took his seat.)

Mr. PICKERSGILL: Mr. Speaker, I'm happy that my colleagues have seized the opportunity to complain, to say thanks and to make suggestions, and I appreciate it. Let me start with the Member from Clarendon and I know that you're - I am aware that in terms of demographics and the population spread you are the expert, and I mean that well.

(MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern, entered and took his seat.)

But we have a customer base that we service and we know it has to be expanded so we're going to take what you have said on board and endeavour our utmost to deal with that.

The Member from St. James the answer to the wells of Canaan where that's a matter in progress; with the Martha Brae expansion that was completed at about US$10 Million and suppose to this week or next week, I'm going to - it's finished.

(Inaudible comments)

Mr. PICKERSGILL: Not commissioned. I'm going down to commission that. So that's a settled matter, all right.

(Applause)

(DR. THE HON. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern, Minister of Transport, Works and Housing entered and took his seat.)

And that's the Martha Brae.

Now, let me go back to my - yes, opposite number. You started off by talking about the amount allotted to us. This fiscal year - the year before we spent $10 Billion. It was reduced - let me not say cut. It was reduced to $6 Billion and so…

Mr. SHAW: What's the difference? What's the difference between reduced and cut?

Mr. PICKERSGILL: If you don't know that by now, I can't tell you.

Mr. SHAW: So why you *neva* just say cut then?

Mr. PICKERSGILL: I am in touch with my colleague, Minister. We're endeavouring our utmost to see what can be done in that regard.

(Cross talk)

Yes. But in terms of the NRW of which you speak happily, I can say to you that we are about to sign a contract for US$42 Million with a company, Miya, out of Israel to deal with non-revenue water…

Dr. CHANG: Corporate area or islandwide?

Mr. PICKERSGILL: Pardon me?

Dr. CHANG: Corporate area or islandwide?

Mr. PICKERSGILL: Corporate area to begin with. And it's an excellent contract,

because we don't pay anything. (Applause) They come and what they do, they get pay for.

Dr. CHANG: Based on performance.

Mr. PICKERSGILL: Based on performance, yes.

Mr. SAMUDA: What they find?

Mr. PICKERSGILL: Ehh?

Mr. SAMUDA: What they find?

Mr. PICKERSGILL: Yes. In fact, they are now in the Bahamas and they are arguably the best in the world and we're looking forward to that. But that is only aspect of NRW. We also need to collect monies that are outstanding to the Commission and I'd like to engage your help and support in that. I don't know - I am looking to see what other questions. You spoke about the watershed. No water is coming in from the Hope River. Mona is almost - out of Yallahs and you're right the watershed there has been tampered with and almost destroyed and it is something as I said in my remarks that in terms of the transgressors: the sawmill people and - we're dealing with that. You were asking, if the practice is still in place? The fact is no water is coming from the Hope River.

Dr. CHANG: And the watershed; *yuh* doing anything about the watershed?

Mr. PICKERSGILL: Yes, yes. Through NEPA and through Forestry and the programme you spoke about, yes, Yallahs and Hope River.

Dr. CHANG: Work is being done on Hope River?

Mr. PICKERSGILL: Yes, work is being done. Broken water mains and sewage - well, the member from West Kingston, yes, NRW in the Corporate Area and what I just spoke about the US$42 Million we'll deal with that and it will start shortly. Included in that, of course, is the whole matter of sewage. I've said, I think in this Honourable House, that only 30 per cent of the Corporate Area is sewered and that's really awful. We are dealing with that matter as well. The contract is for Ashtrom and it started and stopped, but we have dealt with the problem and so very shortly my friend from - Minister Hylton, yes as well as the Prime Minister's constituency and West Kingston will be dealt with.

(Inaudible comment by Dr. Chang)

Mr. PICKERSGILL: Now the Member from Portland, you spoke about turbidity. He's not listening to me. MP Vaz...

Mr. VAZ: Yes, sir.

Mr. PICKERSGILL: ...turbidity. That's a problem, but there is - the technology that can deal with it almost immediately and we're pursuing that, because it really does take some time and it doesn't make sense to release polluted water to the citizens.

An Opposition MEMBER: Trucking of water.

Mr. PICKERSGILL: The trucking of water. We have spent over $300 Million this year so far on the trucking of water. We know it's not a solution, but it has to happen. The Minister from Clarendon spoke about the one breadfruit tree and it's an example - the former Minister.

(Cross talk)

The fact is I went to meeting like the one you probably spoke about where a gentleman got up and he said, Minister, I have a family of

seven daughters. I've never used central water. I've depended only on the tank at my home. So I'm preaching; I'm begging, because many homes in rural Jamaica, they have a tank. But you know, we have become so sophisticated everybody has forgotten about - we are prepared to help in that regard and, indeed, on the national level it's 450-odd tanks that fallen into a state of desuetude in the NWC and in the parish councils.

(HON. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western, Minister of Industry, Investment and Commerce, entered and took his seat.)

(Inaudible comment by Dr. Davies)

Mr. PICKERSGILL: No, is a big word, big word: desuetude. Must I repeat – desuetude, all right. I mean it's a good word. Most appropriate word.

Mr. CHUCK: It's an old English term.

(HON. COLIN ALFRED A FAGAN, (PNP), St. Catherine, South Eastern, Minister of State in the Ministry of Local Government and Community Development, entered and took his seat.)

Mr. PICKERSGILL: Yes, we have reached the stage now where....

(Cross talk)

...we're covering the tanks. Covering the tanks and the Tank and Pump Programme we're going to be solarizing the whole process and it's happening. We've already repaired about ninety of the parish council tanks. But I'm saying tanks at the various homes, they just need a little repair, ehh, but we get too sophisticated and the first thing is demonstration - want justice. So I am imploring all of you, because I can't make a promise just so, but if you were to do a survey in your constituency and find out how many tanks - the concrete tanks and some of them have the guttering. I know if I ask inside here none of you live in any house that has any guttering. My house has gutters.

Dr. PHILLIPS: And you harvest the water?

Mr. PICKERSGILL: I harvest the water. So you must - we too sophisticated. No guttering.

Mr. Speaker, there were some other - did I answer your question?

(Inaudible comment by Dr. Wheatley)

Mr. PICKERSGILL: Yes, that's not a panacea. I agree, but let me say this again - if you come without the stamp we can't pay and I have endeavoured - but your Mayor has not spoken to us. He has made no complaints.

Well, that's the thing.

(Inaudible comment follows)

Mr. PICKERSGILL: Well, we don't send it to MPs. We send it to the Council and there are parish plans and I know that the NWC has gone to several councils to deal with the parish plans. But remember you know, as I have often said, when the good Lord sends the water from heaven and you catch it, it is perhaps the cheapest utility. But once you start to store it, distribute it, purify it, it is as expensive as any other and I don't think the ratio has changed in a glass of water

nearly 80 per cent of it is foreign exchange. And as I say at meetings and it is so true when you ask the average housewife they pay the light bill, they pay the cell bill, they pay rent, they pay everything - the last one they done pay is water and they're the same one who tell they can't live without water for three or four days and we have change that psychology.

(DR. KENNETH O'NEILL BAUGH, (JLP), St. Catherine, East Central, entered and took his seat.)

Anyhow, who did I not answer. I think I answered everybody.

(Cross talk)

I answered your question. Yes.

(Applause)

(Cross talk)

Remember I might have some seedlings for you outside.

Mr. PAULWELL: Mr. Speaker, we will differ this item and return to it in a short while.

ANNOUNCEMENTS

The Clerk laid on the Table of the House, a copy of the following:

- **Ministry Paper No. 139**
  The Police (Civilian Oversight) Authority Annual Report with Audited Financial Statements for the financial year April 1, 2012 to March 31, 2013
- **Ministry Paper No. 140**
  "Establishment of the National Registry for Institutions offering Tertiary Education"
- Report of the Independent Commission of Investigations (INDECOM)
  Commission's Report on the fatal shooting of Robert Hill at Ivy Green Mews, Cross Roads, St. Andrew on the 8th day of December, 2009
- The Provisional Collection of Tax (Betting, Gaming and Lotteries) (Sports Betting Tax)(Confirmation) Order, 2014, Resolution under The Provisional Collection of Tax Act
- The Industrial and Provident Societies (Amendment) Regulations, 2014 under The Industrial and Provident Societies Act
- Devon House Development Limited
  Annual Report with the Audited Financial Statements for the Financial Year April 2009 to March 2010
- Tourism Enhancement Fund (TEF) Annual Report and Audited Financial Statements for the Financial Year 2014

Dr. PHILLIPS: Mr. Speaker, I beg to give notice that at the next meeting of the House, I will move: the Provisional Collection of Tax Act; Provisional Collection of Tax (Betting Gaming and Lotteries) (Sports Betting Tax Confirmation) Order, 2014, Resolution.

Whereas by virtue of subsection (1) of section 3 of the Provisional Collection of Tax Act, hereinafter referred to as *the Act*,

the Minister may make an Order provided for the variation of any tax for the time being in force, or for the renewal of a further period of any tax in force during the previous financial year, or which was imposed for any limited period;

And Whereas under the above provision, the Minister may make the Provisional Collection of Tax (Betting, Gaming and Lotteries) (Sports Betting Tax), Order, 2014, which was published on June 6, 2014 in the *Jamaica Gazette*, Supplement Proclamation Rules and Regulations;

And Whereas subsection (4) of section 3 of the Act provides that every Order made under subsection (1) of that section shall cease to have effect, unless it is confirmed with or without modification by resolution of the House of Representatives within the next 30 days on which the House sits after the date of publication of the Order in the *Gazette*;

And Whereas it is desirable that the Provisional Collection of Tax (Betting, Gaming and Lotteries) (Sports Betting Tax) Order, 2014, be confirmed:

Now Therefore, Be it Resolved by the House Representatives as follows:

1. This Resolution may be cited as the provisional collection of tax (Betting Gaming and Lotteries) (Sports Betting Tax Confirmation) Order, 2014, Resolution;
2. The provisional collection of Betting, Gaming and Lotteries (Sports Betting Tax) Order, which was laid on the Table of the House on the 28th day of October, 2014, is hereby confirmed.

Mr. Speaker, I further beg to give notice that at a later stage today, I will move for the suspension of the Standing Orders to enable me to take this Motion.

Mr. Speaker, I also beg to give notice that at the next sitting of the House, I will move the Industrial and Provident Societies Act; the Industrial and Provident Societies (Amendment) Regulations, 2014 Resolution:

Whereas by virtue of subsection (2) of section 64 of the Industrial and Provident Societies Act, hereinafter referred to as *the Act,* the Minister responsible for Finance may make regulations on prescribed forms respecting registry and procedure under the Act, and the forms will be used, and generally for carrying the Act into effect;

And Whereas by virtue of subsection (2)(a) of section 64 of the Act, Regulations made under the Act are subject to affirmative resolution;

And Whereas pursuant to subsection (2) of section 64 of the Act, the Minister made an Industrial and Provident Societies (Amendment) Regulation, 2014, on the 30th day of September, 2014;

And Whereas it is desirable for the Industrial and Provident Societies (Amendment) Regulations, 2014, to be affirmed;

Now Therefore be it Resolved by the House of Representatives as follows:

1) This Resolution may be cited as the Industrial and Provident Societies

(Amendment) Regulations, 2014, Resolution;

2) The Industrial and Provident Societies (Amendment) Regulations, 2014, which was laid on the Table of the House on the 28th day of October, 2014, be affirmed.

Mr. Speaker, I also beg to give notice that at the next meeting of the House, I will move to introduce and have read a first time, a Bill shortly entitled: The General Consumption Tax (Amendment) No. 2 Act, 2014.

QUESTION AND ANSWERS TO QUESTIONS

Mr. PAULWELL: Mr. Speaker, I have three questions to answer today, but I am going to re-commit Questions and Answers in order to facilitate the Minister of Finance who has an urgent appointment. So, I'll re-commit Questions and Answers in a little while.

PUBLIC BUSINESS (Recommittal)

Mr. PAULWELL: Mr. Speaker, the Minister of Finance will address Item - starting at Item 11 under Public Business.

Dr. PHILLIPS: Mr. Speaker, these matters which I am proposing to take, Mr. Speaker...

(*Sotto voce* comment by Mr. Shaw)

Dr. PHILLIPS: Yes, but we haven't taken them. We are just beginning to take them... involves the Items at 9, 10, 11, and there is one, notice of which I just gave, Mr. Speaker.

I propose that we take, first of all, the Bookmakers' Levy Scheme I and II, listed at Items 9 and 10, and I am proposing, Mr. Speaker, with the leave of the House, that we take 9 and 10 together - single Debate for both things.

The issue here, Mr. Speaker, in both of them, relates to the confirmation of Provisional Tax Orders which were made earlier this year. In relation to the Betting, Gaming and Lotteries (Bookmakers' Levy Scheme) Order, 2014 Resolution at 9, the issue surrounds the affirmation of Orders made under the Betting, Gaming and Lotteries (Bookmakers' Levy Scheme) Order, 2014, and the Betting, Gaming and Lotteries (Bookmakers' Levy Scheme) (Overseas Horse-Races of any Approved Species of Animals) Order, 2014.

The situation here Mr. Speaker, involves, as I said, confirmation of earlier orders which makes permanent in the first instance, the new contribution, or the allocation of the Bookmakers' Levy, that is charged under the Betting, Gaming and Lotteries Act, and which would see changes that were earlier issued of the rate whereby - of the amount - 16.5 per cent levy imposed under the Betting, Gaming and Lotteries Act, which levy is authorized under section 28 of that Act, and is for the good of horse racing, for the carrying out of anti-doping programmes, regulation and control of the horseracing industry, contribution of person's activities to improve the breeds of horses, and the carrying out of the functions of the Betting, Gaming and Lotteries Commission.

It is proposed, Mr. Speaker, given the current situation whereby there is under-funding - or there was under-funding of the Jamaica Racing Commission which required the Government, through the Consolidated Fund, to provide subsidies, including last year, including 2011/12 and 9/10, given also the particular difficulty that Caymanas Track Limited has been having in financing its operations, the proposal that currently exists, and which were included in the Provisional Orders, saw the contribution paid by the bookmaker, the following allocations were made: two and-a-half per cent to the Betting, Gaming and Lotteries Commission; nine and one-half per cent to the Jamaica Racing Commission; two and-a-half per cent to the Jamaica Racing Commission for contribution to horse-races, and one-half per cent to the Jamaica Racing Commission for the improvement of horse breeds.

(*Sotto voce* comment by Mr. Shaw)

Dr. PHILLIPS: It was; it's not, now. That is the new order - the proposed rates. It used to be nine per cent for the Consolidated Fund. That is not now. The Consolidated Fund's amount is reduced to one and-a-half per cent of the Levy, and the others - in fact, as I said, JRC nine and-a-half per cent; BGLC, two point five per cent; contribution to purses, two point five per cent; improvements of horse breeds, zero point five per cent, through the JRC in that situation.

(*Sotto voce* comment by Mr. Shaw)

Dr. PHILLIPS: That is what applied in the Provisional Order which we are seeking to confirm.

The fact is, in the previous situation you were simply routing it through the Consolidated Fund, and then providing a subsidy on the basis to both Caymanas Track and to the JRC, for it to carry out the functions.

The fact of the matter is, Mr. Speaker, that in relation to this situation here, what we have is a short-term solution. Ultimately, we know, it is - the Government has indicated its intention to privatize Caymanas Track Limited. The privatization process is underway; the analysis has been done, and it ultimately, the intention of the administration as soon as the Enterprise Team makes a recommendation, to proceed quickly in this matter.

Mr. Speaker, the other resolution involved in - both 9 and 10 confirm the tax - ten (10), confirms the taxes raised in relation to overseas races, betting, gaming and lotteries, and confirms the order made previously and establishes the same distribution in relation to the Overseas Horse-Races and the Bookmakers' Levy Scheme.

Mr. Speaker, in relation to both Resolutions 9 and 10, I move that the approval of the House be given to these Resolutions.

The SPEAKER: Minister Shaw.

Mr. SHAW: Thank you, Mr. Speaker.

Mr. Speaker, as the Minister has pointed out, these are merely confirmation of what already exists, and I just wanted to use the opportunity to ask - he has indicated that there is activity taking place in relation to the proposed divestment of the Caymans Track Limited, and I also would want to find out whether there is any movement in the proposal that has

been on the Table - and I think it was proposed by the Public Sector Transformation Unit - that one of the cost-cutting exercises that clearly is needed would be the proposed merger of the Jamaica Racing Commission with the Betting, Gaming and Lotteries Commission.

And I know some preliminary work had been done in that regard, and I am wondering if the Minister can give any indications whether that - or, is still being considered, and if so, what work is being done on that?

The truth, Mr. Speaker, is that I believe that there is general agreement that the horse-racing industry - the horse racing industry is really in need of an injection, it is an industry generally that is really, it is not in its finest form and, as a matter of fact, betting and gaming generally, I am noticing here for the revenue for the August - April to August period, is some 20.5 per cent, off a negative deviation from your target. And I think that part of that deviation has to do with the - with the state of the horse-racing industry. And I think that is one of the things that has to be eventually looked at is whether the industry is being over taxed. Because you have 16½ per cent gross profit tax to which you refer the distribution, in addition to that you have the Bookmakers rights fee to the Caymanas Track Limited of 4½ per cent, and by international standards, our horse racing industry is at the higher end of the taxation profile. As a matter of fact, in the United Kingdom, there is a 10 per cent sales tax and most of that - most of that 10 per cent actually doesn't go into the Consolidated Fund, actually most of it is ploughed back into the development and promulgation of the horse-racing industry there.

And I think that it's perhaps time to really take a more keen look at it to see how you can lower the taxes, but at the same time plug the loopholes. One of them is the well-known fact that illegal betting is a major issue in the country. And the truth is we have a Betting, Gaming and Lotteries Commission that in my view does not spend enough time working on elevating the levels of compliance. Because if you consider lowering the taxes, the mitigating factor to get your revenue is to plug the loopholes and to plug the illegal problem of betting, and that is a major issue. And I think that that would require some more resources for the BGLC, but also a greater commitment by the BGLC to plug those loopholes and eventually, through a mixture of lower taxes and elevated compliance, we could perhaps see a more vibrant horse-racing industry.

I leave that with you for your consideration.

Mr. D. SMITH: Thank you, Mr. Speaker.

Mr. Speaker, the Opposition Spokesman on Finance asked a question, in that is the horse-racing industry overtaxed, but I am prepared to say it is overtaxed.

Mr. Speaker, this is an industry that is dying, on its deathbed and those of us who participated in the industry for decades are of the view that if nothing drastic doesn't happen, this industry could die within the next 6 months. The situation, Mr. Speaker, is so bad that persons who take their hard earned money and invest in thoroughbreds, pay

heavily to maintain them, have them race months after months, pay the trainers, most recently there is an increase for the training fees, increase for the grooms and if you are lucky enough to win a race you have difficulty collecting within ten weeks, Mr. Speaker...

Mr. SHAW: Ten weeks, it is a miracle if you get it in ten weeks.

Mr. D. SMITH: It is a miracle.

Mr. Speaker, it is a very bad situation and I don't want people to think that I am, you know, not being frank with the situation. On the other side of the coin, some years ago, incentives were offered to import horses to keep the blood stock improving because we also export a fair amount of horses to the Eastern Caribbean. That does not obtain anymore, we have not imported any quantum of horses in this country for about three or four years and that is not good for the continuance of the industry, by especially those persons who operate farms, breeding farms in the country and even private breeders.

Mr. Speaker, the whole matter of divestment, we hear different stories. Minister you perhaps can give us the facts. We hear that - the last time we heard that there were at least two interested parties, one local, one overseas and we are on the verge of finalizing an arrangement with either the local or the overseas interest. Minister, do we still have interest both local and overseas?

Mr. DALLEY: Yes.

Mr. D. SMITH: And if so, what is holding up the decision; because, as I said if we do not arrive at a decision very soon, very soon - the Minister will have the unfortunate situation where the industry dies while under his tenure.

Mr. Speaker, a lot of people take racing - they don't take racing seriously. It is the most popular spectator sport in Jamaica, quote me, a lot of people might say soccer because you haven't check the facts. We have racing on an average twice a week, and an average turnout in attendance at the Park of about 6,000, and turnout at betting shops across the island, go and check it. It is a sport and people gamble obviously based on what you have brought to the House today, but it is a sports and it is an industry, very popular, tremendous employment, Mister, both directly and indirectly. So Minister, I not here to create any panic; I am just overly concern because I am one of the thousands of persons who have invested over decades both in racing and more recently in breeding. So we are very, very concerned; I am speaking on behalf of - we are very concerned as to the future of this great industry.

Thank you, Mr. Speaker.

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: Yes, Mr. Speaker, I rise primarily because it is an industry in which I am very, very familiar and I live on a thoroughbred farm, I have been in breeding for the last nearly 20 years, so I have a clear idea of some of the problems that face this industry.

First of all, all that has been said in the past about it, nothing will be achieved unless Government comes out of horse racing. Government must find its way out of horse racing.

Secondly, horse racing cannot grow in Jamaica unless we recognize that there are competing interests within the Caribbean. So whilst breeders locally will benefit, in part, from the sale of horses that are bought as will be done on the 9th of November next month, by Trinidad and Barbados. The fact is, when they are brought and the horses run there and win, the breeders get zero. There are no commissions given to the man, or woman, or farm that breeds thoroughbred that wins overseas. So that in itself is a disincentive to the breeders within the industry.

Thirdly, most of the good horses that ran in Jamaica are now in Trinidad, and the reason for that is because the purses are much larger, the Champion - Bonny Blue Flag is something of the past when I was 21 years old. We are talking about good horses; I mean horses that have been bred in Jamaica since then. Bonny Blue Flag never reproduce herself in one off-spring and she was a great filly - her owner lived in Mandeville, but she never reproduce herself and neither did Secretariat for that matter.

But the fact of the matter, Mr. Speaker, is that we have to understand that the horse racing industry requires that those who manage it are horse people, who understand the intricacies of horse racing, who understands the intricacies of breading thoroughbreds.

Mr. Speaker, let me share with this House something that most people don't realize. When you buy a yearling, if you are going long-term, that yearling will race at two if you are lucky go on three and may not go beyond four, five. She comes in and then she is bred. She goes for eleven months pregnant; her offspring is sold as a yearling after that then she goes through the cycle of being trained. It is a long term, very expensive and anybody in horse racing will tell you or in breeding will tell you that it is the most unpredictable, unforgiving industry in the world. You go to bed one night with a thoroughbred that is worth millions of dollars and you wake up and that thoroughbred is dead.

Now, when you invest that kind of money because it usually is done by people who love horses, not just people who are in it for gambling, but people like me who love the idea of a horse; we need that passion in the industry. We don't need people who are paper-pushers or executives in other areas to run this industry. And it is felt by Government that there isn't the expertise; what there is in that industry is love and commitment and knowledge on the ground as to how to manage this industry. And if you feel doubtful about it, then engage professionals to work along with the horse-owners. But the people who know horses must be in charge, and that has been the problem over the years, you must know about horses and the quality of the breeding stock has to be improved. Any suggestion of taxing the raw materials on which this vibrant industry is based is ludicrous; it must not even be entertained for a moment because you are cutting off your nose to spite your face.

This industry is a delicate industry, and at this stage it is poised for growth, if Government gets itself out of the business and puts it squarely in the hands of people in the

industry. And I talk about people coming up from the grooms right to the trainers. The owners of horses, the breeders of horses, the farmers, the people who work on the farms to make this an industry that it can be and should be a great revenue earning for the country once it gets up to a stage where it can be run efficiently.

And then there is the fact, Mr. Speaker, that here we have an industry where we at Caymanas Park a facility is provided to stage an event and those who have no money invested in the industry benefit from the proceeds of that event. So that, we are showing, we are putting on a show at Caymanas and a Bookmaker without an investment in race horse, no horse meet has attracted their cash but they benefit from the running of the race in the facility that we stage. Nutten cyaan go so. That doesn't make sense. It's not an economic sensible approach.

If you are going to benefit from the industry you must participate in the industry. You must begin to take your money and put it in the industry; put it in the development of the industry. So if I speak passionately about thoroughbred it's based on two fundamentals: one, I love them, I love horses and two, I own and manage and care for thoroughbred horses.

Thank you, Mr. Speaker.

Dr. PHILLIPS: Mr. Speaker, I think we are all agreed, first of all, on the fact that this is not an industry where Government ownership has any place in it and so we are committed. In fact one of the earliest decisions taken by this Administration was to put Caymanas Track Limited on the privatization list to confirm that position. Where we are now is that there is - the Enterprise Team had secured an analysis which was done of the Caymanas Track valuation as the best way to proceed. And I am awaiting recommendation from the Enterprise Team which in fact has persons of the passion of which you speak on. It is a matter of some urgency because quite frankly there can be no justification which I believe either you on that side or us here for taking money out of the Consolidated Fund to try to maintain these institutions. Though we have done it thus far because we recognize that it is an industry, the whole racing industry business going from the farms to the racing operations, the trainers, the vets, everything, is a vibrant industry and that it has a potential for growth. So we are committed to maintaining the industry but as an independently operated operation.

We are looking at the point of having a - the Government has taken the position and indeed in the Omnibus Incentives Legislation that productive inputs are to be relieved of duties. And we are persuaded - I am persuaded that we ought to look at the question of relieving the importation duties attaching to horses coming in for breeding purposes because it is facilitative of the industry, and as soon as the appropriate decision is taken we will come to the House to secure the support for that.

The merger of JRC and BGLC in fact is being effected as we speak, partial merger, they are going to fuse their management operations and their backroom operations. There is some legislative amendment that is

necessary to effect the complete merger of the two entities and I expect that to be concluded shortly. But they are going to move operations into a single location; they are going to share the critical administrative staff and that is underway now as we speak.

Generally, I think that the industry does have a future. Some of the things that you speak about and the Member, the other racing aficionado, the Leader of Opposition Business...

Dr. DAVIES: Derrick buy any horse from you? Can't afford them.

Dr. PHILLIPS: No, but some of the issues about the rights of the promoter and all of those are issues that are best left to private investors negotiating by themselves. Government is not the appropriate negotiator in these matters, and so what I take as the general guidance is the support for the resolution, Mr. Speaker, and the urgency which is being urged on the Government in bringing this to conclusion.

And with those comments, Mr. Speaker, I move that Resolutions 9 and 10 be approved.

The SPEAKER: I put the Betting, Gaming and Lotteries (Bookmakers' Levy Scheme) Order, 2014, Resolution for approval.

Put to the House and agreed to.

The SPEAKER: I put the Betting, Gaming and Lotteries (Bookmakers' Levy Scheme) (Overseas Horse-races and Races of any approved Species of Animal) Order, 2014, Resolution for approval.

Put to the House and agreed to.

Dr. PHILLIPS: Mr. Speaker, the Customs Tariff (Revision) (Amendment) (No. 4) which is at 11. Again, Mr. Speaker, this is simply confirmation of an Order which was issued earlier this (week). It makes permanent the reduction of duties which was put into effect this past June and which was brought to the House in May, the modification of the common external tariff to allow for a 10% reduction in duty on motor vehicles of a cylinder capacity exceeding 2000 cc; all pick-ups and hybrid vehicles along with a 10% reduction in the special consumption tax rates on motor vehicles of a cylinder capacity exceeding 3500 cc.

Mr. Speaker, I think this - again this is a matter which is in operation now and is needed for the conclusion of the - the House's confirmation of the provisional order is needed for us to conclude, Mr. Speaker. I so move.

The SPEAKER: I put the Customs Tariff (Revision) (Amendment) (No.4) Resolution, 2014, for approval.

Put to the House and agreed to.

Dr. PHILLIPS: Mr. Speaker, I move for suspension of the Standing Orders to enable me to take the resolution on Sports Betting Tax, notice of which I gave earlier.

The SPEAKER: The question is for the suspension of the Standing Orders to allow the Minister to take the resolution, notice of which was given earlier.

Put to the House and agreed to.

Dr. PHILLIPS: Mr. Speaker, again in this past June we brought in place appropriate regulations to facilitate earlier amendments, amendments in fact made in 2010 to permit sports betting. And these were done and so -

but it requires again confirmation of the House. I'll make just one observation regarding the amount of the tax take. One of the reasons, in fact perhaps the main one, for the lower than projected take thus far was that we were delayed in the implementation of the sports betting tax.

It is also – I'll make another observation that if there is an area of - one of the main areas of what you might call illicit gambling relates to sports betting, and this is an area in which certainly more compliance work can and needs to be done. Part of the problem though now is that with the spread of the internet there is a lot of gambling operations which take place, so to speak, in cyberspace and avoid meeting obligations to the Consolidated Fund and to the tax; but, Mr. Speaker, let's not make the improvements to become an enemy of what we have now. And I move confirmation of the resolution, notice of which was given earlier.

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, I move for the recommittal of item, 'Statements by Ministers'.

The SPEAKER: The question is for the recommittal of the item, 'Statements by Ministers'.

Put to the House and agreed to.

STATEMENTS BY MINISTERS
(Recommitted)

The SPEAKER: Mr. Hylton.

Mr. Anthony HYLTON: Mr. Speaker, after two years of verification and investigation into the production of lubricating oil from Trinidad and Tobago, I am pleased to announce that the process has come to an end. Indeed, the CARICOM Secretariat has submitted a final report entitled CARICOM 'On-The-Spot' Investigation: Lubricant Oils in Trinidad based on their investigations into this matter. The report, Mr. Speaker, has confirmed that nine products queried by Jamaica, and of those nine, four of those products met the relevant CARICOM Rules of Origin requirements with five lubricant products being found in breach.

The matter, Mr. Speaker, was first brought to the attention of the Trade Enforcement Advisory Mechanism, acronym TEAM, T-E-A-M, located in the Ministry of Industry, Investment and Commerce following a formal complaint by an importer in 2012. TEAM, Mr. Speaker, is a working group of senior trade officers across the Government of Jamaica that I established shortly after assuming office and which I Chair.

Mr. Speaker, I would like to note at this point that the formation of TEAM was not only a move towards joined-up governance but it is guided by the commitment of the Ministry of Industry, Investment and Commerce through a timely, appropriate and coordinated approach to trade enforcement issues. It seeks to ensure balance of benefits and burdens in the implementation of trade agreements with our regional and international trading partners.

Mr. Speaker, in September 2012 Jamaica Customs initiated a query verification procedure in accordance with CARICOM

Rules regarding the lubricating oil complaint. Up to 2014, the information was not provided from Trinidad and Tobago. Our Minister of Foreign Affairs and Foreign Trade then sought the intervention of the CARICOM Secretariat and the information was obtained in early 2014.

Mr. Speaker, although the information provided was taken in good faith, there remained some doubt regarding the rigour of the verification done by the Customs Authorities in Trinidad and Tobago. A decision was taken for Jamaica to do an on-the-spot investigation to review the production processes, books and accounts of the three exporters. The objective of the investigation, Mr. Speaker, was to determine whether the product satisfied the requirements for the Rules of Community Origin. The verification visit was completed in Trinidad and Tobago over the period July 21-23, 2014.

As mentioned before, the investigation confirmed that five products out of nine were in breach of the rules of origin. We wish to commend the private sector here in Jamaica and in Trinidad, for their cooperation throughout the investigative process.

As a follow-up, Mr. Speaker, to the finding of the Report, I wish to advise the following: Products that have failed to comply with the rules of origin will not receive a refund of custom duties deposited and the companies that imported these products may be subject to an audit to recover the duties that should've been applied to previous import shipments.

Also, Mr. Speaker, I'll point out that the products that have been deemed to comply with the rules of origin will be eligible for a refund of the deposits made during the period of the investigation of the verification query.

Mr. Speaker, what this process has taught us is that the existing CARICOM verification procedures require further amendment. This verification query by Jamaica is the first since revised verification procedures were agreed by the Council of Trade and Economic Development (COTED) in 2003.

This current investigation, Mr. Speaker, has pointed to the need for further amendments to ensure clarity regarding the treatment of import duties, where there is a non-response by an exporting member state. I'm pleased to advise that based on a request from Jamaica, the review of the verification procedure has already commenced with CARICOM, through the CARICOM Customs Committee, with the Jamaica Customs Agency playing the key role for Jamaica in the revision process.

The process, Mr. Speaker, was just too lengthy and must be streamlined for greater efficiency and certainty, to ensure minimal dislocation to the regional trading community.

Let it be clear, Mr. Speaker, Jamaica can no longer afford to absorb the burdens of our trade agreements and not enjoy the benefits of these agreements. Among the benefits, is the expansion of investments in our domestic market once investors are assured of a level playingfield. Of course, the same is true for our local producers who will enjoy that same benefit from a level playingfield.

It is noteworthy, Mr. Speaker, that since the beginning of the investigation, a major

foreign investor is investing in a lubricating plant in Jamaica.

Mr. Speaker, in the final analysis, we at the Ministry of Industry, Investment and Commerce, pledged to protect investments to our country, not just by ensuring the integrity of imported products under preferential schemes, but by continuing to enforce our trade rules to ensure level playing field for local producers as well.

Indeed, Mr. Speaker, the fundamental lesson to be drawn from this exercise is that a legal framework already exists within CARICOM, to ensure that our national interests are protected. However, these rules will remain as lifeless provisions unless we take a bold and assertive action, unless we take bold and assertive actions to bring them to life and to test their efficacy. It is only through engagement and appropriate use of trade policy tools that we will be able to determine whether these tools are functional in the real world of trade. If they're found to be deficient, we can then engage our partners in a meaningful process of revision.

Mr. Speaker, it is through frequent use that muscles developed. It is therefore my intention to continue to work with the private and public sectors to strengthen the muscles we're rapidly developing.

I thank you.

(Applause)

Mr. SAMUDA: Mr. Speaker, I don't know if anybody in this House would doubt for a moment, the commitment of the Opposition to the strengthening of the investigative mechanism to determine whether we're on a level playingfield with our CARICOM partners. We've enunciated these principles over the years; while we were in Government and in Opposition. So the Government and the Opposition in this regard, are at one, no question.

Now to the specific matter brought by the Minister. Minister, I have to commend you for bringing this matter, but quite frankly, the manner in which it is presented is inadequate. You've not provided us with one shred of evidence to gain our full support for the actions you're proposing. You've not indicated who among the five are in breach.

Trinidad did not hesitate to tell us when they had the patty issue; they told us who did not comply, who did not qualify and why they took the action they did. This is not a hide and seek business, this is international financing business worldwide operate in total transparency. And if we're going to come to Parliament with an ostensibly dramatic presentation to speak of protecting the interest of Jamaica, then we need to speak in plain English and language that everybody can understand.

Lubes - that is oil - "refined", packaged and sent to Jamaica for sale, benefit under CARICOM preferential treatment because of complying with the value added rule and so on, and the rules that deal with substantial transformation of the product to make it a local product.

Okay, we agree to that, but if there is a violation, Minister, and you're bringing this

part to us, give us some facts. What is the value of the damage to Jamaica in this specific instance, and what is the likely damage to Jamaica overall if this action is not taken, and if it is not specifically addressed? Not in general vague - what others like to call trade terms, but in language that is plain and simple, that people can understand. So if you're not playing the game correctly then I intend to take action and avoid a damage of X dollars to my country.

And we've found that five out of nine have breached. Who are the five? Who did the investigation? What is the basis of the evidence? Where are the faults? Where are the non-compliances? Those are the specific pieces of information that must be included in any presentation. Because what you're likely to have and what we must always seek to avoid, we must always seek to be on the right side of a trade issue. We cannot afford to have any view held by our trading partners that we're taking action that is unfair to them. Because if they did it to us, as they have, we will cry out loudly and object.

So put the facts on the table, make the facts available and indicate who are the culprits that have been found guilty and what explanation have they given for your findings. That is how a matter like this should be brought to the House.

Mr. Anthony HYLTON: Teach me.

Mr. SAMUDA: I have to teach you because you're so vague! When yuh done talk nobody nuh understand wha yuh just sey.

(Inaudible comment by Mr. Hylton)

Mr. SAMUDA: I have a clear idea of what you're trying to say, Minister, but you're not saying it, just talk plain English so that we can all be on the same page.

Mr. McKENZIE: Wha him a talk, comrade?

Mr. SAMUDA: Now, we have mechanisms within COTED and it's not the - it's Council of Trade and Economic Development, not the other way around - COTED - C.0.T.E.D. There are mechanisms to address these issues.

Now the Minister may feel that it's necessary to set up a special unit; nothing's wrong with that, that's your point of view, that's your management decision, but there are mechanisms as you will agree. And admit - there are mechanisms within COTED to address these kinds of injustice. We've had to deal with this repeatedly in the past. Several successive governments have had to take these issues to the COTED where they are ironed out and decisions made on the basis of the agreement - the treaty of Chaguaramas. And if it doesn't get solved there we carry it to the CCJ, which we did before.

Mr. Anthony HYLTON: Who?

Mr. SAMUDA: You mean you're not aware of the decision of the CCJ and the legal team comprising the present Prime Minister of Tobago, Kenny Anthony? Are you not aware of that and you call yourself Minister of Industry, Investment and Commerce?

Mr. DALLEY: Nuh bother wid dat, no.

Mr. Anthony HYLTON: But that's nonsense!

Mr. DALLEY: Nuh bother wid dat!

Mr. SAMUDA: All right, forget it; forget it, I won't be personal. The fact of the matter is he ought not to forget that.

Mr. Anthony HYLTON: What you think? What you think?

Mr. SAMUDA: He ought not to forget that. And it's one of the issues of the CCJ that led people to believe that indeed, the CCJ on trade matters work, because the judgement was a very meaningful judgement.

Mr. Anthony HYLTON: What was the matter? What was the matter since you raised it?

Mr. SHAW: You now can get up and speak; how yuh love trace soh?

(Laughter)

Mr. SAMUDA: Mr. Speaker...

A MEMBER: Him come in like you.

(Cross talk/Laughter)

Mr. SAMUDA: If yuh don't know anything - if you can't remember, there were issues raised in Jamaica that everybody know about with the matter relating to cement, and the conflicts relating to the cement company in Trinidad and its subsidiary in Jamaica. So he doesn't give - in fact I think I hired you.

(Cross talk)

(Inaudible comment by Mr. Anthony Hylton)

Mr. SHAW: Oh yea? How much yuh pay him?

Mr. SAMUDA: Anyway so, Mr. Speaker, I end as I began. The Minister's presentation although it contains information and an approach that we could not just discard, there's usefulness in it, but the manner of the presentation, the support that he expects to get from this Honourable House is not appropriate. And when he comes next time I wish he would get these statements vetted with practical people who can come to the House with something that we can all share in and support, especially if it relates to things of national interest, and this is one of those things. And the Opposition stands ready to support the Government in any measure that will protect the interest of domestic producers as we have over the years, on both sides of the House; on both sides of the House.

Mr. SAMUDA: So, Mr. Speaker, I simply close by saying, Minister, if you could, in your closing, give us an example of the type of damage that will be done if the action you contemplate goes through and the extent - does not go through - and the extent to which you expect to have attended on this process, the level of success that you speak of.

Mr. BARTLETT: Mr. Speaker, I think that this Honourable House does recognize the critical development in the international trade relations here between Jamaica and one of our key CARICOM partners, Trinidad and Tobago.

It is true, Mr. Speaker, that...

(Inaudible comments)

Mr. BARTLETT: ...it is true, Mr. Speaker, that there has been disquiet for an extended period in relation to trading practices within our community - the CARICOM community that is - and particularly in terms of Jamaica and Trinidad. It is true that the mechanisms are there to enable on-the-spot queries and investigation to ensure that the

rules are engaged and indeed are properly observed.

And the fact is that, where breaches take place in this way, not only does it influence and affect the competitiveness of our products within the area, not only does it affect our local producers but critically, Mr. Speaker, it affects the revenue flows into...

(*Sotto voce* comments)

Mr. BARTLETT: Mr. Speaker, would you allow an atmosphere to prevail in the House that is conducive to my presentation?

(Heckling)

(Inaudible comment by the Speaker)

Mr. BARTLETT: Thank you, Mr. Speaker, because I do pay attention to Members when they speak, irrespective of whom.

So Mr. Speaker, the importance, in my mind, of this particular measure and the strategic response that will flow from it has implications also, in terms of revenue flows. Because where goods coming to our country are governed by certain protocols of revenue, for example, the CET, it affects the level and volume of revenue that comes through the port, which has implications in terms of our revenues for the country. And if there are breaches like this, what it means is that we are being robbed of vital revenue. Because goods that are designated to be from a certain part of the CARICOM, which would fall naturally within the Treaty of Chaguaramas but do not comply, in terms of the extent to which the transformation of the goods has taken place, that is, the value added to it, then what it does is to put us in a position where we are now under-collecting at the port of entry for the goods that are coming in.

Now Mr. Speaker, this takes us, in my mind, to even a further case of looking at what the trade relations currently are between ourselves and Trinidad, in particular. The truth is that we now have a very adverse - strong adverse balance of trade between Jamaica and Trinidad. Trinidad's export to Jamaica is a little over a billion dollars, and our import - or, our export to Trinidad is somewhere in the region of about Three to Four Hundred Thousand - Three Hundred Million Dollars, a clear indication of an adverse balance of trade of nearly Six/Seven Hundred Million Dollars. That certainly can't be made to continue. And, if examples of these are the reasons for this lopsided balance of trade, then certainly, the appropriate steps, such as this, has to be taken.

I believe, Mr. Speaker, that the whole Treaty of Chaguaramas is needed now for a review. That Jamaica needs to take a step back to look forward into where we are going in the future, in terms of not only our trade arrangements, but indeed, the economic convergence that is required to put us in a favourable position, and also to place us within a market space that will allow for us to be truly competitive.

And so, Mr. Speaker, whilst we appreciate that the Minister and his t-e-a-m in the Ministry have done the work, albeit it has taken over two years for the Report to come in, but nonetheless, it is in, and, it has indicated that these breaches exist - we expect

now that we use this as the means of taking another look at our wider relationship within the community.

Thank you, Mr. Speaker.

The SPEAKER: Mr. Mair, you have a question?

Mr. MAIR: Thank you, Mr. Speaker, I have a couple of questions.

Minister, could you advise this Honourable House if any of the companies that were in breach are owned by the Government of Trinidad and Tobago?

Could you also advise if you have the information, these companies that were in breach, where did this - the oil originally, truly come from - the oil that was brought into Jamaica under the disguise of being from Trinidad.

Also, the companies that were not in breach - you mentioned that - I assume they are going to be refunded the monies that were withheld, the bond that was put in place at the time.

The question I have is, were those monies put in an escrow account or were they put straight into the Consolidated Fund? And, when will these companies be refunded these monies?

The last question I have, Mr. Speaker, is - I would like the Minister's opinion. Does he really believe that we will make this Free Trade arrangement with Trinidad and Tobago work when it takes two years to finally come to a conclusion that one of the parties was in breach? Two years is really ridiculous. This is something that should happen in two months. So, I would like to really get from you if you really believe we can have a Free Trade arrangement, and if you feel it will work when it takes two years to find that one of the parties is in breach of the Agreement?

Thank you, Mr. Speaker.

Mr. Anthony HYLTON: Mr. Speaker, let me thank the speakers on that side, and particularly the last speaker, for really asking pertinent questions.

Mr. SHAW: No, no, we are not going to tolerate that! Nuh badda wid de divide and rule business! Doan try dat!

(*Sotto voce* comments)

Mr. Anthony HYLTON: Mr. Speaker, the questions are very pertinent, and I will respond, as I must, to the questions that are posed. The question is, are there any company found in breach owned by the Government of Trinidad and Tobago?

The answer is, yes. The State agency Natural Petroleum was the entity found in breach.

Could I just - Mr. Speaker, let me just share. The breach is outlined; it's a breach of the Rules of Origin, meaning that there is no issue of the kind of breach. It meant that they were not able to demonstrate that the value added - the transformation process nor the value added, either one of the two that is used, was adequate and met the Rules, so, there is no mystery.

(*Sotto voce* comments)

Mr. Anthony HYLTON: Where the oil originated and the information that we have, it's from the United States. The money is in escrow account, yes. Initially, as you recall, when I came to this House in June/July -

June/July when I spoke in my presentation, and when I first raised this matter I indicated that a sum of money was being held on a provisional basis. After a while - given the length of time - those monies were booked to the account - to the Consolidated Fund.

What now occurs on these findings is that on the presentation of Customs to the Ministry of Finance, the appropriate arrangements will be paid for those to be refunded to be refunded, and those funds to be booked permanently, be booked.

Mr. MAIR: Immediately refunded?

Mr. Anthony HYLTON: Well, I don't know, that's between the Customs and the Ministry of Finance. There is not a Rule stipulating the time. But one expects that that will be in good faith - that they will move to address the matter as quickly as possible.

Mr. MAIR: So, it's not in the Budget?

Mr. Anthony HYLTON: I don't know I am not at the Ministry of Finance; I can't now answer that question. It is between - now having brought this matter it is now between the Customs Authority and the Ministry of Finance, okay.

(*Sotto voce* comments)

Mr. Anthony HYLTON: And, then the question of the two years. I admit in my presentation that that is why we have sought to have the Rules amended already. And a Committee has been established already to look into the workings of these verification procedures.

I also indicated that this was the first time that this particular measure was – Rule was invoked. So that, although it existed on the books in CARICOM, it had never been invoked before. So when we invoked it, it was the very first time. And therefore, there are lessons to be learned about how it works and doesn't work. Because the broader point that I make is that if you have these Rules on the book - and there are many, there is a framework of Rules on the book, and if you don't challenge them, exercise them - I draw the anecdote to muscles that you have which, if unused simply dissipate.

So, the fact is that having invoked the procedure we are now very clear as to what worked in this instance and what does not work. We have gone further to ask that a Committee be established to re-work - to have a revision of these Rules.

So, I take the point. As I said, I think two years was far too long to wait. But, that doesn't go to the more fundamental point that you seek to raise, which is whether the Trade Agreement can be made to work or not. Because while we have found breach - and that is very clear and we have assigned the breach - what is also clear is that we have a body of rules that if we utilize can be made to work.

Now, I can tell you, I am - and this is a matter of fact, this is nothing else, but the matter to which the Member averted to, about the first case to be brought, those first matters - the first case to be brought to the CCJ under this provision, and certainly by the Cement Company, I was involved.

Mr. SAMUDA: I hired you!

Mr. Anthony HYLTON: No, you did not hire me. You and I...

Mr. SAMUDA: You are a lawyer!

Mr. Anthony HYLTON: No, that - Karl, you are confusing the issues. That had nothing to do with that. I was involved in that matter, myself and the Honourable Mike Hylton - the Honourable Mike Hylton, QC.

Mr. SHAW: Are you denying it? Are you denying it?

Mr. Anthony HYLTON: And the issue is - I am flatly denying it and rejecting that assertion!

Mr. SHAW: So, you are denying it!

Mr. Anthony HYLTON: I am rejecting that assertion! And I challenge him to provide proof!

Mr. SHAW: Karl, get up on a point of order! Come Karl, a point of order!

Mr. Anthony HYLTON: I challenge him to provide proof! I challenge him! He is mistaken.

(Heckling)

So, I make the point that the rules are there and they can be made to work. In those two instances, including the Myrie case in which I was involved, when we invoked the Rules and challenged it we got results in those two instances.

And therefore, I am of the view, personally, that we should use the rules that are existent. We should encourage our private sector to provide the evidence, make the evidence available...

Mr. SAMUDA: Mr. Speaker, on a point of order on the matter...

Mr. Anthony HYLTON: And we should stand ready, we should stand ready to then utilize the rules that are in existence.

The SPEAKER: (Gavels) Point of order, Mr. Samuda?

Mr. SAMUDA: Yes.

Mr. Anthony HYLTON: Disorder!

Mr. SAMUDA: The Member has said - and he has flatly denied that he was engaged by the Previous Administration to negotiate matters on behalf of the Government. The use of the term "I hired you" was because I was the Minister responsible for the matter brought before COTED.

But I want to ask the Minister if he recalls...

The SPEAKER: No. So what is the point of order? What is the point of order?

Mr. SAMUDA: Misleading the House!

The SPEAKER: In what way?

Mr. SAMUDA: He is factually incorrect. Because he in fact approached us to get a job as a lawyer to represent it.

Mr. Anthony HYLTON: Not on this matter! Not on the CCJ...

Mr. SAMUDA: And, he was - and I was prevailed upon by the former Prime Minister, to engage him, which we did!

Mr. SHAW: So, why you denying it?

Mr. HYLTON: The speaker opposite is simply mistaken. When he was on his feet he spoke to seeking my professional input into CCJ matters. The matter to which he averts now, for which he talks about engagement, had to do with a study of CARICOM that was being carried out. It has nothing to do with the CCJ.

(Cross talk by Mr. Samuda)

No, it has nothing to do with the CCJ, and you make the point, so I'm saying, that I carried

out a study and participated, and the firm for which I was the managing partner at the time carried out a study on the CARICOM, is true. At the instance of the then Minister of Industry, but it has nothing to do with the CCJ matter to which he adverted. So -

(Cross talk by Mr. Samuda)

So, it had nothing to do with the CCJ matter.

The SPEAKER: Thank you for the clarification.

Mr. HYLTON: So, Mr. Speaker, with clarification I simply say that this matter - and I was careful to thank the private sector in Trinidad for cooperating with the investigators. They were facilitated. The private sector in Trinidad, they were facilitated, they were provided the information requested, and, therefore, we were not at liberty and I didn't feel that in good faith and the spirit of cooperation -

Mr. MAIR: Of the private sector but not the Government.

Mr. HYLTON: Of the private sector that I should be gratuitously calling private entities that are still in operation. But having been asked the question, I've given the answer forthrightly and the answer is available.

So Mr. Speaker, I think that this brings to a close that matter which I raised first in my budget presentation and to which I have now updated the country as to the final resolution of that matter.

I thank you.

The SPEAKER: Thank you, Minister Hylton.

Mr. PAULWELL: Mr. Speaker, I move for the recommittal of Item, 'Questions and Answers'.

The SPEAKER: Yes, Mr. Smith.

Mr. D. SMITH: Mr. Speaker, the House Leader's comment would suggest we are moving away from Statements by Ministers. Well, Mr. Speaker -

The SPEAKER: We actually had two out of three so far.

Mr. D. SMITH: Mr. Speaker, the Opposition was led to believe that the Minister of Health would be making a statement this afternoon updating the House on the levels of preparedness by the Government in terms of combating Ebola in the event that it should cross over into our borders. I'm taken aback now that no such thing is about to happen. You know, that's an issue that's on - is on everybody's lips and everybody is anxious to know what's going on. So, probably the House Leader can…

The SPEAKER: Yes, we need - we need some clarification here.

Mr. PAULWELL: Mr. Speaker, in consultation with the Opposition spokesperson on Health the Minister of Health has advised that the Statement will be done next week, because there is an urgent matter that he had to deal with at 5:00 p.m.

The SPEAKER: Yes, but the Leader of Opposition Business needs to be briefed on this.

Mr. PAULWELL: Yes, and both of us are remiss in that regard. So, Mr. Speaker, if

we'll accept that can we move for the recommittal of Item Questions and Answers to Questions?

The SPEAKER: We have a time problem.

Mr. PAULWELL: Yes. Well, once it is recommitted I will move for…

Mr. D. SMITH: The Opposition will have to accept that but we are very disappointed that the Minister even went off to Cuba on a special mission, we understand, and there is no report to the House, notwithstanding discussion with the Opposition spokesman on Health. We strongly believe that there should have been a Statement to the House this afternoon, but we have to accept what they just said by the House Leader.

The SPEAKER: Okay.

The question is for the recommittal of Questions and Answers to Questions.

Put to the House and agreed to.

QUESTIONS AND ANSWERS TO QUESTIONS
(Recommitted)

Mr. PAULWELL: Mr. Speaker, the time being as it is I move for the suspension of Standing Orders to enable us to take Questions and Answers after the time normally allowed.

The SPEAKER: The question is for the suspension of the Standing Orders to allow us to go beyond the designated time for Questions and Answers to Questions.

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, we will take Questions 16, 17 and 18. In that order.

The SPEAKER: Mr. Mair.

Mr. MAIR: Mr. Speaker, will the Minister of Science, Technology, Energy and Mining be kind enough to answer the questions tabled in my name.

Mr. PAULWELL: Mr. Speaker, firstly.

Question 1:

Would the Minister advise how many computer devices known as tablets have been or will be distributed to children by the Government?

Answer:

23,156 tablets will be distributed to children in 38 schools under the Tablets in Schools Pilot Project. In addition, 1,844 tablets will be distributed to teachers within those same schools.

As at October 24, 8,842 tablets have been distributed to the students and 1,660 tablets have been distributed to the teachers.

Question 2:

Would the Minister state whether or not the tablets have been purchased by the Government, and if so at what cost?

Answer:

Yes, the Government using funds allocated from the Universal Service Fund has purchased the tablets at a total cost of approximately US$7.41 Million. This cost represents the cost of the tablet devices, cases with bluetooth, keyboards, rubber cases, earbuds, and stylus pens. It also includes two years of:

(a) Warranty
(b) Delivery services, and
(c) Device management services

The device management system on the tablets provides, among other things, tracking services, content filtering, software installation and control, and device deactivation.

Question 3:

Will the Minister advise if these tablets are gifts to the children and how the recipients are selected?

Answer:

The tablets will be provided free of charge to each registered student for the period of his or her tenure in a school which has been selected as part of the pilot project. The 38 schools including the one teacher's college, which are a part of the pilot project were selected by the Ministry of Education based on criteria which included among other things, the need to accelerate student performance within select institutions, provide comparative analysis with Centres of Excellence and facilitate the study of the effect of variables such as location and traditionally high scholastic performance and teacher-learning outcomes under the project.

Question 4:

Would the Minister advise what is the main purpose of the distribution?

Answer:

The main purpose of the Tablets in Schools Pilot Project is to assess the use of technology to increase learning opportunities for students. In this regard the project will allow learners within and outside of the classroom to collect, analyze, consider, synthesize, evaluate and communicate ideas and information from a pool of available resources and apply this to complex and practical real world problems. It will also accelerate the change in the teaching and learning process with students assuming more responsibility for their learning and teachers becoming facilitators rather than repositories of knowledge in the classroom.

In the case of secondary schools, to augment the E-learning High School Project which was previously instituted by e-learning company which provided 206 institutions with computers and audio visual equipment, digitized content for 11 CXC subjects and training for teachers, and to support the roll-out of an e-learning primary school project by providing students and teachers with the means of accessing e-learning content at home or other designated access point.

Question 5:

Would the Minister advise what measures the Government has put in place to ensure that children in possession of these tablets do not have access to violent, pornographic and other similar websites?

Answer:

Each tablet is controlled by a device management system with child-safe browsers which restricts access to harmful websites such as those with violent or pornographic material. The DMS also has

the ability to add new restricted sites as needed. In addition, the DMS controls the applications that can be downloaded on the tablets and has the ability to track and disable each tablet if necessary.

Mr. MAIR: Thank you, Minister. Just a couple of follow-up questions.

You mentioned that it cost US$7.4 Million, the purchase of these tablets, could you advise the Honourable Members of this House the process by which this contract was awarded, and if the Contractor General was involved or the procurement procedure that took place?

Secondly, could you confirm that what you have here is a pilot project? Therefore I'm assuming you are going to get feedback and in due course conclude whether or not it's a successful project, and if in the case that it is successful, is it the intention of the Government to fund this type of - use this type of money to provide tablets in all the schools of Jamaica?

And lastly, just something I would like to know. Has the Ministry taken into consideration that all the similar - a similar type of platform which are the computer labs in schools, I think are funded by the same universal access fund, are major platforms for children to access all kinds of websites and, therefore, I would like to know if there is in place any form of regulation, rule within the schools by which you must have software in place that will not only track what websites children are accessing but will ensure that there are certain websites they cannot access?

Mr. PAULWELL: In relation to the follow-up questions, Mr. Speaker.

Firstly, there were four contractors and it's because it's a pilot you didn't want to limit the machines to just one contractor. So there are four contractors and it was approved by the contracts committee; it went to Cabinet and was also endorsed by Cabinet.

It is indeed a pilot and it will therefore provide valuable information as to the full roll-out, but even at this stage we are of the view that the roll-out, the full roll-out will happen, even based on our initial assessment, and I should indicate that this will not be as fully funded as it is today. There will be an element of cost-sharing. This project, the pilot, is costing us $1.4 Billion. We have about 600,000 students and if you think about it, the Government is prepared to stand the cost of the content for the device, but a device will run you about J$25,000. The books that parents buy for students now, which will be on the tablet, that money you can save and contribute to the cost of the tablet going forward. So it is our view that we can really expand this project rapidly if there is a cost-sharing element to it, and we will advise the Parliament shortly on that.

In relation to the computer labs. All the labs that have been established and we started that from 2006 to when the project ended in early 2012, those labs are regulated by active supervision on the part of all the schools and all the sites that are accessed are monitored by the schools' administrator. Students are not to be able to access certain sites.

In relation to the tablets in school project these sites are filtered and none of the schools – I should tell you an interesting story. So far one student has been able to hack into the system, and it shows the cleverness of our people.

Mr. SAMUDA: He is the future...

(Inaudible comments)

Mr. PAULWELL: Well, precisely. So rather than chastising too much we have had to call that student in to try to understand how he was able, and he is a boy, to get into the software and to change the programme to enable certain things, and we are learning, and we have been able to put a stopgap to prevent that particular aspect from continuing. But in relation to the - I take the point, at the school level you have to be careful because those youngsters do need to - and probably what we need to do now is to see how we can put a similar filtering programme in those labs that are already established, to prevent violent and pornographic material.

Mr. MAIR: Thank you for your answers, Minister. Just a follow-up comment to it.

You are saying that it's left to the schools to monitor the use of the computers by the children.

Mr. PAULWELL: The labs, in the labs.

Mr. MAIR: Yes, the labs. Well, I can assure you breaches are occurring all over the place. First of all, they don't even have parenting software that comes with the antivirus to protect those children from being exposed to these websites. Don't you think it is time we bring about legislation or something? Because you might have persons in charge of these labs who are using this to corrupt children into - I don't really want to go into the matter in detail but it's a real problem and when we think about all the risks our children are talking and that the Government is creating platforms to expose them to all these different heinous websites, I think we need to put in place legislation that in school it is compulsory and that if there is a breach, whomever might be responsible, they will be charged for the breach of the law that might be in place and that they may be criminally charged.

Mr. PAULWELL: Mr. Speaker, I think the Member should be clear that our view is that we need to move away from the laboratories that we have established as way to introduce the students to ICTs and to enable the twenty-four full-time access by the students to this very important learning aid in the form of the tablet. So we are de-emphasizing that project, even though I take the point that as that project was configured that perhaps not enough supervision has been exercised in ensuring that those youngsters who are in the lab are properly regulated. And I will henceforth revisit those labs that are still operational, but going forward we are making sure that device that you take home that you are not going to be able to access certain sites.

The SPEAKER: Dr. Wheatley.

Dr. WHEATLEY: Thank you, Speaker.

Could the Minister of Science, Technology, Energy and Mining answer the following questions standing in my name.

Mr. PAULWELL:

Question 1:

Would the Minister please advise the House of the purpose and status of the Telecommunications Advisory Council?

Answer:

While the Telecommunications Act provides for a Jamaica Telecom's Advisory Council, there is no such body currently appointed by the Government. However, in keeping with the National Information Communication Policy, which was tabled and approved by this Honourable House in April 2011, a National ICT Advisory Council (NICTAC) has been established.

The House will recall that this policy provides for the establishment of a national ICT body to provide ongoing advice to the Minister with responsibility for ICT-related issues. In keeping with the Policy, Cabinet approved the appointment of NICTAC on September 2, 2013.

Question 2:

Would the Minister please indicate who the Members are?

Answer:

And I have provided a list of the members, including the Chairman who is Mr. Carlton Samuels.

Question 3:

Would the Minister please advise the House of the remuneration status of the members?

Answer:

While the members are entitled to fees in keeping with provisions established by the Ministry of Finance and Planning, the members have not yet received any fees for their services.

Question 4:

Would the Minister please say when the last meeting of TAC was held.

Answer:

Since the appointment of the members, NICTAC has met six times. The last meeting of NICTAC was held on August 10, 2014. The NICTAC meets bimonthly. However, its last meeting, which was scheduled for October 2014, was postponed for - and I'm sure you know the reason for that - illness of some of its members.

Question 5:

Would he Minister please indicate whether or not the TAC has been consulted by the Offices of Utilities Regulation or by himself on the current VoIP blocking actions being undertaken by telecommunications providers?

Answer:

The NICTAC was not contacted by the OUR to comment on its enquiry into the blocking of VoIP by some telecommunications providers. However, the NICTAC in keeping with its mandate has provided me with its preliminary advice on the issue.

Dr. WHEATLEY: Thank you very much, Minister. Now, NICTAC, you said that NICTAC gave you a preliminary document - advisory, could you indicate to this House when you, in fact, got that advisory from NICTAC?

Mr. PAULWELL: It would have come in about two or three weeks ago.

Dr. WHEATLEY: Minister, based on the preliminary advisory could you just inform us as to the content or the recommendation coming from that advisory that was sent to you as relates to the current impasse - the blocking of the Voice over IP by the two major telecommunication providers in Jamaica?

Mr. PAULWELL: That would be entirely inappropriate. As you know the regulator for the sector has the matter under active consideration; and I'll therefore, have to be clear that I do not do anything to prejudice the investigation and the finding of the regulator at this time.

Dr. WHEATLEY: Minister, you seem to be going around the question, but -

(Cross talk)

Allow me *nuh,* allow me. The Minister is competent, you know, to answer my simple questions.

(Cross talk)

Now, Minister, recommendations by NICTAC did it speak to the Government's policy or position as it relates to Voice over IP blocking. As a matter of fact, Minister, before you stand - since we are discussing the whole matter of the blocking of Voice over IP - I hope that you in the same breath will inform us of the Government's position on the matter.

Mr. PAULWELL: I think it is entirely inappropriate at this stage as the matter is under active investigation and a ruling is to be determined by the Office for the Minister to put in that mix. It is entirely inappropriate and I won't go there.

Dr. WHEATLEY: But, Minister this matter is over six months old now and we are not hearing anything from the OUR who you have mandated as you said to give us an update and investigate the matter. So OUR is more or less is delinquent in its actions to come to you with a recommendation. We are not hearing from the Government, the Ministry, in particular, as it relates to this. The Ministry is silent on neutrality and I don't know how long we have to wait again - another six months while the Jamaican people are deprived neutrality and the benefits that come with it. You see now the Jamaican people are not in the same position to pay for phones calls, you know, like a number of other persons. They use Voice over IP -

A Government MEMBER: Who *yuh* a throw word *pon?*

Dr. WHEATLEY: I'm not throwing any word on you, *sah.*

A Government MEMBER: (Inaudible comment) …spend a million dollars on phone so what is….

Dr. WHEATLEY: But the reality is that Jamaicans use Voice over IP as an alternate (sic) to communicate with persons locally and abroad. So the Government needs to state clearly its position on this matter. The Government cannot be hiding continuously behind OUR, behind protocols while the Jamaican people suffer because, Minister, that is clearly what you're saying to me because you don't want to breach, you don't want to

say something out of the way. But the reality is Minister, it's over six months. As a matter of fact, Minister, in other jurisdictions, Trinidad, for example, they have asked the telecom providers to remove the blockage until their regulatory body complete their investigation. Why is it we can't do the same here in Jamaica?

Mr. PAULWELL: I will not get involved in a matter that involves already the regulator, where there is active consideration taking place. I will not do it.

Dr. WHEATLEY: Minister, you continue to hide, but - Minister, I move to Question 18, seeing that we're not getting anywhere with 17.

Mr. PAULWELL:

Question 1:

Will the Minister provide details on the status of the Universal Service Fund and give details on what drove the move from UAF to the USF?

Answer:

In support of the Government's Universal Service obligation and in particular, its mandate to accelerate the deployment and uptake of broadband internet access islandwide, the USF has, among other things:

a) Deployed an islandwide broadband network, which provides inter-connectivity and internet access for 206 educational institutions as well as 41 libraries, 67 post offices and 58 health centres including hospitals, health centres and regional offices of the Ministry of Health;

b) The USF has also undertaken activities which will connect 73 offices of the Jamaica Constabulary Force to this islandwide network as well increase the number of libraries which are currently provided broadband connectivity;

c) Establish 197 Community Access Points across the island to provide public internet access (Applause) and an additional 54 CAP sites are now under construction as we speak;

d) Providing funding to the e-Learning Jamaica Company Limited, which has completed its initial mandate of providing modern technological tools to public high schools and is now in the process of executing a Tablet in Schools Pilot Project encompassing 38 schools island.

The issue of change from UAF to the USF: The Universal Access Fund Company Limited was incorporated by the Government in May 2005 to, among other things, collect the Universal Service Levy from telecommunications companies. However, due to concerns raised regarding the levy, which was charged on incoming international calls and the use of same, it was deemed necessary to establish the Universal Access Fund Company Limited as an independent statutory entity similar to the PetroCaribè Fund. As a result, by an amendment to the Telecommunications Act in 2012, Universal Service Fund was established as a statutory body with

objective to support the implementation of the Government's universal service obligation. The name Universal Service Fund was given as the term "service" speaks to the wider framework of our Universal Service obligations rather than the narrow definition or term provided access, which would have connoted if the company was continued to be called Universal Access Fund. As a statutory body, the Universal Service Fund ensures greater transparency and accountability with respect to the management and utilization of the monies from the Fund as well the monitoring and implementation of projects financed by the Fund.

Question 2:

Would the Minister please update the House on any issues raised by the international carriers and the Federal Communications Commission regarding the levy imposed on international calls, termination rates to Jamaica?

Answer:

In September 2005, following the June 2005 implementation of the levy, the FCC launched an enquiry into the levy imposed on international calls terminated in Jamaica following complaints from companies based in the United States of America. Since then, however, there have been no other proceedings by the FCC in relation to this matter. Now, the United States Trade Representative (USTR) since 2006 in keeping with section 13(77) of the US of America Omnibus Trade and Competitive Act of 1988 has undertaken an annual review - a section 13 (77) review – of the Universal Service Levy regime in Jamaica. The 2013 Review, among other things, urged Jamaica to review its universal service charge to ensure it does not have the effect of discriminating between domestic and international carriers.

Of note, however, is that the 2014 Review made no mention of Jamaica's Universal Service Levy regime. None at all.

Question 3:

Would the Minister please advise the House as to what the review for the Universal Service Fund for financial year 2012/13, 2013/14 was and state what the projection for the current financial year 2014/15 are?

Answer:

Arising from the charge calculated on the basis of all incoming international traffic gross revenues for financial years 2012/2013 and 2013/2014 amounted to $1.01 Billion and $1.48 Billion respectively.

The projected revenues for the same period were $851 Million and $931 Million respectively. So we surpassed the projection.

The gross revenue projection for financial year 2014/2015 is $990 Million.

Question 4:

Would the Minister please indicate whether or not any independent audit of the USF was carried out during the

financial years referenced in Part 3, that is, following the change of name to Universal Service Fund?

Answer:

External audits have been completed for financial years 2012/13 and 2013/14 by BDO Chartered Accountants.

Question 5:

If the answer to Question 4 is not in the affirmative, would the Minister please advise the House as to the reason why no audit has been undertaken since the change from UAF to USF.

Answer:

Please see answer to Question 4.

Dr. WHEATLEY: Thank you very much, Minister.

Can you indicate to this House Minister, if there were any concerns expressed by the international carriers as it relates to the money received from this levy being used with the change in mandate to the USF?

Mr. PAULWELL: I need to remind this House that when this Service Levy was imposed, the reaction of the international carriers - we were locked down for three days. We couldn't make a single call out of Jamaica, and we did not relent. We believe that it is a good project for the country. It is proving its worth now. Over $12 Billion has been collected.

(Applause by Government Members)

And, as I have indicated already, the FCC seem not interested in the matter any further, and the USTR did not refer to it last year, and I am not aware that any carrier is of the view to challenge it, because we are resolute; we are resolute. This money is serving a particular purpose, and it is being implemented with full accountability and transparency.

Dr. WHEATLEY: Minister, with the changes in the communication landscape, where voice-over-IP services and over-the-top services will be becoming more prominent, do you see this particular levy being negatively impacted with the change in the communication landscape? If so, how do you proposed to counter that, seeing that, of course, that the USF is being used in such a manner to enhance and provide opportunities for persons who would want to access the service?

Mr. PAULWELL: The Member's question implies that you recognize that one of the issues that, no doubt, we will have to contend with these over-the-top services, is the loss in revenues to both the Consolidated Fund and to a Fund such as this. Of course, we are concerned, and that is the reason why we are awaiting the OUR's ruling.

Dr. WHEATLEY: Minister, I am glad though that you pointed out the increase in revenue over the last two years towards this Fund. So, basically, Minister, the argument that is being put forward by the telecommunication company that voice-over-IP services are reducing revenue to the Government is not a valid argument. Would you agree with me Minister in that regard? And I repeat it, Minister: *that the argument being used by the telecommunication companies that is the main reason for blocking this service is that it reduces revenue*

to the Government, and to the Universal Service Fund in particular. Do you agree with that statement?

Mr. PAULWELL: The matter is under active consideration by the OUR, and I don't intend to get involved with that.

(*Sotto voce* comment by Mr. Shaw)

Dr. WHEATLEY: Minister, based on - and the question is direct - based on the revenues that you indicated to us, the increase in revenues over the last two years, do you - and it is simple maths - the revenue intake has increased over the last two years, do you see, Minister, that the use of voice-over-IP has contributed to a decrease in revenue? That is all. It has nothing do with the matter being under active consideration; a straightforward question; revenue increase, voice-over-IP usage.

Mr. PAULWELL: In relation to that matter, I am of the view that the OUR has to examine all the facts, and we await their ruling.

(*Sotto voce* comment/Laughter)

Dr. WHEATLEY: I must say that I am disappointed, because I believe that one-and-one is usually equal to two, but it would appear that you think that it might be equal to eleven. But I do hope, Minister, that you are better able to manage your own financials than...

(*Sotto voce* comment)

Dr. WHEATLEY: My apologies, Minister; my apologies, not going there, not going there; not going there, Minister, not going there, not going there.

Mr. PICKERSGILL: One-and-one makes eleven.

Dr. WHEATLEY: One-and-one makes eleven, Minister.

The SPEAKER: Dr. Wheatley, give up.

Dr. WHEATLEY: Does the USF currently have an internal auditor?

(*Sotto voce* comment by Mr. Paulwell)

Dr. WHEATLEY: You should check, Minister, because I have information that there is no internal auditor.

As a matter of fact, there is an advert out there for an internal auditor, so there is currently no internal auditor, to the best of my knowledge, at USF, and seeing that USF controls so much money, it is important that we have an internal auditor.

Mr. PAULWELL: And as I mentioned that the accounts are externally audited by a recognized group of chartered accountants, and that very shortly this House will receive the financials for 2011, 2012, and 2013. We have them ready for Cabinet's approval.

Mr. Speaker, I move for the recommittal of Item, Public Business.

The SPEAKER: The question is for the recom...

(*Sotto voce* comment)

PUBLIC BUSINESS
(Recommitted)

Mr. PAULWELL: Mr. Speaker, there were some amendments from the Senate in relation to the Insolvency Bill, and I will now propose to take those amendments, followed

by the Bill – the Quarries Control Act that we will take through all its stages this afternoon.

The SPEAKER: Mr. Hylton.

Mr. Anthony HYLTON: Mr. Speaker, Members would recall that this Bill entitled, 'The Insolvency Act' – 'The Insolvency Bill' of 2014, has been a matter outstanding for quite some time. Indeed the Bill has passed this House already. It has gone on to the Senate where the Senate has seen it fit in its wisdom to make 43 amendments to the Bill.

Those amendments, Mr. Speaker, when examined closely, are really not substantive amendments. They are really amendments as to form addressing clause by clause references, bringing clarity to certain of the provisions in the Bill, and yet others are grammatical in nature.

But, Mr. Speaker, this thing should bring to a close what has been a very substantial, very drawn-out, some would say - as has been pointed out - very painstaking exercise to get this Bill to what we consider to be finality.

But Mr. Speaker, in the process, we are reminded that this Bill is not only complex because of the scale and scope of the Bill - some 355 Clauses, but it is also very critical because of the implication - the revolutionary impact that a Bill of this nature - the Amendment of the Bankruptcy Act, and introduction of an Insolvency Act, will cause in our business environment.

And so, Mr. Speaker, for those reasons, this Bill has gone through a very long gestation period to bring us here. We consider that among the innovations of the Bill is the introduction of the office of Supervisor, because in that office, Mr. Speaker, what the Joint Select Committee and the Legislators - your Committee decided to do, as a matter of policy, was to make significant changes from the traditional Court-based approach, where the Court manages the Bill and the affairs under the Bill.

In the case of Jamaica we, quite correctly, understood that the Bill - that were we to go in that direction, we simply would be adding to the slowness of the process as it exists now. We complain - and I think it is widely recognized that actions have to be taken now, and are now being contemplated, to speed up the Court proceedings. And a number of innovative, creative measures are being put in place.

And so, Mr. Speaker, because of our circumstance, and recognizing the need for a utilitarian approach to this particular Bill, the innovative approach of the office of the Supervisor was created. That office, Mr. Speaker, is really an office that seeks to act as a referee in this other innovation which is the trustee, and the whole creation of a new form of trustee, drawn as it is from the private sector that we decided the Supervisor's office which was part of the structure, that that office should be given greater authority in the way of - mediation in the way of referee, as it were, in regulating the trustees.

So, with that I think we acknowledge - all of us in the Joint Select Committee - acknowledge that greater innovation, the efficacy of the Bill, and the fact that the Bill now will become something that can be used and not just be a part of - form a part of the

archives of the Legislation that we have, but it truly will help to drive entrepreneurship and give easy access and use of the Bill.

So Mr. Speaker, I believe that after this long process - arduous process, painstaking process in which, as I said, both sides of the House participated vigorously, and over a lengthy period of time, that we have come to this place now where - and I must point out that notwithstanding the fact that this was a benchmark legislation, we prevail on the IMF to give us some latitude because we recognize that, given the scale and scope of the Bill, and the importance of the Bill to our economy, and the balance of interest that it comprises, that we needed to get the democratic space to consult and to consider this Bill.

We got those adjustments, but now we are up against a deadline which I think, having regard to where we have been, and where we are now, that the Bill needs now to have final passage, so we can put this behind us, reap the benefits of it for our economy and for our society, and move on. So, with that, Mr. Speaker, I invite any other participation there may be.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, I agree with the Minister that this has undergone a very exhaustive process, and in fact has seen well over 100 amendments in the House, and 43 subsequent amendments in the Senate. And I believe the - notwithstanding that, the objective is to - even late in the day - is to seek to get a more perfect legislation. And I wanted to raise one issue in relation to Clause 222. And it relates to the very issue that the Minister had raised, the issue of the Supervisor of Insolvency.

Mr. Speaker, the proposal in this Bill is that - and I read:

> '*For the purposes of this Act, there shall be a Supervisor of Insolvency who shall be a public officer designated by the Minister as such'.*

And we are wondering, Mr. Speaker, if in circumstances like this, where the Supervisor of Insolvency is a very sensitive position, and in the same way, for instance, that the Trustee in Bankruptcy is appointed on the recommendation of the Cabinet, appointed by the Governor-General; and we wonder whether the appointment of the Supervisor of Insolvency, Mr. Speaker, should not be removed entirely from the political directorate. And that is what I am proposing, that you give consideration to amending Clause 222 to effect a method of appointment other than a designation by the Minister.

Mr. Anthony HYLTON: Mr. Speaker, I received the proposal from the Member, with some understanding, but believe that we are too far gone in the day, not least because...

Mr. SHAW: (Inaudible comments) ...about today; you can amend it now.

(*Sotto voce* comment)

Mr. Anthony HYLTON: Yes, yes, yes, yes. I acknowledge that, and I accept that. What I am averting to do - what I am averting to is the process that we have engaged in getting this Bill to where it is, which is a process of profound stakeholder consultation that has brought us to this place, and none of the amendments that have been laid, have

been without the knowledge, and the sanction, and the understanding, of that community of stakeholder that we engage from the beginning.

Now, to come to this stage and to make an amendment of this nature without having any kind of consultation, I - with the Cabinet who instructs the Bill, it has gone - it passed this House, passed the Senate with these amendments. I say to you that there is already, and if it has been acknowledged that there will be given the scale and scope of this Bill, there will be the need for a review process because we all want it to work in the best interest of the consumer, of the stakeholder.

And so, what I say to you firstly, is that to liken, I think it is an error, to liken the trustee in bankruptcy to the supervisor and there is a reason why in all of the contemplations this had not come up before, because the trustee in bankruptcy is - has prosecutorial power, he can proceed and dispose of matters. The supervisor's office would have no such powers and therefore, it is not like, it is not like provision. The supervisor really in this event acts more like a referee, and the regulator of the trustee than it does a prosecutor, it doesn't prosecute any other matter.

So even as I understand, even as I understand that we can always look at governance structures and revisit them, and I have no objection to that. I am simply saying...

Mr. HOLNESS: Point of Order.

Thank you for yielding Minister. I am just curious as to what damage it would do to the Bill and the process of consultation to change it right now. I think that it would enhance the Bill, and I am certain that the other stakeholders would feel that way. I mean, your point that the supervisor acts as a referee and is appointed by the Minister, in effect the authority to be the referee then flows from the Minister, the Minister could have the referee's authority questioned because of, you know, political influence. I think the Minister would want to protect himself from that by having a process that is almost independent for the appointment of the supervisor. I think, Minister, you do have the authority and this House has the authority and we should not resile from using it.

Mr. Anthony HYLTON: Leader of Opposition, I accept at the very outset that the House has the authority. What I have said before is that the process by which we have come to where we are, we are - and I take the point further...

(*Sotto voce* comments by Members)

Mr. Anthony HYLTON: The strongest argument...

(Cross talk)

(*Sotto voce* comments by Members)

(The Speaker gavels) (Heckling)

Mr. Anthony HYLTON: Mr. Speaker, Mr. Speaker, it is unfortunate, it is....

Mr. JACKSON: You are getting the award of the decade, not the year.

Mr. SHAW: Take the politics out of insolvency.

(*Sotto voce* comments by Members)

Mr. Anthony HYLTON: Mr. Speaker, it is so unfortunate - it is unfortunate that the

Member would raise this issue in the manner in which he is now raising it. When the Member - an active Member...

Mr. JACKSON: Was there a minority report on the matter?

Mr. Anthony HYLTON: ...and a participant in the process from the Joint Select Committee right throughout, and remember there was a Joint Select....

(*Sotto voce* comments by Members)

Mr. Anthony HYLTON: ....adverted to the issue, raise a matter because I think it was appreciated that this is - so to hear the Member now seeking to liken the supervisor office as the trustee in bankruptcy, as I said is incorrect, but I am also saying once you recognize and accept that it is incorrect, then the opportunity for the mischief of which the Member is concern dissipate, but in any event...

(Cross talk)

Mr. JACKSON: So who don't want a referee to ref on their side?

(*Sotto voce* comments by Members)

Mr. Anthony HYLTON: He is a regulator.

So Members, we have purposely put into the Bill a five-year review and I believe that that is adequate time. There are a number of issues that were brought subsequent, a number of issues were brought subsequent and we have said, let us give it time to ripen in the five year review to make about that perfect Bill that we want.

And with that Mr. Speaker, I put the amendment.

Amendment put to the House and agreed to.

(Applause)

Mr. PAULWELL: Mr. Speaker, I now turn to Item 7 on the Order Paper, the Quarries Control Amendment) Act, 2014.

Mr. Speaker, the Quarries Control Act was passed in 1983, since then the increasing problems of illicit quarrying have highlighted the need for more effective regulation of the quarrying industry. This Bill which has been approximately 10 years in the making, seeks to amend the Quarries Control Act in order to:

1. Provide realistic penalties that are a deterrent to the practice of illicit extraction of quarry material or quarry mineral or both by the use of motorized equipment such as tractors, and drag lines.
2. It requires - it will require quarry operators to issue receipts and dispatch vouchers for quarry material or quarry mineral removed from quarries.
3. Require person transporting or purchasing quarry material or minerals to show proof of source of purchase upon request.
4. It will require persons employed in the management of certain quarries to be certified by the Commissioner after satisfactorily completing a prescribed course of study.

And finally,

5. Increase generally the penalties for breaches of the Act to more realistic levels.

Amendment to section 5, Mr. Speaker, the purpose of the insertion of section 5(3)(a) and I am now dealing with the specific clauses, is to increase the fines for operating a quarry without a licence.

For the first offence, the fine would be increased from $30,000 to a fine not to exceed JA$1M Jamaican.

For a second or subsequent conviction, the fine is being increased from $50,000 to maximum of J$2 Million. The rationale for the increase is to provide an effective deterrent in recognition of the fact that the fine is over 20 years old, as well as the fact that illicit quarrying has been a cover for various types of other illicit activities in Jamaica.

Subsection (3A), (3B) and (3C) are being inserted to capture all the different activities connected to elicit quarries. Whereas, before only operating a quarry without a licence was an offence, more particularly, subsection (3A) concerns the person who extract, purchase, stockpile, transport or dispose of quarry material without a licence. Subsection (3B) concerns persons who aid and abet the activities mentioned in (3A). And subsection (3C) is concerned with the use of utilizing mechanical motorized equipment to carry out the activities in (3A). In recognition of the fact that the use of mechanical motorized equipment will increase the amount of material that might be removed, and increase the negative environmental safety and social effects of illicit quarrying, example, destruction of a bridge, roadways and farmlands as well as flooding. The fine for illicit quarrying utilizing mechanical, motorized equipment is therefore put at $1.5 Million or imprisonment for a term not to exceed 18 month.

In the case of a second or subsequent conviction of illicit quarrying, utilizing mechanical motorized equipment, the fine is increased to a maximum of $2.5 Million or up to two years imprisonment.

Insertion of a new section - 5A this is intended to impose a mandatory buffer-zone of 15 meters between the land on which the quarry is located and the adjoining properties, therefore persons, engaging in unlawful quarrying would be required to seek the permission of the adjoining landowners in order to operate the quarry closer than 50 meters of boundary.

The chief rationale for this insertion is safety of the public as well as the protection of land-owners from nuisance and damage to their properties.

Amendment to section 8, after sections 8(1) would be inserted subsections (1A) to (IE) which generally concern applications to operate a quarry to ensure that the quarry material is not inferior so as not to jeopardize the safety of the public and minimize economic loss.

Furtherance of these goals:

1. subsection (IB) requires that the applicant signs a written declaration certifying the origin of the sample submitted with his applications.
2. Subsection (1C) authorizes the Commissioner of Mines by himself or

a designated third party to supervise the extraction of a sample as he deems fit.

3. Subsection (ID) makes it an offence to give a false declaration in respect of a sample punishable in the first instance by a fine not to exceed J$500,000 and or imprisonment of up to six months. In the case of a second offence that goes up to $1 Million and the term of imprisonment to one year.
4. Subsection (IE) concerns the Quarries Advisory Committee considering the intended use of the quarry material or mineral, based on its physical, chemical or other similar characteristics and its fitness for the intended purpose before making a recommendation to the Minister for the grant or refusal of licence.

Mr. Speaker, in the past the Quarries Control Act had no mechanism to guarantee that the material was suitable for the intended purpose, example, with road construction, there have been instances where unsuitable material was utilized to construct roadways thereby endangering the public and occasion in financial lost.

Insertion of new section 11A; Mr. Speaker, the insertion of section 11A is intended to establish a chain of custody so that persons will now be required to demonstrate that they are lawful in possession of quarry material by either the production of a receipt or dispatch voucher. This verifies the source of quarry material and the quantity.

Upon the request of the Commission of Mines for the Jamaica Constabulary Force a transporter or retailer of quarry material may be required to show their receipts or dispatch voucher for the quarry material or quarry mineral.

A person who transports, retails or is in possession of quarry material without a dispatch voucher or receipt shall be liable to a fine not exceeding $50,000 and/or imprisonment to a term not exceeding one month.

Repeal of section 13, the Quarries Control Act did not contemplate any transfer of any quarry licence. The amendment will stipulate that a licencee will not be permitted to transfer any interest or any part thereof without the permission in writing of the Minister. This is more permissive than what existed before in the current law.

Insertion of section 29A and 29B in relation to quarry manager. This is a new introduction to require quarries of a particular large size to employ a quarry manager. The purpose of this amendment is to improve the supervision of quarries by requiring that a quarry be under the management of a certified quarry manager possessing certain prescribed competencies, this ensures safety, environmental and engineering best practices.

The list of offences to which the Proceeds of Crime Act will - Mr. Speaker, there is going to be a consequential amendment as a result of this law to the Proceeds of Crime Act. The list of offences to which the Proceeds of Crime Act will have application, would be

enlarged to encompass illicit large-scale organized quarrying recognizing the possible linkages with other illicit activities. (Applause)

Mr. Speaker, I have received complaints from time to time from Members from both sides who are affected by illicit, illegal, wanton quarrying on properties that result in the activity being a nuisance to others and a nuisance to the environment, especially in flood prone areas undermining the quality of the land.

So I think, Mr. Speaker, it's an opportune time for us to embrace these amendments, and I so move.

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: Yeah, Mr. Speaker, there's really nothing controversial about the matter, and the Opposition supports the position. The fact is though, there is just a couple of things I'd like to make mention of.

One of the things that affects the motoring public is the practice of transporting aggregate open, there's no cover. But in other jurisdictions it just cannot happen, you can't take aggregate on the main roads without protecting it so it does not pose any kind of harm to both pedestrians and motoring - vehicular traffics.

A MEMBER: Stones.

Mr. SAMUDA: Yes, all the stones dropping on your car windscreen and so on. So Minister that should be a part of the regulation - you should look into making that a part of the regulation.

The next thing is the fact of - we see evidence of this wanton disregard for law and order, especially in the areas of Southern St. Catherine, where they've simply gone in and stolen material and established a quarry operation without any permission whatsoever. And so the Act hopefully, will have sufficient teeth to prevent this from happening. However there's some inconsistencies I think, with the measure of penalties applicable. Because in for instance 3A, where the penalty for engaging and extracting, purchasing, stockpiling, transporting or disposing of quarantine material *et cetera, et cetera,* attracts a fine of $1 Million. But in the other matter subject to subjection - that a person who aids and abets is fined $500,000. Now, the two should be the same, because if you aid and abet you're part of a crime.

Mr. PICKERSGILL: No, no, no!

Mr. SAMUDA: Well I don't know, but it just seems to me that the step down of half the penalty, when in most cases the people who are aiding and abetting are more responsible for the act itself.

(Inaudible comments by a Member)

Mr. SAMUDA: They're more involved, they're more - they're the ones who strategize and protect and...

(Inaudible comments)

Mr. SAMUDA: Well, I just feel that the matter is sufficiently severe; it's sufficiently important for us to revisit that. If you don't have to do it right now it's certainly something that should be looked at.

Mr. PICKERSGILL: How much it should be, five thousand?

Mr. SAMUDA: It should be $1 Million or $750,000.

And then you go to the question of first convictions. Now, I for the life of me can't understand this first conviction and second conviction and repeated offenders. If you commit a crime and it attracts a certain charge, why should it matter whether it's the first time, second time or third time? Habitual criminals are no different from criminals who commit a crime the first time. It's against the law.

I am not a lawyer, I simply say that one of the things that is causing us to have so many problems in this country, is turning a blind eye and playing ease up with people who're engaged in criminal activity.

Mr. PICKERSGILL: Three strikes and you're out.

Mr. ATKINSON: Too many rehabilitation.

Mr. SAMUDA: Too many little bligh's, too many little chances, right, too much a dat. I mean we have to come down hard on these things.

A person who knowingly issues a receipt, for instance, who falsifies a receipt is charged $1 Million, but the person who plans the theft, who aids and abets the criminal, gets $500,000.

(Inaudible comments)

Mr. SAMUDA: Well, I know that aid and abet mean to be part of a programme to create a crime.

Mr. ATKINSON: Yes it means that.

Mr. SAMUDA: And the question of the management required for large insulations. Minister, it is all well and good we make laws, but the laws must be so designed to take effect and to be measurable. And so if you have a system of monitoring, I really don't know what mechanism is going to be used to monitor the amount of aggregate that a person has on the ground at any one time, and how much have been brought in and how much have been taken out, and that measurement and how do you place a fine on that.

I think that it is just here because it is a part of the form, but I don't know how it can be applied; I really don't know what is the methodology. How do you plan to indicate how that can work, Minister? Can you just make a note of that? Yes, refer that also, and the whole process of reconciliation, in large insulations in quarries.

To reconcile aggregate is about - I can't think of anything more difficult. So it's not a practical part of this particular amendment, you can explain it when you come, but essentially, to introduce more realistic penalties, to issue receipts, similarly I suspect it will operate like the praedial larceny in agriculture. So if you're found with aggregate and you can't show how you got it, where you got it from, then - and proof of source from which you got it and the need for applying for a licence and a course of study to ensure that you're qualified, I don't know the full extent of what that involves. But all in all I think it is an amendment whose time has come and should've been here a lot earlier.

Thank you Mr. Speaker.

(Applause)

Mr. SMITH: Mr. Speaker, just a question to the Minister in relation to approvals. I know that sometime in the past, sometimes a conflict between approvals from the

Commissioner of Mines *versus* approval from the National Works Agency; I think they give approval for blasting and also some mining. Now - and I think there's not any coordinating at the time that I can recall, the short time at the Ministry of Mining.

(Laughter)

So, Minister, I don't know if that has been resolved, and if it has not, then it is something that deserves some attention.

Mr. PICKERSGILL: Not a bad question.

Mr. HOLNESS: Minister, in the Bill there is a provision made for a certain distance between the actual mine operation and the boundary of the property, that is 15 metres - that's about what, 50 feet thereabout between - yeah about 50 feet from the boundary. Unless there is written approval from the neighbouring property, the owner or occupier - lawful occupier - of the adjoining properties...

Mr. SHAW: Politically approved.

Mr. HOLNESS: ...but Minister, why not just have it a strict rule that the mining operation must be 50 metres from the property boundary, because you could run into a problem? A mine is established, got written approval from an adjoining owner, the owner sells the property, is the approval from the owner who sells the property binding on the person buying the property besides the mining? You're putting yourself in a quite difficult situation. What would the new owner do if he objected to the operations of the mining?

Mr. PICKERSGILL: That's a good point.

Mr. HOLNESS: So I think, just a straightforward delineation of where the operations should be with the sale of it.

Mr. PICKERSGILL: Yuh can sidung now. Good point.

Mr. ATKINSON: A sanguine point.

Mr. HOLNESS: I don't need a referee for that.

(Cross talk)

Mr. PAULWELL: Mr. Speaker, let me thank the Members for their support of these amendments. As I've mentioned before, they have been long in coming. The Opposition spokesperson - you know, I'm a little confused - he's the Opposition spokesperson on mining as well?

(Inaudible comments by Mr. Pickersgill)

Mr. PAULWELL: Okay no, no!

The Member from North Central is the Opposition spokesperson on Mining. I wasn't clear on that before, so I'm so happy to know now because I have to brief you on some mining issues.

Mr. SHAW: He doesn't have as many portfolios as the man beside you.

Mr. PAULWELL: (Laughs) The issue about transportation of uncovered material; it's a matter that should be regulated under the Road Traffic Act. And I think it's a good point that you've raised and I will certainly pass it on to the Minister for Transportation. I think we need to insist, and I'm going to explore whether or not we can insist that when you are departing the mines...

Mr. PICKERGILL: Yes.

Mr. PAULWELL: ...you cover them, and certainly when you get unto the roadways.

Mr. PICKERSGILL: You cover them, yes.

Mr. PAULWELL: So it's something that we will have to follow up on, especially as we have better and better roadways now...

Mrs. NEITA-HEADLEY: Hear! Hear!

Mr. PAULWELL: …that we need to keep them clean.

(Inaudible comment by Mr. Samuda)

Mr. PICKERSGILL: That was your best question.

Mr. PAULWELL: Member, in the criminal practice when you aid and abet, it is always considered to be a lesser offence than the person who is doing the *actus reus* and the *mens rea* - who have the *mens rea.* The person who is involved in the crime is at...

(Inaudible comment by Mr. Shaw)

Mr. PAULWELL: Yes I remember a little bit.

...is certainly at a higher level than those who might be - because to aid and abet, yuh nuh, is probably to provide some gas for the culprit or even less than that.

Mr. PARCHMENT: Or the sideman.

Mr. PAULWELL: So it has to be seen as a lesser offence and that's the reason why you have it like that. And certainly the person who is falsifying receipt, that's a significant act...

Mr. PICKERSGILL: Actus reus, m*ens rea.*

Mr. PAULWELL: ...that should be penalized in the way that we're seeking to do.

Mr. SAMUDA: I don't object to that, I agree with that.

Mr. PAULWELL: And you've also mentioned about first conviction and second conviction. Again, I think when somebody does an offence a second time that must be treated differently from a first offender. And this is a practice that all reasonable jurisdictions acknowledge and recognize.

Mr. SAMUDA: First offenders murdering? So you don't have a chance the second time?

Mr. PICKERSGILL: Murder is murder.

(Cross talk)

Mr. PAULWELL: You've asked about how you manage these so-called large operators, and I'm told that the basic definition for a large operation is where you have a potential for 200,000 tons of material. That is considered to be a large operation and that is where we need to have a manager in place, who is properly qualified to manage these facilities.

Mr. SAMUDA: And measurement.

Mr. PAULWELL: And measurement.

The Member for North West St. Andrew has raised the issue, his own...

Mr. SAMUDA: A measurement.

(Inaudible comments)

Mr. PAULWELL: Yes, that is beyond our competence, but I can assure you it resides in the Commissioner of Mines.

The issue in terms of coordinating activities between the National Works Agency and the Commissioner of Mines and the Quarantine Committee, to also involves coordination with NEPA, because before a license is granted firstly we have to prove the ownership of the land, but also that there will not be any environmental issues, and so NEPA has to be involved, and of course, the

National Works Agency. You've raised specifically, the issue where there is blasting to be done, and that's an activity that is, I think, is coordinated with the two Agencies. And I believe now, under a different Minister that is happening unlike your time, so I hope you'll accept that.

The Leader of the Opposition has…

(Inaudible comment by a Member)

Mr. PAULWELL: Right, and I'm reminded that there is greater flexibility now in amending the penalties, so no longer are we going to be here for 20 years to live with these penalties, there is inflation and there is also recognition that sometimes these offences are considered much more seriously than currently.

The issue as to the distance from the boundaries, it works both ways, you know. Because sometimes a new owner will come and will see some benefit in extending that limit to his boundary and thereafter to benefit from his own mining operations. But we don't want to be too restrictive of the private sector; we want to unleash the spirit of enterprise. (Applause) And, if two persons can agree on where to extend the mining operations, it's not for the Government to get involved in that. And, I would want to enable...

Mr. PICKERSGILL: NEPA?

Mr. PAULWELL: NEPA will be there, but certainly would want to enable and facilitate those types of arrangements. (Applause)

Mr. Speaker, I would like to move that the Bill be read a second time.

The SPEAKER: The question is that the Bill be read a second time.

Put to the House and agreed to.

Bill entitled:

AN ACT to Amend the Quarries Control Act,

read a second time.

The SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

The CHAIRMAN: I put Clause 1.

Put to the Committee and agreed to.

Clause 2 put to the Committee and agreed to.

Clause 3 put to the Committee and agreed to.

Clause 4 put to the Committee and agreed to.

Clause 5 put to the Committee and agreed to.

Clause 6 put to the Committee and agreed to.

Clause 7 put to the Committee and agreed to.

Clause 8 put to the Committee and agreed to.

Clause 9 put to the Committee and agreed to.

Clause 10 put to the Committee and agreed to.

Clause 11 put to the Committee and agreed to.

Clause 12 put to the Committee and agreed to.

Clause 13 put to the Committee and agreed to.

The Title and the Enacting Clause put to the Committee and agreed to.

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage with no amendments.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage with no amendments.

Mr. PAULWELL: Mr. Speaker, I move for the reading of the Bill a third time.

The SPEAKER: The question is that the Bill be read a third time.

Put to the House and agreed to.

Bill entitled:

AN ACT to Amend the Quarries Control Act

read a third time and passed.

(Applause)

Mr. PAULWELL: Mr. Speaker, it is not intended to do any further business this evening. I therefore move for the adjournment of the Parliament until next Tuesday, November 4, at 2:00 p.m.

ADJOURNMENT

The SPEAKER: The question is that the House do adjourn until next Tuesday, November 4.

Put to the House and agreed to.

The SPEAKER: The House stands adjourned.

The Honourable House of Representatives was adjourned at approximately 6:20 p.m., to resume at 2:00 p.m. on Tuesday, November 4, 2014.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2014 – 2015

TUESDAY, November 4, 2014

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.29 p.m.

PRESENT

THE SPEAKER

HON. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern, Speaker of the House.

MR. LLOYD BARNES SMITH, (PNP), St. James, Central, Deputy Speaker

MEMBERS OF THE CABINET

THE HONOURABLES:

HON. PHILLIP FEANNY PAULWELL, (PNP), Eastern Kingston & Port Royal, Minister of Science, Technology, Energy and Mining and Leader of the House

DR. THE HON. PETER DAVID PHILLIPS, (PNP), St. Andrew, East Central, Minister of Finance and Planning

DR. THE HON. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern, Minister of Transport, Works and Housing

HON. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western, Minister of Water, Land, Environment and Climate Change

HON. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, Minister of Labour and Social Security

DR. THE HON. FENTON RUDYARD FERGUSON, CD, (PNP), St. Thomas, Eastern, Minister of Health

HON. LISA RENÉ SHANTI HANNA, (PNP), St. Ann, South Eastern, Minister of Youth and Culture

HON. HORACE WASHINGTON DALLEY, CD, (PNP), Clarendon, Northern, Minister without Portfolio in the Ministry of Finance and Planning with responsibility for the Public Service

DR. THE HON. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing with responsibility for Housing

HON. NATALIE GAYE NEITA-HEADLEY, (PNP), St. Catherine, East Central, Minister without Portfolio in the Office of the Prime Minister with responsibility for Sports and Deputy Leader of the House

MINISTERS OF STATE

HON. RICHARD AZAN, (PNP), Clarendon, North Western, Minister of State in the Ministry of Transport and Works

HON. DAMION ORANDY CRAWFORD, (PNP), St. Andrew, East Rural, Minister of State in the Ministry of Tourism and Entertainment

OTHER MEMBERS

MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central
HON. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern
MRS. MARISA COLLEEN DALRYMPLE-PHILIBERT, (JLP), Trelawny, Southern
MISS JOYCE DENISE DALEY, (PNP), St. Catherine, Eastern
MR. WILLIAM JAMES CHARLES HUTCHINSON, CD, (JLP), St. Elizabeth, North Western
MR. FITZ ARTHUR JACKSON, (PNP), St. Catherine, Southern
MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern
MR. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western
MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern
MR. MIKAEL ASHER PHILLIPS, (PNP), Manchester, North Western
MR. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central
MR. AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern
MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western
MR. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western
MR. CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western
DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central

PRAYERS

Prayers were offered by Mr. Daryl Vaz.

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

The SPEAKER: House Leader.

Mr. PAULWELL: Mr. Speaker, I beg to move that the House be suspended briefly to enable the Members to pay tribute to fallen soldiers and veterans of World Wars I and II.

The SPEAKER: Is it the wish of the House that the meeting be suspended?

(Members answer in the affirmative)

The SPEAKER: The meeting is suspended.

SUSPENSION - 2:34 p.m.

Mr. WILLIAMS:

(Jamaica Legion Representative)

May we ever pray Lord God of Hosts, be with us yet,
Lest we forget.
(Silence)
They shall grow not old as we that are left grow old,
Age shall not weary them nor the years condemn
As the going down of the sun
And in the morning we will remember them.

The MEMBERS:

We will remember them.

The SPEAKER: You may be seated.

I wish to thank Mr. Williams for once again coming to do the exhortations on behalf of the fallen soldiers of the Jamaica Legion.

Thank you, Mr. Williams. And we will see you next year.

(Mr. Williams left the Chamber)

STATEMENTS BY MINISTERS

Mr. PAULWELL: Mr. Speaker, I am sure you will oblige me in...

The SPEAKER: The House resumes its sitting.

THE RESUMPTION
(2:36 p.m.)

Mr. PAULWELL: Thank you very much, Mr. Speaker.

Mr. Speaker, I think we should note that today is the birthday of the Minister who has responsibility for sport, who is the Deputy Leader of Government Business in this House. And, we want to wish her happy birthday. (Applause)

The Minister of Health will make a Statement.

The SPEAKER: Before the Minister does so, let us welcome a group of students and teachers from Catadupa Primary and High Schools. (Applause) I hope they find today's sitting interesting.

(MR. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, entered and took his seat.)

The SPEAKER: Minister.

Dr. FERGUSON: Mr. Speaker, allow me to update this Honourable House on some of the actions taken by the Ministry of Health, with respect to Ebola, since the Honourable Prime Minister instructed that the response should be raised to a national level activity, with the involvement of a number of stakeholders.

(HON JULIAN JAY ROBINSON, (PNP), St. Andrew, South Eastern, Minister of State in the Ministry of Science, Technology, Energy and Mining, entered and took his seat.)

The Ministry of Health is leading the process and is working closely with ODPEM, the Jamaica Defence Force, the Jamaica Fire Brigade and Immigration and Customs, which are a critical part of the joint co-ordinating team.

Road Map for Jamaica's Integrated Ebola Response

As a result of these discussions, we have drafted a road map for the country's integrated Ebola response, and we are now in the process of working with all stakeholders to fine-tune the details.

The road map is three-pronged, and includes:

1. Border Security Plan
2. Health Management Strategy, and
3. Communication and Public Education Strategy

Border Security Plan

In terms of border security, we have been strengthening surveillance at all our points of entry. The private sector has been very responsive to our call for partnership.

Two weeks ago Sagicor made a donation towards the purchase of a Thermal Sensing Unit for Sangster International Airport. Supreme Ventures Limited last week handed over a cheque for the purchase of a similar unit for the Falmouth Cruise Ship Complex, along with hand-held Thermal Sensing machines and Ebola kits.

(DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, entered and took his seat.)

We have had other donations of hand-held Thermal Sensors, and will now be getting a total of seventy-one units; six were donated by the husband of the Prime Minister, Mr. Errald Miller, twenty-five are to come from Supreme Ventures Limited, ten have arrived from friends of Eastern St. Thomas, and will be distributed shortly.

(*Sotto voce* comments)

Dr. FERGUSON: Eastern St. Thomas. That has existed since 1992.

On the weekend I attended a fund-raising event in New Jersey, put on by Help Jamaica Medical Mission. And the organization committed to donating ten hand-held units. We also got a commitment from the National Association of Jamaican and Supportive Organization (NAJASO), for another ten, and ten more from the Buffalo Jamaica Group American Association, led by Dr. Charles Anderson.

(MR. KEITH ANTHONY WALFORD, (PNP), St. Ann, South Western, entered and took his seat.)

Mr. Speaker, we recognize that while we concentrate on the official points of entry, we also have unofficial entry points in various communities, including our fishing villages.

To this end, I have had discussions with the Minister of Agriculture, Derrick Kellier, and State Minister in the Ministry, Luther Buchanan, who has responsibility for Fisheries.

(DR. LYNVALE GEORGE BLOOMFIELD, (PNP), Portland, Eastern, entered and took his seat.)

(DR. KENNETH O'NEIL BAUGH, (JLP), St. Catherine, West Central, entered and took his seat.)

The Public Education Team already made contact with Minister Buchanan, to begin a programme of sensitization for fisher folks.

(*Sotto voce* comments)

(The Speaker gavels)

Dr. FERGUSON: Minister Buchanan, as you know, was previously assigned to Health, and so I believe he could bring tremendous value to this area.

A Government MEMBER: Hear! Hear!

Dr. FERGUSON: Mr. Speaker, I note that as part of our Border Protection Initiatives, the Government recently issued a travel ban against certain persons travelling directly or indirectly from or through Guinea, Liberia and Sierra Leone, in light of the outbreak of Ebola in those countries. The ban extends to persons originally residents in these three countries, Commonwealth citizens who are not citizens of Jamaica, and CARICOM nationals, despite the free-movement regime.

Jamaican citizens and residents who have travelled to these areas, within 28 days of arrival to Jamaica, will be quarantined in the interest of public health and national security, upon their arrival in Jamaica.

Health Management Strategy

Mr. Speaker, in collaboration with the Pan -American Health Organization, the Ministry has established a Coordination, Monitoring and Evaluation Committee, and a number of Technical Working Groups within that Committee, for Ebola, Dengue and Chik-V response.

The Working Groups are responsible for the following areas:

1. Rapid response mechanism
2. Public awareness and community engagement
3. Infection prevention and control
4. Case management
5. Epidemiological surveillance
6. Contact tracing
7. Laboratory
8. Capacities at the points of entry, and
9. Resource mobilization

The overall Coordination Committee will be led by me, and include the Pan-American Health Organization, the Permanent Secretary, the Chief Medical Officer and other relevant officers of the Ministry of Health.

(THE MOST HON. PORTIA SIMPSON MILLER, ON, (PNP), St. Andrew, South Western, Prime Minister and Minister of Defence, entered and took her seat.)

(MR. RAYMOND FRANKLYN PRYCE, (PNP), St. Elizabeth, North Eastern, entered and took his seat.)

(MR. ANDRÈ MARIO HYLTON, (PNP), St. Andrew, Eastern, entered and took his seat.)

Mr. Speaker, the Ministry has developed a number of protocols and guidelines for the management of Ebola, including:

- Ebola Clinical Management Protocol
- Ebola Epidemiological Surveillance Plan, including the standardized case definitions
- Inspection Prevention and Control Protocols and guidelines
- Guidelines for the collection and transport of samples for laboratory diagnosis of Ebola virus disease
- Guidelines on the management of the deceased infected with the Ebola virus

- Guidelines for the operations of funeral establishments and mortuaries, to ensure appropriate handling of bodies to minimize the risk of transmission of disease
- Guidelines for point-of-entry workers, including port health, Immigration and Customs.

A dedicated National Treatment Centre located at the National Chest Hospital has been refurbished and has been fully equipped. I have a meeting this evening with the Member of Parliament and residents of the surrounding communities to answer any questions they may have.

Mr. Speaker, a temporary isolation facility has been also identified at Cornwall Regional Hospital. A Treatment Centre is now being constructed at CRH and will become the second such facility in the island. While the construction is taking place, if there is a need, patients would be held at the Temporary Facility and transported to National Chest Hospital in Kingston for treatment.

In addition, Isolation Rooms have been identified at all Public Hospitals to serve as holding areas for suspected cases. I want to make it clear that we will not be treating cases of Ebola if it ever comes in every hospital.

Mr. Speaker, you know, the Ebola outbreak and response is centered in West Africa so much of the resources for Ebola are being channeled to that area. In addition, countries are preparing themselves and therefore ensuring that they have the required tools and supplies necessary for a response if they so desire.

Consequently, as you can understand, there is a worldwide shortage of items utilized for Personal Protective Equipment due to the excessive demand. We are working closely with the Pan-American Health Organization, which is currently sourcing these items for the region although we do have some present in Jamaica.

Communication and Public Education Strategy

In terms of public education, we are moving to strengthen the responsible department within the Ministry of Health. The JDF is providing some support in this area and I have asked the Medical Association of Jamaica and the Jamaica Medical Doctors Association to assist with the Public Education.

With $150,000,000.00 available for Chik-V and Ebola response, we have begun implementation of the comprehensive Ebola Communication Strategy. You may have seen the ads in the Newspapers and Television and Radio as well as signage at the airport.

We are increasing our presence at the community level. Regional training of Trainers and Stakeholder Sensitization are being conducted and Community Education Packages are being developed for distribution. We have engaged several stakeholders to assist with community mobilization and education.

Mr. Speaker, an Ebola Control Centre is also to be set up at the JDF. We have been working very closely with the team from the

JDF and have had several discussions about how we are moving forward.

Assistance from Cuba

A few weeks ago, the Prime Minister made a call to the President of Cuba, Raul Castro to see how that country could assist Jamaica in its response. Cuba has always partnered with us in the area of health and we have existing Human Resource and other agreements with Cuba. Cuba has also been assisting the Ebola response in West Africa with 256 collaborators slated to be there and the country is known to have strong systems in place where health care is concerned.

It is against this background that I led a delegation to Cuba to seek technical support with respect to Jamaica's Ebola management and response. The team included:

- Deputy Chief of Defence Staff, JDF Brigadier Rocky Meade
- Captain Deborah Newnham of the JDF
- Head of the School of Public Health at UTECH, Professor Winston Davidson
- President of the Medical Association of Jamaica, Dr. Shane Alexis
- President of the Jamaica Medical Doctors Association, Dr. Alfred Dawes
- CEO, Private Sector Organization of Jamaica, Dennis Chung
- Public Health Nurse & NAJ Representative, Dahlia Thomas
- Director, Health Services Planning and Integration, Dr. Lundie Richards
- Director, Strategic Human Resource Management, Benjamin Waysome
- Chief Nursing Officer, Marva Byfield

A representative of the Opposition Jamaica Labour party was invited, Mr. Speaker. Former Health Minister, Rudyard Spencer was slated to join the team but was unable to attend.

Agreements with Cuba

Mr. Speaker, Cuba has agreed to the following:

1. President Castro suggested that we visit the Pedro Kouri Institute of Tropical Medicine when he spoke to our Prime Minister, which is the agency through which all Ebola activities in the country are managed. After a tour of the facility and later discussions, the Minister of Health for Cuba on my request, agreed to set up a Memorandum of Understanding between that Tropical Institute, broad-based technical institutions in Cuba and the Government of Jamaica with critical groups.
2. Cuba will assist with the training of health care and other frontline workers in Ebola preparedness. Two (2) experts will be sent to the island to train our workers as well as those Cubans presently deployed to Jamaica.
3. Cuba will provide training for the 30 health care workers who are slated to arrive in Jamaica this month, prior to

their arrival as part of the current HR agreement.

4. Cuba will share information with Jamaica daily on the progress of the Ebola response in West Africa, United States of America, Spain through its control centre to keep us updated on the epidemiological situation and other important information required for decision-making.
5. Cuba has agreed to deploy doctors and nurses to assist in the response in the event that Jamaica experiences an outbreak of Ebola.
6. We are still awaiting a formal response to the request for Cuba to provide additional personal protective equipment and contact tracing kits for managing potentially exposed persons in communities.
7. In terms of Chikungunya and Dengue, I asked Cuba's Health Minister and Cuba's Ambassador to share any best-practice response to vector control, specifically Dengue fever and Chikungunya. As a result of those discussions, an expert will also be visiting Jamaica soon to assist us in improving these areas.

Technical meeting of experts in Ebola response

At the invitation of Dr. Morales, Jamaica was represented at the technical meeting of experts in response to the threat of Ebola virus disease in the Americas held in Havana, Cuba on the 29th and 30th of October, 2014. The three (3) member delegation from the Ministry of Health was led by acting Chief Medical Officer, Dr. Marion Bullock Ducasse. Thirty-four (34) countries were represented with approximately two hundred and seventy-eight (278) participants inclusive of observers. The purpose of the meeting was to exchange experiences and knowledge, as well as finalize strategies for the prevention, preparedness and response to the threat of the Ebola epidemic.

Mr. Speaker, the challenges being experienced in other countries were not unique to any country, but were all along a similar path. They are summarized as follows:

1. Fear and apprehension throughout the society
2. Overwhelming need for training
3. Limited quantities of PPEs Personal Protective Equipment
4. Incomplete isolation facilities
5. Few volunteer to be trained to treat the Ebola virus disease patients
6. Limited capacity to treat, manage waste and the deceased
7. Limited capacity to transport samples.

Mr. Speaker, Jamaica is to benefit from the following initiatives:

1. A regional approach to training, starting with training of the trainers course which will be held from the 10th to the 15th of November, 2014 in Cuba, for countries which are willing to participate in a forty (40) hour intensive course, that would be putting them at a certification level. It is proposed that each country will send three (3) participants. And there

is a clearly defined module of training, Mr. Speaker, for these persons, focusing on things like bio-security, management of the Ebola virus patients, surveillance and also the concept of a regional response among the many areas of this agreement.

2. A training team will visit Jamaica, again, Mr. Speaker, to discuss and initiate training plans for Ebola preparedness.
3. Pan-American Health Organization will continue to provide technical cooperation to countries in their preparedness for introduction and possible spread of the Ebola virus, including a revision of the guidelines for personal protective equipment.

Sensitization and Staff Motivation

Mr. Speaker, I have instructed the Director of Strategic Human Resource Management in the Ministry of Health to go on a programme to meet with and motivate our staff in light of the present situation with Chikungunya as well as the threat of Ebola.

I know that all of this is taking a toll, Mr. Speaker, on our health workers. I want to assure them that we are doing everything in our power to protect their health, especially where Ebola is concerned.

Training of health workers and frontline staff

Mr. Speaker, in addition to the training of two (2) Cuban experts, the training that the two (2) Cuban experts will offer, we have been conducting training sessions with health care workers and other frontline staff including security guards, janitors and porters. Personnel from the Jamaica Defence Force, the Jamaica Constabulary Force, the Fire Department, Immigration and Customs have also been a part of the training and sensitization activities. Mr. Speaker, we have engaged the Office of Disaster Preparedness and Emergency Management, the Fire Brigade and the JDF to begin the process of organizing simulation exercises to ensure that our workers know what to expect at all levels.

Regional response

Mr. Speaker, I have been advocating for a regional response to Ebola through CARICOM. I believe that this will enhance each country's preparedness and response. As we have seen with Chick-V, Malaria and Cholera, if one country in the region is affected we are all at risk.

Ebola is a deadly disease and as we have done at the country level, we have to ensure that we have all hands on deck at the level of the regions. Our strength will be dependent on our ability to unite for this important effort.

With this in mind, Mr. Speaker, I made a special appeal to Cuba on behalf of CARICOM for assistance to launch a regional response to Ebola. Cuba has agreed to facilitate this request.

Mr. Speaker, I note that Heads of Government of CARICOM are meeting today in a special session in Trinidad and Tobago to discuss the Ebola virus disease and Chik-V.

This 17th special meeting of the conference of Heads of Government involves Ministers of Health and Foreign Affairs. The meeting's primary purpose is to review actions the region has taken so far on the two (2) public health issues and to determine the way forward.

Mr. Speaker, the Ministry of Health will continue to lead the process and we have been steadily making progress with our preparations for Ebola. We will continue to work with our partners including the Jamaica Defence Force, which has been very involved in working with us to put systems in place towards creating an effective and efficient response mechanism in all phases.

I again would like to thank all persons, including the private sector and citizens, who have assisted in some way, no matter how small. We consider every bit of health valuable as we continue our Ebola preparedness and response activities. I urge everyone, including my colleague Members of Parliament, to continue to assist the Ministry of Health to protect you, your family, your community and our country from Ebola.

Mrs. Speaker, I thank you.

(Applause)

The SPEAKER: Dr. Baugh.

Dr. BAUGH: Mr. Speaker, this has been a long awaited presentation by the Minister of Health to the nation on Ebola, not only on Ebola but the whole issue of Chikungunya. It is of great concern. I think the country has been waiting with baited breath, waiting to exhale and now that they have heard from the Minister, which is a comprehensive report, a long report, comprehensive.

Dr. DAVIES: Comprehensive.

Dr. BAUGH: Long. I am not really complaining. I tried to listen attentively while he made his presentation. The Minister did speak to me last week, Mr. Speaker, and indicate - he indicated that this week he will be making his presentation when he has heard from the Chief Medical Officer who was in Cuba meeting with the experts.

Mr. Speaker, there are certain areas of clarifications that are necessary, and I hope you will give some latitude that while I am asking questions and asking for clarification that I will be able to frame it within the context of the concerns that I have. And I would like first of all to deal with the Chikungunya epidemic although we have spoken on that before.

I believe that the connection between the Chikungunya and Ebola is the fear that what has happened with Chikungunya can happen again with a more serious disease, one that is more fatal. And although they are different in terms of transmission and they are both viruses, there is still the relationship in that these are new infections emerging and this is an issue that we have to address as well. Why are these new viruses emerging and spreading worldwide? And the question of the action or inaction of global authorities and the developed countries in response to what has taken place, especially with Ebola in Africa.

Mr. Minister, through the Speaker, it is quite obvious that the effect of Chikungunya was underestimated. As a matter of fact, the medical profession is still learning of how serious a disease this is. It cannot be taken

lightly. And I just wonder, Mr. Minister, to what extent have you authorized the Research Department such as the TMRU, and even with our Epidemiologists and Entomologists in the Ministry of Health, to look into the whole experience that we have had and are now having with Chikungunya to understand certain aspect of it. First of all, our mosquito control programme, because it appears to all of us that this programme is deficient in Jamaica and could have been better.

In looking at other countries like Cayman we see where there is pretty well established a practice on an annual basis of controlling mosquitoes in other countries such as Cayman, which involves strategies such as aerial spraying, especially in areas where people don't live over large parts of the country that are well treed.

(*Sotto voce* remarks by Dr. Davies)

Dr. BAUGH: You will be surprised to know. But using aerial spraying not only to kill adult mosquitoes but also to drop pellets of larvicidal drugs from the air into swamped areas to kill the larvae in the water; larvicidal control is a very important method. There is the observation that countries that have done this consistently and successfully over the years have not suffered the extent of the epidemic that we have suffered in Jamaica.

I know that spraying has been taking place and I have raised the issue, Mr. Minister, as to whether our mosquitoes are resistant to the Malathion that is used in fogging and in backpack spraying, and would like the Minister to let us know if tests have been done, because a part of the control is to do surveillance of the mosquitoes itself. In Cayman for instance there are traps for mosquitoes, counting the eggs, different ovary traps located at different regions across the country, the eggs are counted, the important mosquitoes are identified such as the Aedes aegypti and the Aedes albopictus, which I don't think we have in Jamaica as yet. But based on that a plan is made how to deal with the mosquitoes and, in particular, to look at the issue of whether they are resistant to the methods being used.

Another point is that other countries have announced efforts to use genetically modified mosquitoes to release them into the wild to reproduce with other mosquito population and thereby produce an offspring that can be easily controlled. One such method is to make the life cycle of the mosquito dependent on an antibiotic called acronycine.

Another one that is taking place is in Venezuela where mosquitoes are genetically modified and released into the general population. But not only that, Mr. Minister, the control involves meticulous drainage of swamped areas, meticulous control of pooling of water. And we know we have that problem in the low lands of Jamaica in the flat lands such as in my area in Spanish Town, there is a lot of pooling; there is a lot of stagnant water.

Mr. PICKERSGILL: Spanish Town!

Dr. BAUGH: Suburban Spanish Town. I am right beside Spanish Town. It is Suburban Spanish Town.

Mr. WARMINGTON: Don't respond to him.

Dr. BAUGH: But urban Spanish Town

has the same problem and we don't see the kind of engineering that is necessary to drain and maintain.

And I have to complain to you, Mr. Minister that the Prime Minister made an announcement to us as Members of Parliament of the action being taken. And I complained at that meeting that certain peoples were making it political. In other words, funds are being channelled through people that are not the official representatives of the people but being used in a political way. The reason I am complaining again, although I have complained to the Prime Minister, is because it is still happening.

(*Sotto voce* remarks by Mr. Pickersgill)

Mr. SHAW: He wants to know about the basis of your complaint.

Dr. BAUGH: We know about it. Yes, we know where it's happening.

Mr. PICKERSGILL: What you know?

Dr. BAUGH: Mr. Speaker, the other issue I want to put to the Minister is that...

(Cross talk)

Thank you, Mr. Minister, I will continue despite the great obstruction by those who want to interrupt my presentation.

Mr. Minister, the surprising feature of Chickungunya is that it has a very high incidence of chronic complications. I am coming from my clinic and the majority of cases I am seeing now are people who are suffering recurrences, relapse, chronic diseases. I don't think the world really has enough knowledge about why this is taking place. We don't know if it's a recurrent infection. We don't know if it's the virus in the tissues. We don't know if it's an immune response or an autoimmune response that is a complication of this infection. I believe that consultations are taking place, but like in other countries, like India in particular, it is important that we study the phenomenon so that we are better able to treat these complications.

Ask anybody who has suffered from Chikungunya they will tell you that the Chikungunya targets areas where there has been previous disease or previous infections, osteoarthritis, joints that are affected by rheumatoid or osteoarthritis, bursitis; people who have had fractures before, the fractures healed. As a matter of fact, some of them have been subject to internal fixation with metal pins.

(Dr. Baugh's cellular phone rings)

I apologize, Mr. Speaker. But also people who have had heart disease before, congenital heart disease, it is a feature of this illness that the virus targets these areas and those people who have chronic diseases are the people who have underlined comorbidities or people who have suffered injuries or inflammation in their skeleton and joints before. It would be very important for us to make sure that the TMRU and other agencies investigate this phenomenon so that we are guided in the future as to how this can be treated.

By far the most important thing Mr. Minister is the extent to which we are prepared and can mobilize at short notice to prevent the spread of these new viruses. The Chikungunya virus is not very old, it started in 1952 in Tanzania and it was in 2005 to 2006

that it hit the islands of the Indian Ocean, especially Reunion Island from which it spread to Italy and France. And it was only December 2013 that it came to the Caribbean. And has everybody now knows, it has been an explosive epidemic in the whole of the Caribbean, and most countries are susceptible, and I believe some 21 countries have been affected. In countries that were not well prepared the incidence of infection is in the region of 90% like Jamaica. We have had at least 90%. As a matter of fact, there was an article in the paper the other day pointing out that in the enterprises in Kingston, in the business places they have complained that ninety-odd per cent of their staff has been on sick leave over the last several months.

So then this thing has had an enormous economic impact, Mr. Minister, and I think that it is very important for us to anticipate that the possibility exists that it can come again. I don't think that we should be complacent in saying that everybody is now immune because everybody got it. When Dengue started we didn't know that Dengue was going to have Dengue Type 1, 2, 3 and 4. And with each type, every time the virus mutates it's a new epidemic. As a matter of fact, Dengue hemorrhagic fever occurred when those who already had type 1 now have type 2 and type 4. It was a new infection that causes the body's immune system to attack certain elements in our blood and caused Dengue hemorrhagic fever.

(HON. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western, Minister of Local Government and Community Development, entered and took his seat.)

(MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary, Western, entered and took his seat.)

(DR. WINSTON LLOYD GREEN, (PNP), St. Mary, South Eastern, entered and took his seat.)

(MR. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, entered and took his seat.)

(MR. RUDYARD CONRAD SPENCER, CD, (JLP), Clarendon, South Eastern, entered and took his seat.)

Turning to Ebola, Mr. Speaker, I think it is very significant that Ebola is following in the wake of the Chikungunya epidemic. Well certainly, we are now convinced that the whole world is threatened. As a matter of fact, it has been declared by the United Nations that it's an international public health emergency.

I want to join Dr. Margaret Chan who is the Director of the World Health Organization, and I believe, Mr. Minister, we would hope that this point can be emphasized in your meetings abroad, and I put the issue to you, that for over 40 years Ebola was known. Starting in Africa -

(Cross talk by Dr. Ferguson)

You did. Started in Africa in Zaire. Started in 1976, and it is a shame that is only now intensive efforts are being made to find a vaccine and other tools to fight Ebola, and she has made the point that it's because the problem was in Africa, in Western Africa, a

poor country, and she condemned the world, the private world for being predominantly profit oriented, and cited that as a cause as to why no good efforts have been made to find the vaccine. But we are reassured now that efforts are being made and several vaccines are on trial, being funded by the Welcome Trust by certain governments; the United Kingdom, the United States of America and certain other interested agencies and trials are being done.

But again we must complain, internationally, about the tardiness with which the world set about responding to what happened in Western Africa. In terms of the current epidemic, the count now stands, Mr. Minister, at 13,500 almost 14,000 people being infected; 4,951 deaths; 2,413 in Liberia; 1,510 in Sierra Leone, and 1,018 in Guinea. With a few in Europe, especially Spain, one death known in the United States of America, one death in Mali and also an imported case in Senegal. So the global and international nature of this epidemic is not in doubt, and now the world is catalyzed into action because it is a public health disaster of international concern.

Mr. Speaker, the concerns can be extended to the fact that the cause of these new viruses, these new epidemics lie in the global inequity that currently exists, especially following on the global financial and economic crisis of the world.

The causes are the invasion of the forests and jungles in the Amazon and the Congo, and we must also recognize that is not only in Africa hemorrhagic fever is taking place. While Ebola started in Western Africa there were ten cases of a hemorrhagic fever, ten fatal cases, ten deaths in Venezuela, and that is known as the Venezuelan hemorrhagic fever. So we must not only keep an eye on what's happening in Africa, we have to keep an eye on what's happening in South America and Asia, and other countries as well. And, therefore, if this global inequity and the serious burden being borne by these poor countries continue, then we will not be able to contain the emergence of new viruses, or the spread of diseases, while at the same time we are suffering from climate change which is another consequence of what is happening, the lungs of the world being cut down and invaded for economic reasons.

Mr. PICKERSGILL: Good point.

Dr. BAUGH: Thank you.

Coming closer to home, Mr. Minister, I want to thank you for the comprehensive presentation again, and the kind of efforts that obviously have been made to respond to Ebola in a better way than we responded to Chikungunya. In other words, we are learning as we go along. Lessons are being learnt, and I have read the protocols and guidelines that you have set out, but at the same time the issue has been raised concerning: One, the location of the centre at the National Chest Hospital. In an area where there is a school adjacent to it, where there are other patients in that hospital, and I made a suggestion when I spoke at one of the press conferences, that St. Joseph's Hospital - and also when I spoke at the Prime Minister's meeting - that St. Joseph

Hospital would have been a better location. I am familiar with that hospital, I have worked there -

Dr. FERGUSON: Same area. Downtown.

Dr. BAUGH: No, but you have an opportunity, it's on a lot of land -

(Inaudible comment by Dr. Ferguson)

Dr. BAUGH: But it's very easy to isolate that area with the various physical methods and other methods. Mr. Minister, I would suggest that you have another look at it because the wards are so structured that people can be isolated in rooms, and the barrier nursing can be more effectively provided in rooms.

In your protocols, Mr. Minister, I don't see that you mentioned ambulance workers and emergency medical staff for operating the ambulances, because it is important from the time a suspected case is identified, that the chain reaction along the way, including transportation, that the measures are employed, that the protocols are employed. And I'm asking once again, that we consider simulation exercises. I don't see you mention it.

Dr. FERGUSON: I mentioned it.

Dr. BAUGH: You did. Because simulation exercise is the only way you can know where a weakness exists, where exposure can take place, because we must remember that a lot of the people who died are doctors and nurses who were working in situations that were well organized, who were using the protective suits. So it is important that we make sure that this can't be repeated in Jamaica. People have to know how to put on the suits. It takes about five minutes, I'm told. How to take off the suits. Takes about 15 minutes. How to sanitize the suits and the gloves. How to deal with waste material before incineration, and it's not until you do simulation exercises that you can understand and be clear and be confident that you have plugged all the holes, that the infection cannot take place.

Mr. Speaker - Mr. Minister, I would like to make sure that Jamaica is in touch with those areas that are doing research on the vaccine. When you went to Cuba I was particularly encouraged because I know that the Cuban authorities and their research mechanisms have dealt with vaccines to a large extent over the years, and they have vaccines that they claim work. As a matter of fact, some of them certified by the World Health Organization, which can be very useful to Jamaica. I have no doubt in mind that the Cuban medical authorities are also involved in the development of a vaccine for Ebola. It would be good that if that is taking place Jamaica participates in the trials.

But all in all, Mr. Minister, the plan is comprehensive. We welcome the plan. We want to see it implemented in terms of seeing the process taking place, and I wonder if you could indicate to us how much of the hazmat suits and other pieces of equipment that are specialized for this purpose, how many of those are available in Jamaica.

Mr. SHAW: Good question.

Dr. BAUGH: But I believe -

Mr. SHAW: Good question. Ask it again.

Dr. BAUGH: I believe that Jamaica is as competent as Cuba, in furnishing our solutions. Our experts are just as good. It may well be that we are not as well organized, and we don't have the financing, because in Cuba the financing is more organized and more targeted, but I believe that we can rise to meet the challenges of this illness, and we can prevent Ebola from taking root in Jamaica.

Thank you very much, Mr. Speaker. (Applause)

The SPEAKER: Mr. McKenzie.

Mr. McKENZIE: Mr. Speaker, permission to speak from -

The SPEAKER: You may proceed, Mr. McKenzie.

Mr. McKENZIE: Thank you, Mr. Speaker.

Mr. Speaker, I just want to ask the Minister to comment on the guidelines as it relates to the operations of the funeral establishments. Mr. Speaker, this is perhaps one area of the threat that is significant, Minister, because as you are aware, Mr. Speaker, in Jamaica there is no public morgue, there is no public morgue in Jamaica. What we have, Mr. Speaker is an abundance of funeral homes, undertakers. Now, Minister, just looking at what is taking place in Africa, a lot of the deaths can be attributed to the handling of dead bodies and you know that that constitute a large percentage of loss of life.

Mr. Speaker, if there isn't a time in Jamaica we need to pay special attention to the question of regularizing funeral homes, Mr. Speaker, the threat of Ebola presents a golden opportunity for us to regularize an industry, Mr. Speaker, which can have devastating effect on the country if something is not done. There is about, Mr. Speaker, close to 300 and odd -

Dr. PHILLIPS: You will participate in a simulation exercise?

Mr. McKENZIE: For the funeral homes?

Dr. PHILLIPS: Yes.

Mr. McKENZIE: No, Mr. Speaker -

(Laughter)

Mr. Speaker, I hear the Minister but I would love, Mr. Speaker, I would love, Mr. Speaker, if the Minister could speak directly to this issue and also, Minister, I heard you speak of the role of the Fire Service in this exercise and again, Minister, we are concerned because we know the capacity of the fire fighting or establishment in Jamaica. They are already pressed and I would have much prefer, Mr. Minister, if you would consider the possibility of training persons and spare the fire department from being involved in this exercise. I think the role of the Fire Service, Minister, should not be brought into play in such a significant way, because they, Minister, are actually the last line of response, not just in terms of fire but other aspects of natural disaster, Minister, and I think these are two important aspects that you probably need to look at but I can only ask you to use this occasion to appeal to your Members in Cabinet to have a serious overall of the funeral services in Jamaica which needs to be regularized.

The SPEAKER: Mr. Vaz.

Mr. VAZ: Thank you very much, Mr. Speaker.

Minister, whereas I understand that you have made a statement in relation to Ebola, I have a duty to pass on the public sentiment that is greeted by me through the length and breadth of Jamaica, and that is the concern that Ebola has taken over from Chik-V in terms of the attention and the resources being used by the Government.

I see you shaking your head, Minister; I'm passing on as the representative of the people the sentiment out there.

Dr. FERGUSON: I will respond.

Mr. VAZ: I would like to assure you that Chik-V is alive and well and whereas we don't see or hear much about Chik-V, because Ebola is a much more dangerous disease, I can tell you that the people are suffering out there very badly in relation to the amount of cases of Chik-V that continue as we speak. It is felt that widely out there that aside and apart from the meeting that we had with the Prime Minister and all the MPs and the stakeholders and the $500 Million that was allocated - $2 Million per constituency along with other specific projects that I can speak for myself and to say whereas I am, indeed, gratified for the $2 Million of work that I am to carry out, it is, in fact, woefully short if we are to really attack the sources and the breeding sites of where these mosquitoes are coming from.

There was a meeting last week, Minister in the parish of Portland put on by the Portland Parish Council who got $5 Million and I'm here to tell you that I was taken aback when I realized that none of the $5 Million was going to be used to clean drain, *et cetera.* Some fogging was in there, but it was about public education and the employment of people to go out and educate the public about Chik-V, which has very little effect in terms of attacking the cause. Yes, education is important.

So I really want to stress to you that while we deal with Ebola, which I can understand why we have to do that, the country needs to be kept abreast of what is being done in relation to the continual battle against Chik-V, because Ebola has taken the forefront and I can tell you that the cases and the amount of people that I am hearing and speaking to on a daily basis that have either had or have Chik-V, it is causing a major, major effect on the production on the private sector and even the government service. So I just say to you, Minister, that the people are still very, very, very anxious to continue to be told what is being spent and how much resources and how do we continue to not only educate the public, but to make sure that the public and those who can't afford a private doctor are getting the required treatment when they go to the government institutions: hospitals, health care, *et cetera* and I just want to be assured, which I am sure you will do that now, to tell me so that I can pass on the information as a representative in relation to the very, very uncomfortable Chik-V.

Thank you.

The SPEAKER: Mr. Chuck.

Mr. CHUCK: Mr. Speaker, Minister, I just want to ask you to emphasize that Chik-V is affecting people across Jamaica in different ways and I don't think, Minister, that there is enough public education to tell the population

at large how it affects different persons. As one who has been affected for the last four weeks I know that when I get up in the morning I have to lift my leg off the bed to get off the bed and until I am moving I really feel the effects. Once I get moving, I'm okay, but if I'm stable for a short period of time my joints seize up...

Mr. ROBINSON: Old age.

Mr. CHUCK: ...and now for four weeks I have not been able to play tennis, because the knuckles can't really grip the racket as well. But, Minister, there are others who suffer differently. There are people who not only have joint pains in their shoulders, in their backs, but they also have rashes, which apparently continue for some time. And I say, Minister, coming over the internet is information and it could, indeed, be misinformation too and I think what is needed, Minister, is a proper programme of education, so that people know exactly where they stand, because they are very fearful now because there are some persons who after one week they've recovered. So those who have not recovered for three and four weeks wonder what has happened and I mean it's the first time I went to a herbalist to find out if I can get rid of this (Laughs) virus in my system because Minister, I can't believe someone who really, I regard health to be most important above everything else, that after two weeks I still had problems with my joints. So I'm asking if your Ministry could put the different effects that it could have on citizens, because more than 50 per cent of the population I dare say have had this effect and you don't want them to have any sort of neurosis about this thing, because I understand it could last for anywhere between two and six weeks, maybe more. But at least let the people who have had it ease their fears, so that, you know, we don't get a panic rather than the epidemic. So, Minister, apart from your response I'm begging your Ministry to put out the public education so that we can recover from what has clearly been an epidemic of immense proportions.

The SPEAKER: Mr. Charles -

Mr. HENRY: Excuse me, I don't want to belabour the point, Minister, I just want a clarification in support of my colleague from Portland. I received this letter here a while ago of October 29. This letter says that for the $2 Million which has been approved I have to send it to OPDEM for approval; that the extension should specify location; it speaks to emergency contract; direct contracting; it speaks to identify areas for vector control - I don't know if I want to read it. I think every MP has gotten this. So as we speak right now I'm still seeking to prepare a programme to address the urgent needs, as mentioned from Portland, and I don't really know how we're proceeding, because this has compounded my problem and this letter is no more than five days old - 29th of October - ensure that your work programme is submitted urgently, but it has to go payment authorization, contractor, certifying office, coordinating team, Minister of Transport, Ministry of Finance and Planning. So it's not being dealt with as an emergency in a simple term and I think I'm speaking on both sides of the House. We want

to attack the problem. Let's clarify whether we have enough trust in the representatives of this country that this money is going to be spent to deal with an emergency and not anything else. So I appeal if you can clarify where we do we send the programme, where is the funds available, how can I start it next week, this week, or by tomorrow?

The SPEAKER: Mr. Charles.

Mr. CHARLES: Thank you, Mr. Speaker.

Mr. Minister, I have a few concerns I'd like to say to you. If the statistics are correct, more than one million Jamaicans have been affected by Chik-view (sic); more than one million.

Dr. PHILLIPS: Where you get that statistic?

Mr. CHARLES: Well, they say, Minister, more than half the population.

Dr. PHILLIPS: Who said that and when?

Mr. CHARLES: Several have died. (Cross talk)

(Inaudible comments by Dr. Phillips)

Mr. CHARLES: Several Jamaicans have been affected by Chik-view (sic).

Dr. PHILLIPS: Point of order, Mr. Speaker. On a point of order.

The SPEAKER: Hold on, Mr. Charles, hold on. Hold on.

A Government MEMBER: Chik-view?

Mrs. NEITA-HEADLEY: Chik view. (Laughter)

Dr. PHILLIPS: The Member has quoted a figure.

The SPEAKER: Stated.

Dr. PHILLIPS: Has stated. He asserts that if the figures are to be believed - we seek simply as I believe is provided for by the Standing Orders to be assured as to whence cometh those figures. That's all we're asking, Mr. Speaker.

The SPEAKER: Thank you. Mr. Charles, if you're going to quote - state any figure...

Mr. CHARLES: Mr. Speaker…

The SPEAKER: ...could you - hold on, Mr. Charles. Listen to me.

Mr. CHARLES: I'm going to answer the Member.

The SPEAKER: No, listen to me. I said once you're quoting figures...

Mr. CHARLES: Yes, I'm going to quote figures.

The SPEAKER: ...you are to state where the figures come from.

Mr. CHARLES: ...I'm going to backup the figures.

Mr. Speaker, the Member is correct, I am not right. (Laughter) is 1,400,000. The Permanent Secretary in the Ministry has advised us that 60 per cent of the population of Jamaica has been affected by....

(Cross talk)

The biggest school you want to go *caan* clean that. Let me go on.

Dr. PHILLIPS: Mr. Speaker, Mr. Speaker.

An Opposition MEMBER: Sit down!

Mr. CHARLES: You're standing on a point of order?

Dr. PHILLIPS: Yes.

Mr. CHARLES: A point of order?

Dr. PHILLIPS: Yes.

Mr. CHARLES: State your point of order.

Dr. PHILLIPS: Thank you.

Mr. CHARLES: State your point of order.

I would seek from the Member when and where was that statement given?

(Cross talk)

Mr. SHAW: It was public, in the newspapers and on TV and the radio; where were you?

(Heckling)

Dr. PHILLIPS: Mr. Speaker, I'm asking one Member, one Member, not the pack. The second question I'm asking, Mr. Speaker, even on the assumption - just for clarity is he saying will be, has been or are now affected - just for clarity sake, Mr. Speaker.

Mr. CHARLES: I can answer that, I can answer that. I can tell you better than that. Based on…

(Cross talk)

I'm going to answer you. Based on what is happening more than 60 per cent is going to be affected.

(Cross talk/Laughter)

More. It is heading towards 2 million. What the Minister needs to tell me now, based on his record, and I will tell him next week, how many people who were sick and have been affected by the Chik-view have died.

(Cross talk)

Several have died.

Dr. PHILLIPS: Mr. Speaker, on the point of order. I am very interested in this section of the Member's comments, but I would just ask if he would answer my question: When? Where? And is he talking about the actually number now or is he speculating about what will happen then or is he talking about something that has happened in the past? I only seek that clarity before he goes on to the rest of his speech...

(Inaudible comments by Mr. Shaw)

Dr. PHILLIPS: No, I'm not seeking it from you. You come from Manchester, I'm seeking it from the man from Clarendon.

The SPEAKER: Mr. Charles.

Mr. CHARLES: Mr. Speaker, not all of us can do calculus, but we can do basic maths and if there are 2.7 million people in Jamaica and our Permanent Secretary advised us that 60 per cent of 2.7 have it, how far am I?

Dr. PHILLIPS: Have it now?

Mr. CHARLES: I can answer that. Hold on, nuh man. I tell you better than that. I have to get the new report from him; might gone up to 70 per cent. It might gone to 70. You might not know this.

Mr. SHAW: Do they have it or could get it?

Mrs. NEITA-HEADLEY: Might. Might not.

Dr. PHILLIPS: That's what I'm asking.

Mr. CHARLES: Sir, based on what I have been informed - the new figures - because people are having it every day - the new figures will be given to us later.

Mr. SHAW: Yes, yes okay. Move on now.

(Laughter)

Mr. CHARLES: We stop at that. We want to know, Minister, how many people you

have recorded that has died as result of Chik-V?

Mr. ROBINSON: Chik-view.

Mr. CHARLES: Next question. Mr. Minister, there is a doctor who made a presentation; I would like you to confirm whether it is so, that on May 28, 2012...

(*Sotto voce* comment)

Mr. CHARLES: A conference was held. It seems as if you were there - almost two years ago. Preparation for this should have been done - taken place. Gullies should have been cleaned. Mosquito holes should have been cleaned out.

Mrs. NEITA-HEADLEY: What is the question?

Mr. CHARLES: We should have backed up the few mosquitoes that come from other places; two years ago, and we heard nothing about it. Minister - probably the Minister of Finance would want to challenge this too, because he is going to lose money.

Mrs. NEITA-HEADLEY: What is the question?

Mr. CHARLES: According to a Report, 13 million man-hours and $46 Billion have been lost from the private sector which means you *nuh gwine* get no tax from those. You want to question that too, or you are satisfied that the private sector is correct?

The SPEAKER: Mr. Charles...

Dr. PHILLIPS: Just before I answer...

Mr. CHARLES: What *yuh* standing on now?

Dr. PHILLIPS: You asked me if I wanted to answer.

Mr. CHARLES: I *doan* ready for you to answer; I *doan* ready for you to answer yet. I have more for you.

Dr. PHILLIPS: Okay.

The SPEAKER: Anyway, Mr. Charles, remember it was the Minister of Health who gave the statement.

(Laughter/*Sotto voce* comments)

Mr. WARMINGTON: But he is interjecting.

The SPEAKER: Don't get diverted, man.

Mr. CHARLES: You know, Mr. Minister, I told you in this House that schools were closing as a result of this thing, and you said it was propaganda. I told you teachers were going home; children were going home... 30 and 40 per cent of schools... and you said I was propoganding.

Mrs. NEITA-HEADELY: Point of order... point of order...

Mr. ATKINSON: Point of order.

Rev. THWAITES: Mr. Speaker, the Ministry of Education, through its regions, has information of one school that, due to this illness, had to close for three days. If the Member has any further information could he provide all the details so that they could be verified? If not, would he not proceed with what is obviously untrue.

Mrs. NEITA-HEADLEY. Mislead the House. (Applause)

Mr. CHARLES: The Minister has visited some of the schools…

Miss HANNA: Were they closed?

The SPEAKER: No, Mr. Charles, the Minister...

Mr. CHARLES: Well, he went when they were opened.

The SPEAKER: Mr. Charles...

(*Sotto voce* comment by Miss Hanna)

Mr. CHARLES: And let me tell you something, you can make a joke out of this thing.

Miss HANNA: I am not. Were they closed?

Mr. CHARLES: When half a *di* school gone home and half a *di* teacher gone home, because *dem* sick at home...

Miss HANNA: Were they closed... were they closed?

Mr. CHARLES: Well if you *waah* open one door, that's all right with me. Mi *nah* worry *bout* that.

The SPEAKER: Mr. Charles, you have to be a little bit more precise.

Mr. CHARLES: All right, Mr. Speaker, before... you tell me, the Minister has asked me not to say the schools were closed, so I will withdraw *schools were closed.*

The SPEAKER: No, no, the Minister said he knows of one that was closed.

Mr. CHARLES: One?

The SPEAKER: One.

Mr. CHARLES: Only one?

The SPEAKER: Yes.

Mr. CHARLES: So, I am right then; I am right then. (Laughter)

The SPEAKER: You said *schools.*

Mr. CHARLES: One school closed. Deal with the Minister - deal with the Speaker. He said only one was closed...

The SPEAKER: Correct.

Mr. CHARLES: ...but you said none wasn't closed.

The SPEAKER: But Jesus Christ...!

Government MEMBERS: No, no….

Mr. CHARLES: Let me go on with the last point I want to make. Let me say this, it is not a laughing matter.

Mrs. NEITA-HEADLEY: What is the question?

Dr. PHILLIPS: No, it's not.

Mr. CHARLES: I must confess in this House that I suffered from this thing from the past five - four weeks - seriously. It seems as if it is only this side; I don't think I have heard of anybody from that side. It seems as if nobody from over there, because I hear the Minister begging God to make him get it.

A MEMBER: Or the mosquitoes are PNP.

(Laughter)

Mr. CHARLES: It looks like - but, Minister, one criticism I have of you. If it is true - and I am saying *if* - that two small islands had it before us, children from those islands are at school here, and when they came back, it started at the University. If that is true, then the Minister can advise us whether or not it started in Kingston, and what did you do around the University to kill the few mosquitoes. Because what they are saying you know, Minister, is that you can't even kill mosquitoes. (Laughter) The Government can't even kill mosquitoes. It's tough. So, Minister - I'll say this while I am on my feet - I know you are trying; I know you are trying. Minister, even if it is talking... even if it's talk

yuh talking Minister, I know you are trying, and I give you a pass for that. I know you are trying.

Rev. THWAITES: No, don't say that; don't do that. You are rude. You should apologize. I am telling you, you are rude.

Mr. CHARLES: I know you are trying, but the Government has to take responsibility; the Government has to take responsibility for what is happening, not you. I am not in agreement to put the pressure on you alone because I know you report to Cabinet, and I know you report to the Minister of Finance who you are trying to get money from; I know you report to the Prime Minister, so it is a Government that has to take the responsibility, not you alone because you are talking a lot of talk and it sounds good, but people are suffering. And - Minister doesn't want to hear this - factories are down to bare; yes, their doors might be open but no operation not going on; schools might be open but lots of desks are empty; churches open, but lack of people in them.

Mr. PAULWELL: Mr. Speaker, you know, I will have...

Mr. CHARLES: Thank you, Mr. Speaker.

Mr. PAULWELL: Oh, you're finished.

Mr. Daryl VAZ: Mr. Speaker, I forgot... one quick question, Mr. Speaker, and I ask...

(*Sotto voce* comments)

A MEMBER: Wait your turn.

Mr. Daryl VAZ: I have a question, how you mean, no?

The SPEAKER: No, no, no...

Mr. Daryl VAZ: How you mean *caan* talk twice; I have a question... (Inaudible comments)

The SPEAKER: Mr. Vaz, wait your turn... Mr. Spencer...

Mr. Daryl VAZ: Okay. Don't tell me I can't talk, *yuh* mad?

(*Sotto voce* comments)

Mr. Daryl VAZ: Of course. I forgot a question. Is Parliament this, *yuh nuh... wha yuh tink...* mad to rahtid...

Mr. SPENCER: Thank you, Mr. Speaker.

Mr. Daryl VAZ: *Caan* ask another question... (Inaudible)

Mrs. NEITA-HEADLEY: Wait...!

Mr. SPENCER: Minister, I want to thank you for a very comprehensive presentation, and I want to ask a simple question. In a radio broadcast you told the nation that people who had this disease, or what it is, cannot have it again. Are you still of that view? The reason why I am asking, in Clarendon: Portland Cottage, Rocky Point, Mitchell Town, where we have a lot of wetlands, a lot of people seem to be down with it, but sadly, what is happening now, they are coming back again with the disease. And I would just like to know if you still hold fast to what you said, that once you have it you cannot have it again?

The SPEAKER: Mr. Vaz.

Mr. VAZ: Thank you, Mr. Speaker.

(*Sotto voce* comments)

Mr. VAZ: I am surprised that you are asking that. Mr. Speaker, there was an incident a few weeks ago in Mandeville which

we considered to be the first Ebola scare, and it is important...

Miss HANNA: That wasn't the first one.

Mr. Daryl VAZ: Well, that one was the most public. It is said that people who were crippled, walked out of the hospital when the man went in there.

Mr. SHAW: No, no, they ran.

Mr. Daryl VAZ: Ran, sorry; and man run with drip in a *im* hand, and nurse hide and doctor hide. That's what out there. Let us be fair. And I would like to know...

(*Sotto voce* comment)

Mr. Daryl VAZ: How you mean? The people in Mandeville said the man was in hospital and *im* run out and *im* went in there in the wheelchair when im see the Nigerian man. So, it is not a joke. It is important because an investigation was launched, and coming out of that investigation, we need to know what the result is to see whether we have learnt anything from that Ebola scare. Because I know if you call anybody in Mandeville, they will tell you what transpired down there, firsthand. So, I think it is important that while you are dealing with that, you bring us up to date on the Ebola scare, and what came out of that, and what have we learned from it.

(*Sotto voce* comment Miss Hanna)

Dr. FERGUSON: Thank you... Mr. Speaker, in relation to the Mandeville situation, I am awaiting the investigation. The Chairman of the Southern Region has asked for that and the necessary work is taking place now, so I am awaiting that.

(*Sotto voce* comment by Mr. Shaw)

Dr. FERGUSON: As it relates to the question of whether you can have Chick-V twice, you can have it in Jamaica only once. There is another species of the *aedes;* the *aedes albopictus* that is found in temperate countries. And so, like dengue - and I know the Opposition Spokesperson would know - like dengue that you can get four times, if you were in a country where both the *aedes aegypti* and the *aedes albopictus* are present, then it means that you could have it twice, relative to the present situation.

Dr. BAUGH: No, no, no!

A MEMBER: Point of order...

Dr. FERGUSON: Is there a point of order?

Mr. SHAW: You almost curse bad word a while ago. I knew you were on the wrong track.

The SPEAKER: Go ahead.

Dr. BAUGH: Mr. Speaker, that's not the correct information... if you will allow me to correct.

The SPEAKER: Go ahead.

Dr. BAUGH: The *aedes aegypti* is one type of mosquito...

Dr. FERGUSON: Right!

Dr. BAUGH: ...the *aedes albopictus* is another type of *aedes* mosquito.

Dr. FERGUSON: Yes.

Dr. BAUGH: They transmit the same virus.

(*Sotto voce* comments)

Dr. BAUGH: It is the same virus they transmit. So, if the *aedes* aegypti bite you and you get it, and the *albopictus* come along and bite you again, you are not supposed to get it.

You are supposed to be immune. Once you have - like measles, or chickenpox, or anything else, you are not supposed to get it again. But, like I said, you know, this is something that we are learning about for the first time; and there is a relapse. After the illness - it has been over, two to three weeks; there is a relapse in many cases.

Dr. FERGUSON: No, no we are not talking to a general response...

(Inaudible comments)

Dr. BAUGH: The *albopictus* is not going to give you a different virus, so you can't get it because you are bitten by a different mosquito. The *albopictus* is the Asian tiger mosquito that is in temperate countries, and that was what was responsible for the virus with even in the Reunion island in the tropics and going to Italy, and to France, and to other temperate countries.

(*Sotto voce* comments)

Dr. FERGUSON: I stand to be corrected, but I am saying that is what I was told, and from all my reading. But, if it is that we are speaking relative to the same virus - but what I know, I stand relative to my pronouncement that you can only get it once in Jamaica.

The situation is - and I'll say, relative to persons having it, feeling better, again is down, persons can have relapse. You can have relapse. There are persons who would have had it; they feel good; they go and walk a mile or two - run, walk a mile or two as some persons who are involved in physical activities, they are down and out thereafter. So, you can have relapse. It is not a second time that you are getting the disease.

As it relates to - I want to thank the Opposition Spokesman on Health for an informed response. It is my view - and I support your view, Member - that the University needs to follow up now, in terms of the TMRU, doing the necessary research, because although classically we would have seen that Chick-V tends to have pain in the wrist and, you know, finger, the ankles, *et cetera*, what we are seeing in Jamaica is, areas where you have had issues before, you now find that during the episode you tend - from the experience of persons who have said it - you are getting pain all over.

There are persons who are having significant substemal pain. The literature is not speaking so much to things like that. So I think the Jamaican experience too, is something that we have to take on board, in terms of scholarly work.

I must also say that while I was in Cuba, I asked about the vaccines, whether they were pursuing. They said they weren't pursuing the vaccine at this time, but they were in connection - contact with the others who they are working with, and I did ask for Jamaica to be involved in that process.

There are a number of things, as it relates to the question of the response, the aerial spraying; I think we have had that discussion before. There is still the concern about aerial spraying as it relates to persons who have respiratory illnesses, the asthmatics, persons, beekeepers are also another group that are deeply concerned about the aerial spraying. However, it is a discussion that is still taking place. In fact, I have been approached by

private sector persons who would want to give support; I am still awaiting the best advice before taking such decision. So it is not a closed thing.

I believe that the question of how we manage vector, I agree with you Member that we need to develop a more comprehensive programme. The question of genetically modified mosquitoes is something that we are pursuing. In fact, I am in touch also with our High Commissioner in London, who is in touch with a group and we are looking at that possibility.

Last week on my way to Cuba, I met also with the Minister of Health for Cayman, Minister Bodden and, we are also talking. So there is the question of how we can cooperate because there are some other health related issues now that Jamaica and Cayman are discussing, and very soon, I will be making some kind of announcement in relation to Cayman and Jamaica.

You have raised other issues about developing immunity relative to the Malathion, we are at present about to use, we have started but we are looking at that not just as a chemical, we were looking at the alternative because we have in Kingston and St. Andrew, St. Catherine there is evidence that we are developing immunity in some areas; so the mix is definitely on the agenda.

In relation to countries, I must mention, it is 39 countries within the Americas that have been impacted by Chic-V, 39 and as it is now, there are over 780,000 suspected cases in those 39 countries. So it is widespread.

Jamaica, in-spite of all, Jamaica was among the last country in the Caribbean to have had Chik-V so it is not like Jamaica was right up there, we were among the last country. And I also agree with you Member that there are many lessons to be learnt from the Jamaica experience.

In relation to where we are now, the country, whether we have spiked, in terms of the national picture, no, we have not really peaked. We have not peaked in relation to - but the parishes that had earlier attack they have already peaked, like in St. Thomas they have peaked, we are seeing a downward trend now in St. Thomas. But as you go further west you are going to be seeing more persons because again we started from the position that now that everyone is susceptible. So if you are in a virgin territory and it is not the movement of mosquito that is going to take it from Clarendon to Manchester, or Manchester down to St. Elizabeth, it is the movement of people, not mosquito, the movement of people. Because a person who is infected leaves say St. Thomas and go to Montego Bay is bitten by the Aedes aegypti mosquito in Montego Bay now can, after eight days, not after it bite and then and go bite somebody, after eight days can infect someone there. So you will continue to get the spread, but we have to continue to manage the source reduction while we kill the adult thing.

In relation to, I know, Member of Parliament from Central Clarendon, that matter was discussed in terms of the bureaucracy and you would have noted the

letter you have received over the signature of someone from ODPEM. And, therefore what we really - my strong recommendation Members of Parliament is that start at the level with your health people in your parish, because if you start there, and you do your programme within the bounds of the $2 Million, then I can't see how it would be bounced at another level, because ODPEM on its own, can't bounce the programme if your health people have worked with - whether it is the NWA or Parish Council whatever it is. I am saying if you are working with health people, in fact, I think it might be good to have some kind of, you know, certification on the estimates from the health department, so that when it goes to, well you know, that....

(*Sotto voce* comments by Mr. Samuda)

Dr. FERGUSON: Whether it is Parish Council or NWA, you know that that is the process now. You are going to take pictures before and you are going to take picture after irrespective of which agency whether it is Solid Waste whether it is NWA; don't make that be an issue because anyone of them, you are going to have to take pictures before. What we need now is for the programme to get going; we need to have the programme in terms of the clean up.

Mr. HENRY: May I ask you to yield?

Dr. FERGUSON: Yes.

Mr. HENRY: Permission to speak from a seat other than my own.

How can it get going if I don't know where to send the programme?

Mr. SPENCER: Or where can you get the money.

Mr. HENRY: And where the money is, with respect, I am afraid to give out work because the people don't get paid within the time. This is serious; this is serious ordinary labouring work with apology. Who has the fund that I must send the programme to? I am happy to do all the details, the photographs, find out contractors, what? Who has the funding?

Dr. FERGUSON: You are to send the programme to ODPEM, taking pictures before and after is not the responsibility of any Councillor or any Member of Parliament. That is not your - you must be assured that it is done, but it is not - it is the responsibility of the agency that is going to be paid because they have to come to check to see that the work was done and that you - and that we as a country are getting value for money.

Mr. HENRY: Minister, yield for me, you know, because I have been here - most of us in here, on both sides of the House have been to the integrity. This continuous approach of mistrust with the ability of politicians to supervise work properly has to change, because in a situation like this....

(*Sotto voce* comments by Members)

Mr. HENRY: And I mean that.

A MEMBER: Turn on the mike.

Mr. D. VAZ: Unno lock me off, unno lock me down.

Mr. HENRY: And I don’t know about the rest of the Members of this House. But I have been anxious to this programme, pick up bottles, get motorcars tyres out of the way, clean what drain there is, treat what water there is, but I still do not know where the

hands are and who is responsible.

Now all of us here have been through the ropes, you know, we can be misled; we have officers who may forget to do the photograph before, then when you get to pay all two weeks after the people don't know who to go to for payment. I am not creating a divide; I am trying to look at us because maybe all the colleagues on that side and some on this side have started the programme. I have started nothing because I am not clear where to send the programme, who to hold responsible if it is not done, the letter tells me ODPEM. A few days ago I was told to go to JEEP, when I returned I was told send it to Parish Council because I was not here when the meeting was held. I do not know who to hold responsible to ensure that the programme is. And on behalf of politicians we cannot continue to allow, if it is the procurement or other, to allow this mistrust that everything that comes we want to misspend I want to resent that. And I think this is an emergency enough for all of us to want to take that supervisory approach. Because if we live in our constituencies we must be worried and our people are there; and I do not think that between that pronouncement and now I still can't be told today, is it ODPEM who is going to sign off on it, is it ODPEM who has the funds in the Bank account, or is it the Parish Council or is it the National Works Agency on gullies and drains cross each other, we must be positive and clear, Mr. Minister and Prime Minister and Minister of Finance. But I don't know about anyone else, but I have not been able to start and I still don't know how to start tomorrow.

The SPEAKER: Mr. Ferguson, hold on Mr. Ferguson.

Mr. SHAW: Mr. Speaker, just before the Minister respond.

Mr. Speaker, I would just like to ask the Minister, following upon what Mr. Henry has said, the Member from Central Clarendon.

First of all, I am sure he didn't mean that we are supervising work; we don't do that; that is for the implementing agencies. But the problem here, Mr. Speaker, is that I - your good self and I were at a meeting recently with the Manchester Parish Council who are trying to coordinate the work, and this letter from ODPEM has mentioned every other agency except the Parish Councils.

(*Sotto voce* comments by Government Members)

Mr. SHAW: No, no, it says the work, start date, the contractor, certification, certifying officer, coordinating team, payment request, Ministry of Transport Water and Housing, payment, disbursement of funds, Ministry of Finance and Planning, hopefully. Let me finish my point.

Dr. PHILLIPS: Just for clarification, it says here, in the second paragraph and quote:

> "In order to access this fund, you must complete a work programme, submit the same with the Office of Disaster Preparedness and Emergency Management for approval, the submission should specify location of the type of activity to be completed along with the

association and the designated implementing agencies such as the Parish Council....

Mr. SHAW: Thank you very much. The point is though, there has been a fair amount of confusion on this, because two weeks ago we were told to make a submission - I think we were told by you to make a submission to the JEEP Programme, so I submitted to the JEEP, and I have submitted to the Parish Council, now I will submit to ODPEM, and I am going to send a copy to the Ministry of Finance and the Ministry of Transport and Works. So, Mr. Speaker, it just needs to be - the confusion needs to be cleared up, right, that is the first thing. I just want to, however, ask the Minister, the Shadow Minister had asked you how many hazmat protective suits are now in the island. Would you please tell us how many protective suits are in the island now to protect our workers and other gears?

Mr. FERGUSON: In relation to hazmat suits, I don't have the total number, I know the ministry has, customs has, and we have orders that will come in I think the middle of this month, but we have suits that if there were, in fact, I think the Chief Medical Officer and the Permanent Secretary, I will ask that they make a statement in relation to what they have sent to the hospitals that in case we should have a suspected case. Because we can't just say we are buying up to stockpile, we are also in touch with the Pan American Health Organization, their storehouse is in Panama and there is an arrangement too that they will be able to provide gear within a 24 hour period if we so desire.

We've learnt from experience in the past - even with H1N1 - where we stockpile and then after we had issues. In fact, we still have suits from that time until now and that...

(Inaudible comments by Dr. Baugh)

Dr. FERGUSON: Appropriate suits.

Dr. BAUGH: H1N1?

Dr FERGUSON: I think it was the H1N1 period. Don't quote me, but I believe it was the H1N1.

Mr. Daryl VAZ: Wah 'bout the cripple man at Mandeville?

Dr. FERGUSON: Huh?

Mr. Daryl VAZ: Wah bout the cripple man at Mandeville report?

Dr. FERGUSON: I said that we're waiting on - you weren't listening, Member, I will get that report shortly.

(Inaudible comments by Mr. Vaz)

Dr. FERGUSON: You're not going to pin me down. The report is proceeding and you will get a response.

Mr. Daryl VAZ: That's far too long, Minister; two weeks and running into a third!

Dr. FERGUSON: I am not – I was away, I came back on Sunday night. I will follow up to find out if that report is now ready. If it is, we'll make the findings known, alright?

Mr. Daryl VAZ: Wi need fi hear.

(Inaudible comments)

Dr. BAUGH: Mr. Speaker, through you to the Minister.

Now my concern is that the hazmat suits have to be the subject of these simulation exercises, how to put them on, how to fit, they must be located in the areas where they're

going to be used. For instance - and I think it is important for us to really understand what would trigger action and when somebody, like in Mandeville Hospital, is faced with a situation where there is a suspicious case, what do the people do; if it's in the hospital...

Mr. Daryl VAZ: Dem run!

Dr. BAUGH: ...if it's at the ports, or somebody - in somebody's home?

If there's a patient who recently came from Sierra Leone and has started to have a fever, or in showing other symptoms like vomiting or diarrhea or God forbid, bleeding, what does that person do who is aware of that case? Who do they call? What telephone numbers to call? What kind of action would be catalyzed by that so a team that is specially trained can go to the location? I would like to know why the suits are in Customs. Are the Customs Officers being trained to use those suits to...

Dr. FERGUSON: They have been trained and they actually have put in an order for that.

Dr. BAUGH: Well I would like more specific...

Dr. FERGUSON: And I have also said that they will be made available to the Ministry.

Dr. BAUGH: Mr. Speaker, through you, I think I would like to ask the Minister if we can have a meeting so we can look at the details of this...

Dr. FERGUSON: Absolutely.

Dr. BAUGH: ...in terms of how many suits and the other protective gears available, how are they to be deployed, how are they to be utilized and what is the kind of response you have when somebody calls a number and says we are worried that there's an Ebola case here, what kind of response can we expect?

Thank you.

Dr. FERGUSON: Okay.

Mr. Daryl VAZ: Same like the cripple man, rot!

Mr. HOLNESS: Thank you, Mr. Speaker.

Minister, just two quick questions? Persons who are suspected Ebola cases, if they were to arrive on our shores, they would be quarantined. So too would be persons coming from any of the countries suspect - any of the countries presently affected, Guinea, Liberia and Sierra Leone. Persons travelling from those three countries would be automatically quarantined. Could you tell us what is the nature of the quarantine, will they be quarantined in a hospital, or will they be quarantined at home and how will this process of quarantine be managed?

And my second question is the public has a great deal of concern, there is a confidence issue. As you would call it - the Minister of Finance called it a confidence gap in the way in which our public health issues are being managed. Would you consider, Minister, naming a czar, someone other than yourself who would be responsible for the management of our Ebola response in particular?

Dr. FERGUSON: In terms of quarantine, from advice, it would be at home. I believe that, however, would be driven by the kind of history that that person who would be allowed to come in - let us say it's a returning resident coming out of Liberia, who

would have expressed a view that I was in touch with, or I was staying in a home where there was a, you know, a case, a suspected case, then I believe it now comes to a medical judgement to determine whether that person would be quarantined in a health institution *versus* one who would be quarantined at home.

Because remember now, with Ebola, when you are in the incubation period which is two to twenty-one days, you are not an infectious person, you're not infectious, even if you have the disease in the two to twenty-one days incubation period you would not be infectious. So what would happen if you are quarantined at home, then you would be checked relative to your fever checks to see if there is any spike in temperature during that period that you are placed there.

Dr. CHANG: If there is any spike?

Dr. FERGUSON: Right, if there's any spike in terms of the temperature.

As it relates to the czar, the United States has used the czar approach; we have chosen to use a multi-sectoral approach. I have also been talking to three critical persons in academic institutions and one person who'd have had long-standing experience in health that would also play a critical role. But we believe that the U.S using the czar approach, not even a person with public health experience, we are of the view that if you were to use a person - a czar, we would be much more comfortable with a person with public health experience more so than just a person with sheer management skills.

Mr. HOLNESS: Minister, I appreciate what you're saying, and the truth is - and Mr. Speaker thank you for the latitude in allowing this very important question and for the period following the statement. The czar approach is critical, that is, the approach of having one person who all the information flows to and that person can then redirect. The truth is that the greatest breakdown of any such critical response is the bureaucracy. When the bureaucracy comes under strain and the operatives on the ground pick up the phone call as, the spokesperson on health said, what do we do? And then they have to wait for a response from this agency and then it is being sent to that agency, in other words, Minister, the same complaints that you're getting from the MPs in the simple issue of where do we send a programme to get the cleanup programme going, we can't afford any such mix-up, any such uncertainty in an Ebola response.

So my advice to the Government and to you directly is to, you know, I don't have a problem if it is a former senior public health official, but someone who the public has confidence in, who has a demonstrated track record and someone who the operatives on the ground themselves will have faith and trust and confidence in their direction. It is, I think, advice well given.

(Applause)

Dr. FERGUSON: It is an advice that I will take into serious consideration.

In relation to the - where you would get certain information, in our strategy, we are

going to be establishing an Ebola control center at the JDF; they have a very good system. In fact, they can track, and even as we speak, they're tracking Ebola and Chik-V right across the Americas.

One of the things that has come out of the Cuba visit is that Cuba, they have an excellent control center that they are able - their collaborators who are in West Africa on the ground in these three impacted countries, they monitor them 24 hours just as the JDF is capable of doing. At 11.00 o'clock everyday their time, there is a conference and they have now agreed to bring Jamaica in on that, where at 10.00 o'clock our time, we would be in with them. The JDF would have the support of our technical staff, epidemiologist and others in the process.

So our expectation is that you would be able to utilize that too, even as the Ministry has an emergency operation center that was established since the 17th of July, we believe that the 24-hour arrangement with the necessary manpower we could utilize. But I will take, on advice, the - how we could have this hybrid approach relative to the multi-sectoral and that czar which you alluded to. So it is something I'll take on.

Mr. HOLNESS: Minister, just review your statement, the wording of the section that deals with the travel ban suggests that you're only seeking to prevent persons who've been in those three affected countries, citizens of those countries or other persons who may have been in those countries coming into Jamaica. I note that we have said we have tried to use moral suasion to prevent our citizens from going to those areas. Is there anything that the Government can do to hold our citizens to account for - I can't say to prevent, but to encourage them not to go further than the public statements that have been made? That's one.

My second question is, if someone were to, by some way, breach the ban and turn up at our airport, what happens next? Do we put them on a plane and send them back?

Dr. FERGUSON: To the best of my knowledge, if you are banned, I would expect that if you were to beat your way in, let us say coming from Liberia, a citizen of Liberia, I'm just going now, it's not a studied response, but my inkling would be that you would not be able to enter the country. The fact is that, and more so if you are not exhibiting on arrival any signs and symptoms of Ebola, because if you arrive with it for whatever reason, God forbid, then we would - because the airlines themselves would not take a patient like that because as you know, even in countries that are impacted now when persons are leaving, they are subjected to tests. But again, a person could take, as the medical practitioners will tell you, anti-inflammatory and other kinds of agent that could mask fever, so you could arrive in a normal way, even if you had started having a fever and those are some of the things we have to look out for.

Mr. HOLNESS: The reason why I asked, Minister, a person coming from, say, Liberia or one of those countries, they will have to get a visa through one of our Consulates, or let us say, High Commissions. But, let's say they already hold that authorization to enter our

country, I just want to be clear, is it that the airlines would now be instructing that if you come holding a Liberian passport or Sierra Leone passport, when you go to purchase a ticket to come to Jamaica you would be advised that you, as the person holding a passport from Liberia or even Sierra Leone would not be able to take a flight from anywhere to come to Jamaica?

Dr. FERGUSON: Yes, that is my understanding. Because once you would have made that policy it now is fed into the international system, that's my understanding. So, what you are saying there, what you were alluding to, initially, is that if a person had beat their way, using whatever methodology, and get into Jamaica, our shores, how then would you treat on that person?

And that is why I am saying once we find out - because we are now in touch, in terms of the passenger manifest - we would be able to pick up things and persons even before arrival, in that regard, especially if you are coming out of any of these impacted countries.

(*Sotto voce* comments)

Mr. HOLNESS: Minister, my final question. I think it is important that you have the policy on the ban clearly written and circulated so that we all understand, so that the people who are at our ports of entry, they, themselves, understand. That needs to be done.

(*Sotto voce* comments)

Mr. HOLNESS: I took it myself, to be sure.

Minister, the other thing that we didn't hear is whether or not you would have had sufficient resources prepositioned at the airports, for example, for quarantine, in the event that someone turns up with a case - suspected case, that you would be able to keep them where they are, because the disease is spread by movement and contact, and you want to isolate and keep in the place where you identify the disease?

Dr. FERGUSON: Excellent question. Yes. We have an isolation area at both Norman Manley and Sangster. But, in addition, at Norman Manley, they are setting up a special isolation area that the plane itself, once we have a suspected case, would move directly. They are doing some work now to allow for the plane to move, so that person would not even enter the normal area. So that has definitely been contemplated in that regard. And then, if it is a suspected case, then you would be moved out of that isolation area to what we regard as the Ebola treatment area. And there is a special provision, there is an ambulance dedicated for that purpose, and we have that in place.

(*Sotto voce* comment)

Dr. FERGUSON: Oh, the funeral homes. In relation to funeral homes, you would have seen that we have given to the funeral homes guidelines for operation, they have also been exposed to sensitization and training. But in addition, Cabinet has given instructions now to the Chief Parliamentary Counsel to move to prepare regulations for the funeral industry. So, what you have asked, we have already started that process.

Mr. McKENZIE: Minister, thanks for the response. But also in the same breath, Minister, there has to be a clear demarcation

between a funeral home and a public morgue. And what is happening now, even in the case where bodies that are the responsibility of the State, they go to these private funeral homes. Now there has to be some separation just in case, because it would not be fair to have an Ebola body being stored in a private...

(Heckling)

Just hold on, nuh, just hold on, nuh. But this has not been said whether or not we are going to bring in refrigerated containers to store bodies, eh? But Minister, all of this Minister need to be clear. And the concern that I have Minister...

(*Sotto voce* comments)

Mr. McKENZIE: But, what is wrong wid yu, man! What is wrong wid yu?

Minister, the concern that I have about the state of the operations as it relates to funeral homes in the country is frightening, because just about every little man who used to work at, say, one of the funeral homes, him used to sweep up the place, all of a sudden he has become an undertaker overnight! The question is, Minister, you have met with a selected group of undertakers, Minister, what about the many - the numerous amount of them that is spread right across the length and breadth of the country? This is a serious matter, you know, this is not a joking matter, right. This is not a joking matter! And there has to be Minister, there has to be an understanding, a clear understanding, Minister, as to where we go, as it relates to this matter.

Dr. FERGUSON: Just to say, Member, I think it's a very important point that you are pursuing. And my team had gone out, visited many, and we realized over time that there has been a mushrooming of funeral homes.

What we have to be assured of is that we will have bipartisan support when the regulations and the guidelines - as we have given already - come into being, because you are going to get some bawl out. Because there are some homes that are not up to standard. I am talking about for normal burials; we are not talking about Ebola.

And I will also say that if you were to have an Ebola case, there are not a lot of funeral homes which can handle it or would even want to take it on. The preparations also for burial is of particular - there is protocol around that. So it's not the normal pick up body carry go put in a ting dey, there is a protocol. But I take the point that the country too, needs to have that clarity that you seek here this evening.

Mr. McKENZIE: Mr. Speaker, just to say to the Minister that the Opposition will be supportive of any measures, because this has been something that I have been advocating long before. And the Opposition has supported the position to bring some level of regulation and control to this very important industry. Because I have made the point before, two important aspects of Jamaica life you don't need any certification, to be an undertaker and a mechanic in this country, you don't need - there is no regulation governing how they operate. So you will have the full support of the Opposition on this.

Dr. DAVIES: What about an MP?

The SPEAKER: Thank you.

ANNOUNCEMENTS

The Clerk laid on the Table of the House the following:

- **Ministry Paper No. 141 - 142**
  Cabinet Agenda Issues dated September 22, 2014 and September 29, 2014
- **Ministry Paper No. 143**
  Annual Report of the Jamaica Racing Commission (JRC) for the financial years ended March 31, 2012 and 2013.
- **Ministry Paper No. 144**
  Annual Report of the National Health Fund for the financial year ended March 31, 2014
- Kingston Freezone Company Limited
  Annual Report for the financial years 2005-2006/2009-2010
- The Montego Bay Freezone Company Limited
  Annual Reports for the financial years 2005-2006/2009-2010

BILLS BROUGHT FROM THE SENATE

The Clerk presented the following message from the President of the Senate:

To the Honourable House of Representatives:

I have the honour to advise the Honourable House of Representatives that on the 31st day of October, 2014, a Bill entitled:

AN ACT to Amend provisions relating to hours and days of work in several enactments, in order to facilitate the implementation of flexible work arrangements in Jamaica and for connected matters, was passed in the Senate.

Signed: Floyd E. Morris
President of the Senate.

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: House Leader.

Mr. PAULWELL: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move:

Be it Resolved with reference to the Special Select Committee which was appointed by this Honourable House on the 10th day of June, 2014 to sit jointly with a similar Committee appointed by the Senate to consider and report on the operations of the Sexual Offences Act, relative to the review of the Legislation in accordance with the provisions of the Act, and incorporating the review of existing Legislation being the Offences Against the Person and the Domestic Violence Act, and the Child Care and Protection Act, in relation to issues raised in Private Members' Motion No. 3 of 2013, brought by Senator Kamina Johnson Smith, that the name Raymond Pryce be removed.

Mr. Speaker, I further beg to give notice that at a later stage today I will move for the suspension of the Standing Orders to enable me to take this motion.

The SPEAKER: Dr. Chang.

Dr. CHANG: Mr. Speaker:

Whereas the National Housing Trust has not been satisfying the housing requirements of its contributors, many of whom are unable to find affordable housing solutions and have yet to benefit from their contributions;

Whereas since January 2012 billions of dollars have been withdrawn from the NHT for budgetary support, reducing funds available to provide housing benefits to contributors of the NHT;

And Whereas the public recently learnt of the purchase of a tourist attraction called the Outameni Experience by the National Housing Trust and its intention to operate the attraction;

Whereas the purchase and or operation of tourist attractions is not within the statutory mandate of the National Housing Trust and is accordingly not permitted by the National Housing Trust Act of 1979;

Whereas the actions of the Board in approving the above-mentioned actions were therefore unlawful and in breach of their fiduciary and statutory duties to the National Housing Trust;

Be it Resolved that this Honourable House calls on the Government to recommit itself to housing development and to provide housing for National Housing Trust contributors;

And this Honourable House further calls on the Honourable Prime Minister, as Minister with responsibility for the National Housing Trust:

a) to terminate the appointment of the current Board of Directors of the National Housing Trust on the basis of their breach of fiduciary and statutory duties under the laws of Jamaica;
b) immediately appoint a new Board of the National Housing Trust, and to charge that Board with the sale of the Outameni Experience to the private sector by a transparent process at a price no less than that expended by the National Housing Trust in its recent purchase.

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. PAULWELL: Mr. Speaker, the time being what it is, I move for suspension of the Standing Orders to enable us to take Questions and Answers.

The SPEAKER: The question is for the suspension of the Standing Orders to allow us to go beyond the designated time for Questions and Answers to Questions?

Put to the House and agreed to.

The SPEAKER: Mr. Holness.

Mr. HOLNESS: Mr. Speaker, at the expiration of seven (7) days I believe it is; I would like to ask the Prime Minister...

Dr. DAVIES: Seven (7) days?

Mr. HOLNESS: That's what she asked for. The Prime Minister asked for seven (7) days, seven (7) days, the expiration, at which time I'd like to ask the Prime Minister questions here.

Question 1:

Is the Prime Minister aware that the purchase and operation of tourist attractions falls outside the statutory mandate of the National Housing Trust as defined by the National Housing Trust Act of 1979?

Question 2:

Will the Prime Minister indicate whether she is aware that the NHT has purchased a tourist attraction and through its Chairman has publicly stated his intention to operate the attraction?

Question 3:

If the answer to Part 2 is in the affirmative, will the Prime Minister advise this Honourable House as to when she became aware of the transaction?

Question 4:

Will the Prime Minister say what, if any action she has taken in respect of the Board of the NHT in light of its approval and entry into this transaction?

Question 5:

Will the Prime Minister say whether any due diligence exercise or feasibility study was conducted in respect of the proposed transaction. If so, will the Prime Minister (a) tell the Honourable House what exercise were conducted and when they were conducted; and (b) provide the House with a copy of the relevant reports?

Question 6:

Will the Prime Minister tell the Honourable House (a) the name of the Company from which the NHT purchased the tourist attraction known as the Outameni Experience and the lands thereon; and (b) the names of the Director and Shareholders of the said Company?

The SPEAKER: Mr. Hutchinson.

Mr. HUTCHINSON: Mr. Speaker, at the expiration of 21 days, I'll ask the Minister of Water, Land, Environment and Climate Change the following questions.

Question 1:

Will the Minister name the seven (7) projects in St. Elizabeth to be undertaken under the Rural Water Upgrading Programmes?

Question 2:

Will the Minister state the cost of these projects?

Question 3:

Will the Minister state how many of the other 26 water projects will be completed in St. Elizabeth and the cost of each of these projects?

Mr. PAULWELL: Mr. Speaker, the Minister of Agriculture will take Question 20.

The SPEAKER: Mr. Hutchinson.

Mr. HUTCHINSON: Mr. Speaker, I'll ask the Minister of Labour, Social Security, Agriculture and Fisheries the question standing in my name.

Question 1:

Praedial larceny is once again on the increase; will the Minister please state what other measures, other than ear-tagging is being implemented to curb this scourge?

Mr. KELLIER: Thank you, Mr. Speaker.

Mr. Speaker, in answer to the question asked by the Member, praedial larceny is once again on the increase; will the Minister please state what other measures, other than ear-tagging is being implemented to curb the scourge? The response is as follows:

Answer:

While praedial larceny continues to be a major concern for the agricultural sector, there is no empirical evidence to suggest that "praedial larceny is once again on the increase". The Ministry of Agriculture and Fisheries is using a four-pronged approach to address praedial larceny of which animal ear-tagging as a component of the National Identification and Traceability System is only one element under Traceability. The other three (3) areas are legislation; institutional arrangement; compliance and enforcement.

Under legislation, Mr. Speaker, the penalties which are issued for praedial larceny are drawn from several pieces of legislation as the Agricultural Produce Act and the Praedial Larceny Prevention Act do not outline penalties for theft. Resident Magistrates are, therefore, forced to pull on legislations such as the Larceny Act, Unlawful Possession of Property Act and several others to apply punitive measures against perpetrators. There is, therefore, need to bolster the legislative framework in an effort to provide greater penalties as a strong deterrent to this practice by making it a felony under the Agricultural Produce Act and the Praedial Larceny Prevention Act.

There is also the need to redefine "praedial larceny" to include livestock, fisheries, lumber and other classes of agricultural produce. It is acknowledged that any successful onslaught against praedial larceny must be underpinned by a traceability system along the entire value chain. Central to this should be a legislative framework that registers all the players and handlers of agricultural produce and goods along the entire chain. While the APA makes provision for registration and licensing of all handlers of all agricultural produce, the provisions contained therein are extremely cumbersome. It is therefore proposed to amend the Agricultural Produce Act to simplify the procedures for registration.

All the above legislative changes have been agreed after extensive consultations with stakeholders and a Cabinet Submission is now being prepared to seek Cabinet approval for drafting instructions to be issued to the Chief Parliamentary Council. This submission should be considered by Cabinet next month.

For institutional arrangements, Mr. Speaker, praedial larceny is a criminal offence and must be treated as such. We should resist every attempt to make

praedial larceny an issue to be dealt with by the Ministry of Agriculture and Fisheries; at the same time, we recognize the complex nature of this phenomenon and it requires collaboration from a number of stakeholders and the public, with the Police taking the lead.

The Ministry has employed a multi-agency approach to tackle praedial larceny and will continue to collaborate with agencies such as the Ministries of Health, Local Government and Community Development and the National Security, Jamaica Agricultural Society, Rural Agricultural Development Authority, along with others to continue the fight against praedial larceny.

The Ministry of Agriculture and Fisheries has received budgetary support of approximately $7 Million from the Ministry of Finance and Planning to institute a Praedial Larceny Prevention Unit. The Unit will be comprised of a Praedial Larceny Prevention Coordinator and administrative staff. The posts have been classified by the Ministry of Finance and Planning and subsequent approval has been granted for the operation of the posts from the Post Operating Committee. A series of interviews were conducted and the successful candidate for the post of the Coordinator will be employed with effect from November 17, 2014.

Given the fact that praedial larceny is a criminal matter, the Ministry of National Security, through the Jamaica Constabulary Force, has now assigned a team led by a senior officer to work closely with the PLP Unit with the Ministry of Agriculture and Fisheries. This assignment is separate from the normal and general policing activities that will be executed by the police force across the country.

Where compliance and enforcement is concerned, Mr. Speaker, the third plan: the Police have increased their vigilance as evidenced by the fact that arrests and tickets issued have moved from 62 in 2010 to 165 in 2013. We want to particularly congratulate the St. Thomas police division for their tremendous efforts... (Applause) ...and impact in suppression, if not the elimination of the scourge in this division.

While the Police must be commended for their vigilance, we must emphasize that farmers too must be vigilant and be their neighbours' keepers in assisting the fight at the community level.

There are ongoing discussions with the Operations Branch of the Jamaica Constabulary Force to conduct additional patrol activities to the Agro Parks and other concentrated areas of agricultural production to coincide with reaping schedules. A supporting strategy is to increase the frequency of patrol during reaping seasons.

Whilst the Receipt Book serves as a traceability tool, Mr. Speaker, it is not sufficient to track the movement of agricultural produce which reportedly takes place between midnight and six

o'clock in the morning. The law makes provision for the licensing of all players along the value chain. However, the Receipt Book only traces the movement of agricultural produce from farmers to the first purchaser. It does not trace the movement of produce along the entire chain. In order to implement a fool proof traceability system, it is prudent that the movement of agricultural produce be traced from farmers to end users.

All things are in place; tags and tagging equipment have been procured, laws have been reviewed by the Attorney General Chambers and submitted to the Chief Parliamentary Council, sensitization sessions have been extensively executed in preparation for the launch of the National Animal Identification and Traceability System which will take place on November 13, 2014 at Menards.

Key stakeholder agencies such as the Jamaica Agricultural Society, Rural Agricultural Development Authority, Ministries of Health, Local Government and Community Development and National Security, through the Jamaica Constabulary Force have been engaged in the implementation and enforcement of this system.

Another element of the traceability system is that the Ministry is working to establish the multi-species abattoirs under Public/ Private Partnership arrangements with the private sector. These will be operated by the private sector and the necessary legislative framework will be put in place to make it mandatory for all meat in the commercial trade to pass through these certified centralized facilities.

The Ministry of Agriculture and Fisheries continues its collaboration with the farming community and stakeholder agencies to execute strategies to create an enabling environment for the reduction of praedial larceny. The execution of these strategies is expected to yield the following outcomes:

- Enactment of laws that will facilitate successful implementation and execution of the Programme.
- Streamlining of the value chain activities that will produce safe and healthy produce for consumption.
- Reduction in the incidence of praedial larceny.
- Build confidence thereby renewing farmers and potential investors' interest in the sector.
- Reduction in loss and improvement in livelihood of farmers and other industry players.

Thank you, Mr. Speaker.

Mr. HUTCHINSON: Mr. Minister, can I just ask two (2) questions? Are there any programmes or any discussion taking place with the Security Forces regarding targeting end-users? This is to do with what you call investigators to investigate end-users? Because, it doesn't matter what we do to track them at night, all produce end up somewhere. And so is there any programme, have you had discussions with the Security Force to target end-users?

The second one is the University of Maryland Eastern Shore - I am not sure if you are aware - did a study where one of the main areas that we need to look at is farmers organizations to counteract praedial larceny, have you done anything to reinstitute farmers organizations under RADA where we would be able to start counteracting praedial larceny?

Mr. KELLIER: Thank you, Member.

Mr. Speaker, embedded in the meat of the Statement I just made in response to the Member's question, where end-users are concerned, that is a part of what is being proposed, because we know that the end-user is critical in all of this, if there is no buyer, then there can't be a seller. So we recognize the importance of drilling right down to the end-user of these products. When a man steals sheep and all that, there must be somebody who is taking it off his hands. So we are going right down to find out who are the persons, because this will create a dent, once we are able to trace it right down to that level, we create a dent. And that's why the traceability is so important because the traceability is going to take you right down to the end-user, so that we can put a dent on those persons.

It is going to make a significant difference, and I'm happy that you raised it, so that the public who will hear this will understand that we are coming to get the man down at the bottom. Well he is really the man at top and not really the man at the bottom; he is really the man at the top because without him the praedial larceny would be reduced greatly. So, we are going after them and the police is aware of that, and like I said, the traceability system is going to help to go a far way in it.

The other part of it has to do with the communities coming together to help to deal with this problem. The farmers organization like the JAS, and any other farmers organization that exist, we will be speaking with them through RADA in a more sustained way to ensure that the message gets through and that people be their brother's keeper in this business because that is how we are going to help at the local level, for information. A farmer takes note of what happens next door and can help to inform the police that we can nab these perpetrators.

So, those two points are two very good points and it is something that we are going to be following up upon.

Mr. HUTCHINSON: Sir, we understand the traceability of the thing. We know that that is in place. What I'm asking, after the traceability and it reaches the end-user, what is it that you are doing so that you can identify that this is an illegal product? What I'm asking is that, we had started sometime negotiating with the security forces for investigators to investigate the end users where the traceability would be the receipts, and each end-user should have a receipt stating where the produce is coming from. I'm asking: are any of these investigators in place whereby we can identify the traceability coming through to say, yes, they can now target this end-user and they investigate to say that he has got his product from X farmer?

The investigators, not the traceability.

Mr. KELLIER: Yes. Well the unit that is being set up in the Ministry, that we have got permission to establish, that will be part of the remit of the investigators who will be involved. It is something that I think is very important and we are going to follow-up to make sure that the investigators that are attached do drill down to the end-users in this regard.

Mr. HUTCHINSON: Mr. Minister, I don't think you quite understand. That praedial larceny unit that you are talking about should be scrapped. The unit does not do anything about investigating. What we are -

Mr. DALLEY: Is you started it.

Mr. HUTCHINSON: No, we didn't.

Mr. DALLEY: Is you-

Mr. HUTCHINSON: We did not have a praedial larceny unit…

Mr. PARCHMENT: What you had?

Mr. HUTCHINSON: …it was announced…

Mr. PARCHMENT: What you had?

(Heckling)

Mr. HUTCHINSON: What we are asking, what I'm asking, Mr. Minister, praedial larceny is an entity that comes under the security force, so we are asking, has any discussion taken place with the security forces to put in place investigators? That is where - the praedial larceny unit is where we just going warm benches. That should not be there at all. What is it…

Dr. DAVIES: Hutchy, what was your greatest achievement when you were…

Mr. HUTCHINSON: What is it? Have you put in place any investigators? Let me put it in straight. Have you put in place any investigators to investigate the end-users?

Mr. KELLIER: No, that has not yet been put in place.

Mr. HUTCHINSON: Is there any timeline that you intend to not only put in place the investigators, also the abattoirs that you have mentioned here, what is the timeline?

Mr. KELLIER: Well, as we have expressed, as soon as we get the public/private partnership arrangements together we are prepared to deal with that matter where the abattoirs are concerned, because again, the abattoirs will help us with determining, based on the traceability system again, the movement animals, where they came from, who are the persons utilizing them, and so forth and so on.

(Cross talk)

Yes, yes, yes. All the animals that pass through the abattoir, persons cannot now sell animals unless it goes directly…

Mr. HUTCHINSON: We understand that, I am asking you about the timeline.

Mr. KELLIER: …through an abattoir. It has to go through an abattoir now and that is what we are trying to ensure that you can't just sell animals willy-nilly, they have to be slaughtered at a registered and approved abattoir and we will be able to trace where the animals came from, how they came about it and everything.

Mr. HUTCHINSON: We understand that.

Mr. KELLIER: So, I'm sure you understand that Member, that the abattoir that is being proposed here, a public/private partnership to ensure -

Mr. HUTCHINSON: Timeframe?

Mr. KELLIER: Well we are trying to get these things done as early as possible. When we get the request we will act on them. The moment the request is made we will act on them. Very early, very early. We are interested in making it work.

The SPEAKER: Mr. Silvera.

Mr. SILVERA: Thank you, Mr. Speaker. May I have permission to speak from a chair other than mine?

The SPEAKER: You may proceed.

Mr. SILVERA: Thank you very much, sir.

Minister, just out of curiosity, I am asking two simple questions, sir, and I beg for your indulgence or guidance. I would like to know what role is technology playing in capturing all of what is taken on the ground or within the farmers? Second is that. Is RADA a part of this in terms of capturing what the farmers have? And why I am saying this, sir, is because, if as a farmer I realized that and I had spoken out against it before, is that if you don't capture all what the farmers are producing on the ground, what will happen is that the farmers themselves can also tell a lie to say that they are growing X amount and in other words they are not producing what they say that they are selling. So if RADA is capturing all the information of these registered farmers then we will have a more data driven information to guide us or to tell us exactly what is being produced by each farmer so, therefore, if he sells you know if the person turns up or if the police stops the person he can say, well Tom sold me 500 pounds of mutton, you will immediately know that that farmer is capable of producing 500 pounds of mutton. So you know, there is less suspect on him being apprehended or questioned.

Mr. HUTCHINSON: That goes to the farmers organization that is what you need for you to get information. That is the basic need.

Mr. KELLIER: The question about the monitoring system, Mr. Speaker, as you know, where technology is concerned, we intend to implement the system of using drones as well.

Mr. SHAW: Drone?

Mr. KELLIER: As was mentioned by the farmer.

Mr. SHAW: Drone? Drone?

Mr. KELLIER: Yes.

Mr. SHAW: What dem a go do?

Mr. KELLIER: Well, as soon as we unveil the programme…

A MEMBER: What?

Mr. KELLIER: …the whole country will see exactly what it is all about.

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. KELLIER: It's part of the system that will be monitoring. Part of the monitoring system. We have to employ every aspect of technology possible to deal with this scourge of praedial larceny. (Applause) It's not a simple matter.

A Government MEMBER: You hear that?

Mr. KELLIER: So, we will be deploying…

(Heckling)

We will be deploying those drones very shortly.

Mr. SHAW: Hold on, if the drone see a thief they going to fire a shot after him or what?

Mr. KELLIER: No, no, we not firing no shot.

(Heckling)

The drone is not for that purpose, it's for collecting information so that we can be able to apprehend the people involved.

Mr. Speaker, this is a complex problem, you know, and the praedial thieves find every creative way to beat the systems that you put up, so we have to work progressively.

Mr. HUTCHINSON: (Inaudible comment) - everything end up at the end-user.

Mr. KELLIER: We have to work progressively, step by step to cut off the angles.

There are some new technologies that are emerging as well, those persons who visited the Denbigh Show recently would have seen a lot of these technologies on display, as to how farmers can protect their - whether it is on the cattle farms or agricultural farms, a lot of new technologies are emerging Mr. Speaker which we are making available to farmers as soon as we develop them, to make sure that they can protect their produce in the field and we are enjoining the organizations.

Mr. HUTCHINSON: What is the new technology now?

Mr. KELLIER: The drone technology is one of the things that we are using, we will be using out there but there are others that were on display.

Mr. SHAW: The passport. The cow dem get passport.

Mr. KELLIER: There are others that were on display.

Mr. HUTCHINSON: Explain to us the drone technology.

Mr. KELLIER: Now, as soon as we are ready…

Mr. HUTCHINSON: Explain to us the drone technology.

Mr. KELLIER: As soon as we are ready, Mr. Speaker, having set all of this into place…

Mr. HUTCHINSON: What is the drone technology?

(Cross talk)

Mr. KELLIER: …as soon as we are ready we will…

Mr. HUTCHINSON: Is it the same one as the Peter one?

Mr. KELLIER: No, no, no. I don't know what that one is, but the technology is out there, Mr. Speaker, it has been tested and as soon as we are ready to unveil it we will make all the information available to the Members so they can know how the drones will operate in terms of the policing system, to give information.

The SPEAKER: Thank you.

(Applause by Government Members)

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Dr. PHILLIPS: Mr. Speaker, I now move to introduce and have read a first time, A Bill shortly entitled: "The General Consumption Act (Amendment) No. 2 Act, 2014".

The Clerk laid on the Table of the House a copy of the following:

Bill shortly entitled:

"The General Consumption Tax (Amendment) No. 2 Act, 2014",

read a first time.

Dr. PHILLIPS: Mr. Speaker, I beg to give notice of second reading of the Bill. I further beg to give notice that at a later stage today -

(Cross talk by Mr. Hutchinson)

(The Speaker gavels)

- that at a later stage today I will move for the suspension of Standing Orders to enable me to take second reading of the Bill and take it through its concluding stages.

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, the Minister of Finance will commence with the item just mentioned and then will proceed to do Item 8 on the Order Paper.

The SPEAKER: Dr. Phillips.

Dr. PHILLIPS: I move suspension of the Standing Orders to enable me to take the Bill shortly entitled: "The General Consumption Tax (Amendment) No. 2 Act, 2014" through all its stages.

The SPEAKER: The question is for the suspension of the Standing Orders to also take the Bill as outlined by the Minister of Finance.

Put to the House and agreed to.

Dr. PHILLIPS: Mr. Speaker, this Bill/Act to further amend the General Consumption Tax Act, seeks to introduce the concept of a group accounting regime for the General Consumption Tax Act. Put simply Mr. Speaker, what it seeks to provide is that for companies within a group, intra-group transactions will be relieved of taxation obligations within the group and that when such a group consisting of two or more business entities, operate as a single business unit for purposes of GCT, they will be allowed to be treated - for purposes of GCT they will be allowed to be treated as a single entity.

Companies with common ownership or membership may be registered as a GCT group. Group registration can apply to all member entities engaged in the supply of goods or services including exempt supplies in the normal course of business.

But I should indicate at the very outset Mr. Speaker that this facility will be maintained under the firm and very strict control of the Tax Administration Jamaica and the Commissioner of Taxation and is, in the first instance here, limited to groups operating banking and financial services for a particular reason which I shall mention later.

Companies and their affiliates may be registered as a GCT group and treated as a single taxable entity for the purposes of filing of returns and payment of GCT. Transactions in goods and services carried on between the members of the GCT group will not attract GCT. A representative entity appoint from within the group will, however, be required to

record taxable transactions, file the requisite GCT returns and pay the GCT liability on behalf of the group as a whole for taxable supplies made to customers outside of the group. So all entities within the group will continue to have obligations in relation to supplies and transactions outside of the group, but in relation to intra-group transactions they'll be relieved of this GCT obligation.

The representative entity of the GCT group is an entity that has been approved/appointed from the group to interface with the Tax Administration on behalf of the members of the group. The representative entity will be responsible for compliance with all GCT requirements for the whole group, including but not limited to the filing of GCT returns and the payment of GCT liabilities to the Government. The intra-group transactions in goods and services will be treated as transactions of the representative entity and not those of any other entity within the group. For the purposes of GCT recording, filing and payment transaction of the GCT group members with third party suppliers and customers outside of the group will be treated as transactions of the representative entity and not as transactions of any other member within the group, so that all transactions between the group and companies and entities outside of the group will be the liability of this particular representative entity.

The reason why this is being restricted particularly to financial services-type entity is because the law as it stands restricts those - the range of activities that these entities can embark upon. And as a consequence of that in many respects, especially given the transnational character of many of the entities operating in Jamaica or even for national entities it then becomes easier for some of the transactions to be done offshore Jamaica denying jobs to the Jamaican worker in these areas. For example, in backroom processing activities if it was within the group, a bank would be unable by law to engage in this non-core activity as a financial institution.

Were they to establish another entity to do the transactions here, it would become more expensive for them meeting those GCT obligations than it would be were they to source it elsewhere or were they to bring other transactions done in multiple locations to Jamaica to take account of the benefits of competitiveness within the Jamaican economy. So this whole adjustment is intended to enhance the competitiveness or to allow entities to benefit from the competitiveness - the improvements in competitiveness within the Jamaican economic space and at the same time to facilitate the influx of activities, transactions, processes and jobs for Jamaica that would otherwise not be feasibly located in Jamaica.

Notwithstanding the arrangement described earlier Mr. Speaker, whereby a representative entity is designated, each entity or company within the group will be held jointly and severally liable to comply with all the statutory provisions of the tax laws, including provisions requiring the payments of tax, so no company is relieved of that obligation if the representative entity fails to comply.

GCT group filing and payment is an important part of the reform of the tax system aimed at improving compliance and efficiency, encouraging investment and creating an environment that facilitates the doing of business. The regime will also significantly reduce the administrative and the compliance cost and effort required of Tax Administration Jamaica. The broad objective therefore, is to achieve administrative efficiencies through cost and time savings in circumstances where audits are required to be done as they will be carried out on the consolidated returns of one entity as against the individual return of each member of an accounting group.

This arrangement will allow the large taxpayer office of Tax Administration Jamaica, in particular, to better manage the compliance efficiency of the group. It is being proposed that the regime be introduced starting with the financial services sector, as I have indicated, and then based upon the assessments it can be extended should it be deemed appropriate by Tax Administration Jamaica to other sectors as their technical capacity improves and as the circumstances of the particular sector and entity warrant.

The Commissioner General of Tax Administration Jamaica will be empowered to take the appropriate action should Tax Administration Jamaica become aware that a company within a GCT group is suspected of or is carrying on tax avoidance activities. If TAJ's risk analysis of the group indicates potential for tax avoidances then members in the group will be subject to audit. The Commissioner General will be empowered to deregister a GCT group or members thereof if he is satisfied that the tax revenues are at risk. This is not a process that will be done willy-nilly and all the provisions for appeal of such a decision as provided in the act and in other legislation would apply.

Many countries have adopted VAT group accounts (Value Added Tax group accounts) - and GCT is a value added tax in order to move towards cost-savings and efficiencies for businesses and Tax Administration notwithstanding the potential for some revenue negative impacts. The regime will promote competitiveness and will facilitate greater ease in doing business in Jamaica and it will provide a platform on which exist Jamaican companies operating within a group may reorganize their operations to take advantage of the cost and resource efficiencies which will become available. Cost and resources efficiencies may be achieved through:

- firstly, the optimization of the business structure and cost cutting through the use of shared service centres such as backroom processing, ICT operations, BPO or other various outsourcing operations;
- secondly, from the elimination of the risk of incorrect GCT treatment of intra-group transactions has no GCT will be applicable to intra-group transactions; and
- thirdly, from the creation of positive cash-flow, especially in situations where one group member may have GCT refunds pending while another

member of the group may have GCT liabilities as setoff between the two positions and that can be accommodated.

Mr. Speaker, just to highlight some of the specific clauses of the Bill. Clause 1 states the name of the Bill and the provisions that are incorporated into the General Consumption Tax Act.

Clause 2, the principal Act is amended next after 32A the following Part VIA: GCT Groups. A new part has been added to the General Consumption Tax Act to govern the operation of GCT groups. The terms essential to interpretation - essential to interpretation of new provisions are defined in interest of harmonized interpretation of relevant laws definitions taken from the Companies Act and Income Tax Act are incorporated into the GCT Act. The definition of' "entity" is particularly important as this is what is used to limit the application of the new regime to the financial services sector. The regime applies exclusively at present to corporate bodies regulated under certain Acts: the Bank of Jamaica Act, the Banking Act, the Building Societies Act, the Financial Institutions Act, the Insurance Act, and the Securities Act.

The essential characteristics of a GCT group are also set out in this part. It is made up of corporate entities which are affiliated and it is approved by the Commissioner General to operate as such. Affiliation under the Companies Act exist in relation to two or more companies where:

a) one of them is the subsidiary of the other;
b) each of them is a subsidiary of the same company;
c) each of them is controlled directly or indirectly by the same person; or
d) as a result of the three types of connections just mentioned, each of them as a relationship with the same company at the same time, as is evident in the Companies Act section 2(1).

Subsection (2) of section 32B of the Act before us allows the Minister to expand the application of the regime beyond the financial sector to include other sectors of businesses by way of an order published in the *Gazette.*

Subsection (3) makes provision for the future passage of the Banking Services Act, 2014, ensuring that the regime will continue to apply when the Acts which now govern banks and building societies are repealed.

There are certain requirements which every group of entities applying for group registration must meet. These are set out at section 32D. Among those requirements is the qualify condition that every entity in the group must "have a permanent establishment in Jamaica". This requirement is intended to determine the extent of the participation of non-resident companies in the GCT group regime. The right to tax to a non-resident usually not claimed unless a meaningful level of presence in the country is established. When that presence takes one of the forms listed, namely: a place of management, a brunch, a factory, a workshop, a mine, an oil or gas well or quarry or any other place of extraction, a permanent establishment is said

to exist and the right to tax is claimed by Jamaica. Where a non-resident has a permanent establishment in Jamaica, that permanent establishment can be a member of a GCT accounting group:

- If the presence takes the form of a building site, a construction or installation project, it must exist for at least 12 months;
- Levers of presence which are considered insufficient to constitute a permanent establishment, or use of facilities or storage display or delivery;
- Maintenance of a stock of goods or storage;
- Maintenance of a stock of goods for processing by another entity;
- Maintenance of a fixed place of business for purchasing goods, collecting information;
- Maintenance of a fixed place of business for proprietary or auxiliary activities.

In subsection (5) of the section, a non-resident entity is deemed to have a permanent establishment in Jamaica if there is a person acting on its behalf in Jamaica, who is authorized to conclude contracts in its name. If, however, the activities of the person are confined to those not considered sufficient to constitute a permanent establishment, then no permanent establishment will be deemed to exist.

If the activities of a non-resident entity are carried out by a broker, or agent who is independent of the entity, and the work done for the entity is but a part of the business or of the broker or agent, there is no permanent establishment.

Section 32C sets out the procedures for the approval of a group - of a GCT group. Affiliated entities may apply to the Commissioner General to be treated as a single entity. The Commissioner General will approve the application if he's satisfied that revenues will not be negatively affected, and that the requirements for group treatment have been met.

In subsection (2) of section 32C, the Commissioner General is empowered to designate one member of the group to be the representative entity. That member must be a company which is registered taxpayer.

There is a new section 32D which sets out the requirements for entities within a group. The section sets out the conditions which must be met, to be eligible for GCT group approvals; namely:

- that all entities in the group should be affiliated;
- all entities should meet the requirements to be treated as a permanent establishment under Jamaican law;
- all entities should account for GCT on the same basis, cash or accrual;
- no entity within the group should be a member of another GCT group;
- no entity within the group should have outstanding revenue liabilities of any kind.

Subsection (2): Despite the requirements of the GCT Act, group members are not

allowed to file separate returns for its branches or divisions. The revenue liabilities which would render an entity ineligible for approval are widely defined to include all obligations treated under Jamaican laws as well as any relevant interest, penalty and surcharge.

Application for approval as a GCT group is set out in the new section 32E. A joint application for approval from all members of the prospective group is required. One group member must be proposed for designation by the Commissioner General as the representative entity.

Section 32F sets out the conditions for the decision to be observed by the Director General on application; where the Commissioner General decides to grant an application made under section 32E, the Commissioner General shall notify in writing, the representative entity designated under section 32C of the decision, or of the date when the approval of that GCT group under section 32C shall come into effect.

In subsection (2) the Commissioner General is empowered to request additional information or documents from any entity making the application, and subsection (3) specifies that if an application is rejected, reasons must be given in writing.

Section 32G specifies the treatment of entities within a GCT group for taxation purposes. Upon approval of an application the representative entity becomes the focus of all tax related transactions and activities. The representative entity is treated as the entity which carries on all taxable activities taking place within the group; is the recipient of all supplies of goods and services made to the members of the group; makes all the non-taxable supplies of the group; makes all the taxable supplies of the group. One exception is taxable supplies made within the group under the group regime. These are disregarded for tax purposes.

The conditions of the group regime will only apply to an entity in respect of periods when that entity is a member of the group as approved, and that is set out in subsection (2) of that section.

The representative entity is authorized to claim input tax credits to which the group members would have been entitled, had they not been operating under the group regime. Credits and refunds ordinarily due to any group member are to be paid to the representative entity.

The responsibilities placed on the representative entity will not facilitate deviation or avoidance of tax as liability of tax payable is joint and several, touching all members of the group. Cessation of group membership does not extinguish liabilities incurred during membership of the group.

Section 32H sets out the responsibility of a representative entity of the GCT group. The representative entity must do whatever is needed to comply with the Act on behalf of all member entities, whether registered tax payers or not. All group members are deemed registered taxpayers. This is to ensure that when dealing with the group and/or its members, the Commissioner General is able to exercise all powers available to him in relation to all members of the group.

The rights and obligations of a registered taxpayer apply to the representative entity in his own right in the capacity of representative entity. This is intended to make it clear that a representative entity has the same rights and obligations in respect of its taxable activity as any other group member.

The duties of the representative entity are to:

- keep proper records;
- file all required returns;
- pay all taxes;
- withhold any taxes required to be withheld;
- make all required records available for inspection when required by law.

It is the duty of the representative entity to notify the Commissioner General where approval of GCT group ought to be revoked; where any member of the group no longer meets the relevant statutory requirements, or where there are circumstances affecting any group member of which the Commissioner General ought to be informed.

Where such a situation arises, the representative entity should notify the Commissioner General within 30 days of becoming aware of the circumstances.

The new section 32L provides for application by a representative entity to make changes - that's 32I - and revocation of approval, or removal, from GCT group by the Commissioner General is set out in the new section 32J.

The Commissioner General, as I indicated earlier, Mr. Speaker, is empowered to revoke the approval given, if he is satisfied that the approval was sought, mainly in order to obtain a tax advantage; where the representative entity has failed to perform his statutory obligations; where the representative entity no longer meet the section 32D requirements of eligibility and approval.

An entity which no longer meets the requirements for eligibility may be removed from the group by the Commissioner General, and the Commissioner General has the power to determine the date on which the revocation or removal takes effect.

When the Commissioner General takes a decision regarding revocation or removal, he must give written notification to the representative entity, or the affected group. The decision takes effect on the first day of the month which follows the date of notification.

Section 32K provides for measures to combat tax evasion. If the Commissioner General is of the view that within the group arrangements have been made with the intention to avoid or evade tax, he has the power to revoke approval, treat supplies made by or to an entity as the suppliers of that entity; direct that an affiliated, connected or associated entity be treated as a member of the group. When a decision made in these circumstances, the Commissioner General must give written notification to the representative entity of the affected group. The decision takes effect on the first day of the month following the date of notification. The Commissioner General may also notify the affected entity of his decision.

Subsection (4) makes clear that the anti-avoidance and anti-evasion provisions of the

GCT Act - the main Act - apply to the GCT group accounting regime.

Appeals and the procedure for appeals are set out in the new section 32L. The section makes clear that there is a right of appeal from a decision of the Commissioner General. In respect of the group regime, the tax payer may appeal to the Taxpayer Appeals Commissioner. The Appeals Commissioner may, in the usual manner, confirm, vary, or vacate the decision complained of. There is, further to this, a right of appeal, ultimately, to the Revenue Court.

Section 32M sets out the provisions for services on a representative entity. With regard to notices, service upon this entity is considered to be service upon all member entities.

Mr. Speaker, this Legislation brings Jamaica in line with provisions applied in many countries, and has the potential - the certain potential to augment job creation in the country, and facilitate the ease of doing business in the country, and will add considerably, Mr. Speaker, to the prospects of an expanding financial and insurance sector, and more so, the activities that go behind the provision of these services.

In the context of today's globalized economy, companies have a very wide range of prospects from which to choose when they want to decide where to locate their various activities; activities, including provision of account information, provision of investment advice, provision of various other banking services or insurance services. It can include the provision of legal advice and services for financial institutions, should they choose to do so.

So this represents a set of possibilities that span the entire gamut of professional skills available in Jamaica, from those who just do basic call centre operations, to the most sophisticated of investment advisers and operations.

It becomes increasingly critical also, as we prepare to become an international financial centre and passing that legislation which will come here shortly, which will facilitate the operations of international banking services. That I might add was an initiative which preceded this administration and has been carried on and should come soon. But which has again, unlimited prospect and becomes a vital necessity if we are to become a logistics center for the hemisphere.

Mr. Speaker, it is an eminently desirable bit of legislation and I commend it to the House for second reading.

(Applause)

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, the Minister is correct in saying that this is a practical piece of legislation which is long overdue, and has correctly also indicated that it is an appropriate precursor to the detailed Bill to follow on the International Financial Services which has been started by the previous administration.

The question I would ask the Minister, however, is whether there is any timeframe within which he would impose, with a view to reviewing the operation of the group filing, and how it can be extended to other sectors. I

don't think it should be left open-ended, I think you should put a timeframe within which it forces even by regulation some kind of a review to see how it can be extended. And presumably over that period that the kinks can be worked out, the propensities that might be suspected where there might be some actors who might seek to abuse the system that you find ways to mitigate it and to work it out. And having worked those details out, then you can look further at how it could be extended.

Minister, what I would like to also ask, and my intervention here is very brief, is whether there was any particular reason why partnerships were left out of the list of the forms of business enterprises that could participate in this programme. I think that partnership would be - certainly is a legitimate form of business enterprise, and I was wondering if there is any particular reason why partnerships were, in fact, excluded from this arrangement.

Thank you, Mr. Speaker.

Dr. PHILLIPS: Thank you very much, Mr. Speaker, for your indulgence.

Let me make just two observations in response to the Opposition Spokesman on Finance. First of all yes, I would be prepared to include - if we can find an appropriate amendment, a specified review period, I would say a year, would be or....

(*Sotto voce* comments by a Member)

Dr. PHILLIPS: Well, you think it is short, well let's say 18 months for the review which would allow for any changes to be implemented in year two, so 18 months.

I think just to be clear to make a point that the - how this - how the legislation, the consideration in relation to partnerships was, it was narrowly circumscribed precisely because of the concern that we didn't extend, because of concerns about possible revenue leakage by restricting in the first instance to bodies cooperate and those, and financial services entities.

So it is not intended in perpetuity necessarily, and in another phase we could expand it in that direction. But we want to ensure that precisely that we have managed the system, in the first instance, in that regard.

With that, Mr. Speaker, and with expectation of an amendment to come, I move for second reading.

The SPEAKER: The question is that the Bill be read a second time.

Motion put to the House and agreed to.

Bill entitled:

"AN Act to Amend the General Consumption Tax Act;"

read a second time.

The SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

Dr. PHILLIPS: Mr. Chairman, I am awaiting an amendment which should come, but we could proceed.

I should point out that there is a typographical error in that, on page 4, of the Bill, after 'F' at the top of the page, it says:

'there is the' - it says: '*but does not include'* and then goes '*A, B, C, D'* it should read '*G, H, I, J, K, L'* as the letter indicator. You are following me, Chairman and Members. And delete and Part 1 on the front page, delete the head note '*Part 1 preliminary'* immediately before Clause 1, that is again a typo.

And I am proposing, Mr. Speaker, that after - next after Clause 2 insert next after Clause 2, Clause 3, that would say the provisions of Part VI A. Let me read again, the provision - in the side note in the marginal note it says: '*review of Part VI A by Committee of both Houses'.* And it says, Clause 3 then says;

'*the provisions of Part VI A of the principal Act shall be reviewed by a Committee of both Houses of Parliament constituted for the purpose which shall review - which review shall take place not later than 18 months after the coming into operation of this Act'.*

The CHAIRMAN: That is the new Clause 3?

Dr. PHILLIPS: Yes.

The CHAIRMAN: Okay, we will proceed now. First we will delete '*Part 1 preliminary'*.

Dr. PHILLIPS: Treat that as a typo.

Clause 1 put to the Committee and agreed to.

The CHAIRMAN: I put Clause 2.

Dr. PHILLIPS: With the typo on page...

The CHAIRMAN: The numbering on page 4.

Dr. PHILLIPS: The numbering.

The CHAIRMAN: On page 4.

Dr. PHILLIPS: On page 4 right.

The CHAIRMAN: But does not include - and we start with G down to M?

Dr. PHILLIPS: Yes.

The CHAIRMAN: I put those amendments.

Dr. PHILLIPS: It is a typographical.

The CHAIRMAN: Typos. In that case then I put Clause 2.

Clause 2 put to committee and agreed to.

The new Clause 3 that we are including.

The new Clause 3 as read by the Minister put to the Committee and agreed to.

The Title and the Enacting Clause put to Committee and agreed to.

The CHAIRMAN: The question is that I do report the Bill as having passed Committee stage with one (1) amendment.

Motion put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage with one (1) amendment.

Dr. PHILLIPS: Mr. Speaker, I move third reading of the Bill.

The CHAIRMAN: The question is that the Bill be read a third time.

Motion put the House and agreed to.

Bill entitled:

"AN Act to Amend the General Consumption Tax Act;"

read a first time and passed.

Mr. PAULWELL: Mr. Speaker, I beg to move for the suspension of the Standing Orders to enable me to take the motion notice of which I had given earlier.

The SPEAKER: The question is for the suspension of the Standing Orders to allow the Minister to take motion notice of which was given earlier.

Motion put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker the Member for North East St. Elizabeth wishes to be removed from the Committee dealing with matters relating to Offenses Against the Persons Act and I so move.

Motion put to the House and agreed to.

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker, it is not intended for us to do any further business this evening, I therefore move for the adjournment of the Parliament until next Tuesday, November 11 at 2.00 p.m.

The SPEAKER: The question is that the House do adjourn until next Tuesday, November 11 at 2:00 p.m.

Motion put to the House and agreed to.

The SPEAKER: The House stands adjourned.

The Honourable House adjourned its sitting at 6:02 p.m. until Tuesday, November 11, 2014 at 2:00 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2014 – 2015

TUESDAY, November 11, 2014

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.30 p.m.

PRESENT

THE SPEAKER

HON. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern, Speaker of the House.

MR. LLOYD BARNES SMITH, (PNP), St. James, Central, Deputy Speaker

MEMBERS OF THE CABINET

THE HONOURABLES:

HON. PHILLIP FEANNY PAULWELL, (PNP), Eastern Kingston & Port Royal, Minister of Science, Technology, Energy and Mining and Leader of the House

DR. THE HON. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern, Minister of Transport, Works and Housing

HON. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western, Minister of Water, Land, Environment and Climate Change

HON. PETER MURCOTT BUNTING, (PNP), Manchester, Central, Minister of National Security

HON. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western, Minister of Industry, Investment and Commerce

DR. THE HON. FENTON RUDYARD FERGUSON, CD, (PNP), St. Thomas, Eastern, Minister of Health

REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston, Central, Minister of Education

DR. THE HON. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing with responsibility for Housing

HON. NATALIE GAYE NEITA-HEADLEY, (PNP), St. Catherine, East Central, Minister without Portfolio in the Office of the Prime Minister with responsibility for Sports and Deputy Leader of the House

MINISTERS OF STATE

HON. RICHARD AZAN, (PNP), Clarendon, North Western, Minister of State in the Ministry of Transport and Works

HON. ARNALDO ALPHONSO BROWN, (PNP), St. Catherine, East Central, Minister of State in the Ministry of Foreign Affairs and Foreign Trade

OTHER MEMBERS

MR. EDMUND CURTIS BARTLETT, CD, (JLP), St. James, West Central

DR. LYNVALE GEORGE BLOOMFIELD, (PNP), Portland, Eastern

MR. PAUL LENNOX BUCHANAN, (PNP), St. Andrew, West Rural

HON. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern

MRS. MARISA COLLEEN DALRYMPLE-PHILIBERT, (JLP), Trelawny, Southern

MISS JOYCE DENISE DALEY, (PNP), St. Catherine, Eastern

DR. DONALD KEITH DUNCAN, (PNP), Hanover, Eastern

DR. WINSTON LLOYD GREEN, (PNP), St. Mary, South Eastern

MR. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central

MR. WILLIAM JAMES CHARLES HUTCHINSON, CD, (JLP), St. Elizabeth, North Western

MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern

MR. FITZ ARTHUR JACKSON, (PNP), St. Catherine, Southern

MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern

MR. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western

MR. MIKAEL ASHER PHILLIPS, (PNP), Manchester, North Western

MR. RAYMOND FRANKLYN PRYCE, (PNP), St. Elizabeth, North Eastern

MR. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern

MR. AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern

MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western

MR. RUDYARD CONRAD SPENCER, CD, (JLP), Clarendon, South Eastern

MR. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western

MR. CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western

PRAYERS

Prayers were offered by Mr. Raymond Pryce.

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Before we get down to today's business, let us welcome our visitors today and especially those students from Sam Sharpe Teacher's College and from the University of the West Indies, CARIMAC Students studying journalism, so they should have a good day today.

(Laughter) (The Speaker gavels)

Mrs. Dalrymple-Philibert.

(Cross talk)

ANNOUNCEMENTS

The Clerk laid on the Table of the House a copy of the following:

- **Ministry Paper No. 145**
  Annual Report and Audited Financial Statements of the Southern Regional Health Authority (SRHA) for the financial year April 2011 to March 2012
- **Port Authority of Jamaica (PAJ)**
  Annual Report and Audited Financial Statements for the financial year 2013/2014
- **Jamaica Civil Aviation Authority**
  Annual Report and Audited Financial Statements for the financial year 2013/2014
- The Stamp Duty (Amendment of Appendix A of the Schedule) Order, 2014 under the Stamp Duty Act
- Report on the Deliberations of the Public Administration and Appropriations Committee of the House of Representatives on the Fiscal Policy Paper for the Financial Year 2014/15 - And this is an Interim Report

BILLS BROUGHT FROM THE SENATE

The Clerk read following message from the President of the Senate:

To the Honourable House of Representatives:

"I have the honour to advise the Honourable House of Representatives that on the 7th day of November, 2014 a Bill entitled, "AN ACT to Repeal the Disaster Preparedness and Emergency Management Act and to make new provisions for the management and mitigation of disaster, the reduction of risk associated with disaster" and for connected matters was passed in the Senate with eight (8) amendments for which the Honourable Senate desires the concurrence of this Honourable House. (The Amendments are circulated)

Signed: Floyd E. Morris
President of the Senate".

The SPEAKER: House Leader.

Mr. PAULWELL: Mr. Speaker, on behalf of the Minister for Labour - sorry, Local Government, I wish to signify my intention to take charge of the Bill.

The SPEAKER: Okay.

Mr. PAULWELL: And further, Mr. Speaker, if the Members on that side will agree with me that the amendments are very straightforward I would move that they be approved.

(Inaudible comment by Mr. Warmington)

Mr. PAULWELL: They are circulated.

Mr. WARMINGTON: Where are they?

Mr. PAULWELL: Disaster Preparedness. No, the list of amendments has been circulated.

(Cross talk)

The SPEAKER: House Leader, I think the Opposition Spokesman wants to say something. Mr. McKenzie.

Mr. McKENZIE: Mr. Speaker, it is unfortunate, Mr. Speaker, that the amendments which were made in the Senate - well, it is just coming here, but there are some concerns Mr. Speaker that I have based on the comments that I made during the deliberations of the Bill, which went to the Senate without the necessary adjustments being made and I would love, Mr. Speaker, to have the time to examine it, to look at it to see if it concurs with those objections that I raised during the debate. So I'm asking that even if it is tabled today that we can discuss it at the next sitting.

Mr. PAULWELL: Mr. Speaker, no problem. We will take it at our next sitting.

The SPEAKER: Okay.

NOTICES OF MOTIONS GIVEN ORALLY

Mrs. NEITA-HEADLEY: Mr. Speaker, on behalf of the Minister of Finance and Planning I beg to give notice that at the next meeting of the House he will move the Stamp Duty Act:

Whereas by virtue of subsection (1) of section 4 of the Stamp Duty Act the Minister responsible for Finance may by order revoke, increase, reduce, or alter any duty specified in the Schedule and may add any duty thereto;

And Whereas by virtue of subsection (3) of section 4 of the Act an order amending the Schedule of the Act is subject to affirmative resolution of the House of Representatives;

And Whereas pursuant to section 4 of the Act, the Minister made the Stamp Duty Order 2014 on the 10th day of November 2014;

And Whereas it is desirable that the Stamp Duty Order, 2014 be affirmed:

Now Therefore Be it Resolved by the House of Representatives as follows:

1) This Resolution may be cited as the Stamp Duty Order, 2014 Resolution, the Stamp Duty Order, 2014 which was laid on the table of the House on the 11th day of November, 2014 is hereby affirmed.

(HON. COLIN ALFRED A FAGAN, (PNP), St. Catherine, Southern Eastern, Minister of State in the Ministry of Local Government and Community Development, entered and took his seat.)

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. PAULWELL: Mr. Speaker, the Prime Minister will be taking Question 21 as soon as she arrives. I hope the Leader of the Opposition will be here, because this is a question...

Mr. CHUCK: What time is she coming?

Mr. D. SMITH: He will be here.

(HON. EVON PATRICK CULLITON ATKINSON, QC, (PNP), Trelawny, Northern, Attorney General, entered and took his seat.)

(DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central, entered and took his seat.)

(MR. ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Leader of the Opposition, entered and took his seat.)

Mr. CHUCK: Hey, Parliament starts at two, you know. (Applause)

(THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, ON, (PNP), St. Andrew, South Western, Prime Minister and Minister of Defence, entered and took her seat.)

(HON. LISA RENÈ SHANTI HANNA, (PNP), St. Ann, South Eastern, Minister of Youth and Culture, entered and took her seat.)

A Government MEMBER: She is here.

Mr. PAULWELL: So we will take that....

(Applause)

A Government MEMBER: Be careful what you wish for.

(Cross talk/The Speaker gavels)

Mr. PAULWELL: Mr. Speaker, I will also be taking Questions 19 and Question 8. Question 8, I will circulate. The Member isn't here and I will be quite happy to take follow-up questions when he is present and I'll ask the Member from North West St. Elizabeth to forward his question to me.

(MR. HUGH CARL BUCHANAN, (PNP), St. Elizabeth, South Western, entered and took his seat.)

(MR. KEITH ANTHONY WALFORD, (PNP), St. Ann, South Western, entered and took his seat.)

(DR. KENNETH O'NEIL BAUGH, (JLP), St. Catherine, West Central, entered and took his seat.)

(MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, entered and took his seat.)

The SPEAKER: Mr. Hutchinson.

Mr. HUTCHINSON: Mr. Speaker, I'm asking the Minister of Science, Technology, Energy and Mining to answer Question 19 standing in my name.

Mr. PAULWELL:

Question 1:

Regarding the extension of electricity supply to areas in North West St. Elizabeth, will the Minister...

(Inaudible comments by a Member)

Mr. PAULWELL: It's been circulated?

...will the Minister please state when will be the completion date for Breadfruit Tree, Paisley and Johnson Bush, as these have not been completed?

Answer:

Breadfruit Tree: This extension has been completed and was certified by the Government Electrical Inspectorate on August 8, 2012**.**

Paisley Road: This extension has been completed and certified by the GEI on July 8, 2014.

Johnson Bush: Programme Limited is awaiting funding to complete this extension.

Question 2:

Will the Minister please state when will

the Red Hills 10-foot line be completed, as the area has already been pegged out?

Answer:

Preliminary works were done on the Red Hills extension and the REP is awaiting funds to complete same.

Those are the questions.

Mr. HUTCHINSON: Mr. Minister, I see where you say that they've been completed, but I don't understand when you say they're completed because the houses haven't - they still don't have any electricity at this point in time. This is both Breadfruit Tree, Paisley is just about, but Breadfruit Tree has not been done.

Mr. PAULWELL: You're confirming that Paisley has been done?

Mr. HUTCHINSON: Yes, Paisley, but not Breadfruit Tree.

Mr. PAULWELL: Mr. Speaker, my understanding is that the distribution network is in place and it is for the potential customers now to apply for their metres. Have they done that as yet; are you aware?

Mr. HUTCHINSON: If it's just for them to make the application then I will check on that.

Dr. DAVIES: Yuh just come to ask questions.

Mr. PAULWELL: Mr. Speaker, as you're aware, the REP will assist in the wiring of houses, but it has to be requested and once they do so then there is an arrangement where the REP will do the wiring and they repay back the funds overtime in their JPSCo bills.

Mr. HUTCHINSON: Just the last question, Mr. Minister. Can I ask, you made a promise sometime ago at that opening of the hydroelectric plant in Maggotty, that you would be coming to do the official turning on of some of those lights; when will that be done? Can I give you the names of those that are now completed and you give me when you can come and turn them on?

Mr. PAULWELL: The Member should be aware that the works, having been completed, it is left up to you and I to work on a schedule for the proper switching on of the lights and I'm available any time after the 1st of December.

The SPEAKER: Mr. Holness.

Mr. HOLNESS: Mr. Speaker, I'd like the Prime Minister to answer questions standing in my name.

(Cross talks)

Dr. DAVIES: Yuh don't have a tablet?

Mr. McKENZIE: No, a just get one fi Chik-V.

(The Speaker gavels)

The PRIME MINISTER: Mr. Speaker, I will now respond to the questions posed by the Leader of the Opposition.

Question 1:

Is the Prime Minister aware that the purchase and operation of tourist attractions fall outside the statutory mandate of the National Housing Trust as defined by the National Housing Trust Act of 1979?

Answer:

Mr. Speaker, this question is based on a false premise. The NHT has not purchased the business known as Outameni Experience. The Board has advised me

that the decision to purchase the property at Orange Grove in Trelawny, and not the attraction known as Outameni Experience, was firmly grounded in the National Housing Trust Act of 1979. The Board has noted...

Mr. SMITH: Mr. Speaker, point of order, Mr. Speaker.

The Opposition has not been furnished, as usual, with the responses to the questions.

(Cross talks)

Mrs. NEITA-HEADLEY: Why the 'as usual'?

Mr. SHAW: No, no you stay out of this; you stay out of this.

A MEMBER: Why should we stay out of this?

Mr. PAULWELL: Mr. Speaker, it is not true that it is as usual, and we regret that we don't have all the copies now, and if we could break for five minutes on this matter to enable the copies to be circulated.

The SPEAKER: Very well.

The SPEAKER: Mr. Smith, you want us to proceed or wait?

Mr. SMITH: Mr. Speaker, the Opposition would prefer the thing to be done properly, that we'll wait until the copies are here.

The SPEAKER: Okay.

Mr. PAULWELL: Mr. Speaker, I move for the recommittal of item Notices of Motions Given Orally.

The SPEAKER: The question is for the recommittal of items Reports from Committees and Notices of Motions Given Orally.

Put to the House and agreed to.

NOTICES OF MOTION GIVEN ORALLY (Recommitted)

Mr. PAULWELL: Mr. Speaker, I beg to give notice...

(Inaudible comments)

(The Speaker gavels)

Mr. PAULWELL: ...that at the next meeting of the House I will move:

Be it Resolved that this Honourable House appoint a Select Committee comprising the following Members:

Mr. LB Smith
Mr. Mikael Phillips
Mr. Andrè Hylton
Mr. Fitz Jackson
Miss Denise Daley
Dr. Lynvale Bloomfield
Mr. Richard Parchment
Mr. Jolyan Silvera
Mrs. Dalrymple-Philibert
Mr. Delroy Chuck
Mr. Desmond Mair
Mr. Derrick Smith

to sit jointly with a similar committee to be appointed by the Senate, for consideration and report to Parliament on the Report of the Commissions of Parliament and the following entities:

The Corruption Prevention Commission
The Integrity Commission
The Director of Public Prosecutions

within one month of them being referred to the Committee.

The SPEAKER: We will come back to Questions and Answers to Questions, so I will proceed with the order.

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, this afternoon under Public Business I should advise the House that the Minister of Finance will not be in attendance and therefore Item 8, as we had circulated, will not be taken today; it will be postponed until next week. We will be taking this afternoon, Item 6, and that will be done by the Minister without portfolio in the Ministry of Transport and Works in a little while.

Until then, Mr. Speaker, I move for the suspension of the Standing Orders to enable me to take the motion, notice of which I gave earlier.

The SPEAKER: The question is for the suspension of the Standing Orders to allow the Minister to take the motion, notice of which was given earlier.

Put to the House and agreed to.

The SPEAKER: Minister.

Mr. PAULWELL: Mr. Speaker, there are many Commissions of our Parliament and from time to time these Commissions report to us and they have developed a practice whereby the reports are not dealt with on the floor of Parliament, but rather through a Standing Joint Select Committee. These reports are vetted and the Committee reports back to the Parliament to accept or to deal with matters arising from the report. It is that Committee which we're seeking to establish today, and the Members have been identified. There will be a group as well from the Senate as this is a Joint Select Committee.

I suspect that the Opposition might want to say a few words on this before I put the vote.

(MISS OLIVIA ATAVIA GRANGE, (JLP), St. Catherine, Central, entered and took her seat.)

Mr. CHUCK: Mr. Speaker, permission to speak from a seat other than my own.

The SPEAKER: You may proceed.

Mr. CHUCK: May I just say, Mr. Speaker, this Committee, even though not on the Standing Orders Committee, is an extremely important Committee because we have several Commissions of Parliament. And regrettably, Mr. Speaker, over the years they do send in reports and the reports are laid in Parliament, but nothing happens to these reports in terms of investigations, in terms of questions on the content of the reports.

Many of these Commissions, Mr. Speaker, feel that their reports which sometimes could be small or voluminous, oftentimes are not given the due regard and respect that they should.

And that is why maybe about four, five years ago, Mr. Speaker, we developed a practice whereby a committee chaired by the Deputy Speaker, would chair the Committee and invite these Commissions to come to Parliament to highlight aspects of their reports, but also to invite interested parties who may want to raise concerns, be it the

Integrity Commission, the Corruption Commission, the Contractor General, the DPP and other Commissions of Parliament.

So when at least for few meetings of this Joint Select Committee, the members of the public take the opportunity to come to Parliament to question contents of the Report, but it's also the opportunity, Mr. Speaker, for these Commissions to highlight aspects of their reports and also, Mr. Speaker, to highlight to Parliament, concerns they may have in respect to the work that they're doing. And also oftentimes they will request additional resources and ask the Parliament, in making its presentation, to highlight the need for more resources to further their work.

So Mr. Speaker, in supporting the motion, may I just urge that the Deputy Speaker at the earliest convenience, meets the Committee and invite the different Commissions to present their reports, highlight the issues so that at least they feel that Parliament is, in fact, giving due respect to their reports.

(HON. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern, Minister of State in the Ministry of Agriculture and Fisheries, entered and took his seat.)

The SPEAKER: Mr. Smith.

Mr. D. SMITH: Thank you, Mr. Speaker.

Mr. Speaker, the former Administration took into consideration the comments made by the Member from St. Andrew North East, and thought it was very important to establish this Committee. And in fact, it was established some seven years ago by a motion moved by me in my capacity then as Leader of Government Business in the House.

(MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern, entered and took his seat.)

Mr. Speaker, it's a little unfortunate that since this new Administration came to office that the Committee was not re-established and put to work. So we are very happy that it - belatedly, but we are happy, nonetheless, that the Committee is now being reestablished, and from the comments of the House Leader, will be put to work, because there is a lot of very topical issues coming out of these Reports submitted to Parliament.

So with those brief words, we concur that we are glad. And our committee members will in fact participate in the work of the Committee.

The SPEAKER: Mr. Mair.

Mr. MAIR: Mr. Speaker, I was wondering if the Leader of the House could advise if the Office of the Contractor General is a part of the Commission? I don't think I heard his name.

Mr. PAULWELL: I want to thank the Members for their support. Yes, and indeed the Office of the Contractor General is also a part of the Commission.

Mr. Speaker, I move for the approval of the motion.

Put to the House and agreed to.

Mr. PAULWELL: I move for the recommittal of the item Questions and Answers to Questions.

Put to the House and agreed to.

QUESTIONS AND ANSWERS TO QUESTIONS (Recommitted)

The SPEAKER: Prime Minister.

The PRIME MINISTER: Thank you, Mr. Speaker.

Before I begin, let me recognize the presence of students from UWI-CARIMAC and from Sam Sharpe Teachers' College.

(Applause)

Question 1:

Is the Prime Minister aware that the purchase and operation of tourist attractions fall outside the statutory mandate of the National Housing Trust as defined by the National Housing Trust Act of 1979?

Answer:

Mr. Speaker, this question is based on a false premise. The NHT has not purchased the business known as Outameni Experience.

The Board has advised me that the decision to purchase the property at Orange Grove in Trelawny, and not the attraction known as Outameni Experience, was firmly grounded in the National Housing Trust Act of 1979. The Board has noted that in addition to the statutory mandate of the NHT to:

- add to and improve the existing supply of housing; and
- enhance the usefulness of the funds of the Trust by promoting greater efficiency in the housing sector;

The Act also allows the Trust to:

- provide finance for social services and physical infrastructure for communities developed under the projects; and
- administer and invest the moneys of the Trust.

Question 2:

Will the Prime Minister indicate whether she is aware that the NHT has purchased a tourist attraction and through its Chairman has publicly stated its intention to operate the attraction?

Answer:

As I indicated, Mr. Speaker, in answer to Question 1, the NHT has purchased property at Orange Grove.

The NHT has not acquired the business assets, goodwill or brand associated with the Outameni Experience, save and except for the standby generator, a fuel tank and office furniture.

Question 3:

Mr. Speaker, before I respond to the third question, let me note that the NHT has not only reorganized that a section - they recognize that a section of its contributors will continue to experience difficulty in acquiring a house, given their income. But the NHT has done something about it.

And let me make it quite clear. In this regard, up to 20 per cent of the NHT's surplus has been earmarked to assist low-income contributors.

For 2012/2013 Mr. Speaker, approval was given for 360 contributors to receive grants valued at Four Hundred and Thirty-two Million Dollars ($432M); for 2013/2014 approval was given for 258 contributors to receive grants valued at Three Hundred and Nine Million Dollars ($309M). And as far as 2014/2015 is concerned, approval was given for 104 contributors to receive grants valued at One Hundred and Twenty-four Million Dollars ($124M).

The customers who benefit from these grants which are not repaid, must meet the following criteria:

- contributing for a minimum of ten years;
- earning Ten Thousand Dollars ($10,000.00) or less per week.

Mr. Speaker, as at March 31, 2010, the asset was One Hundred and Thirty-four point One Billion Dollars ($134.IB). At the end of September, 2014, that asset was Two Hundred and Fourteen point Four Billion Dollars ($214.4B). One Hundred and Eighty-Three Billion ($183B) of that is in mortgage to NHT contributors. This, Mr. Speaker, is NHT at work.

(Applause)

A Government MEMBER: Working! Working! Working!

(HON. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, Minister of Labour, Social Security and Agriculture and Fisheries, entered and took his seat.)

The PRIME MINISTER:

Question 3:

Will the Prime Minister advise this Honourable House as to when she became aware of the transaction?

Answer:

Mr. Speaker, I became aware of the transaction on October 30, 2014. As a matter of law, the NHT Act gives to the Minister responsibility for general policy guidance.

The purchase of the property was done within the provisions of the NHT Act, policy and process, consistent with the operations of the Trust over the past 38 years.

It has not been the practice through many Prime Ministers for the NHT to seek ministerial or Cabinet approval as regard to operational matters within their statutory mandate.

Question 4:

Will the Prime Minister say what, if any, action she has taken in respect of the Board of the NHT in light of its approval and entry into this transaction?

Answer:

Mr. Speaker, I am informed that the Board of the NHT was exploring the possibility of acquiring and operating this investment as an educational, cultural heritage and tourist attraction.

Mr. Speaker, I was instructed that - I have instructed that they should explore ways

of using the property for social and physical infrastructure to enhance the quality of life and for the enjoyment of NHT contributors, Jamaicans and visitors.

I have also instructed that the NHT look at the tourism potential in the area and examine ways to maximize the returns on this investment.

I am, Mr. Speaker, aware that the Auditor General has advised of her intention to conduct further auditing of this transaction. I await her findings.

Question 5:

Will the Prime Minister say whether any due diligence exercise or feasibility study was conducted in respect of the proposed transaction? If so, will the Prime Minister:

a) tell the Honourable House what exercises were conducted and when they were conducted; and
b) provide the House with a copy of the relevant reports?

Answer:

Mr. Speaker, a feasibility study will be done in respect of the business known as Outameni Experience, which the NHT has not purchased.

Before the property was purchased, there was thorough inspection and evaluation. The original market value was approximately Three Hundred and Eleven Million Dollars ($311M). The NHT initiated its evaluation and that came out at Two Hundred and Eighty Million Dollars ($280M).

The average market value, based on the accepted approach in the public sector, is just over Two Hundred and Ninety-five Million Dollars ($295M), and the forced sale value, based on two valuations, was Two Hundred and Thirty-three Million ($233M), and Two Hundred and Twenty-Four Million Dollars ($224M), respectively.

Mr. Speaker, the property and the property alone was acquired for One Hundred and Eighty Million ($180M). This represents about 61 per cent of the average market value and a discount of Forty Million Dollars ($40M) on the forced sale value.

Question 6:

Will the Prime Minister tell this Honourable House the name of the company from which the NHT purchased the tourist attraction known as the Outameni Experience, and the lands thereon?

And (b), the names of the Directors and shareholders of the said company.

Answer:

The NHT has not acquired the business assets, goodwill or brand associated with the Outameni Experience, save and except for the standby generator, a fuel tank and office furniture.

a) The Orange Valley property and not the tourist attraction known as Outameni Experience, was purchased by the NHT from Capital and Credit Merchant Bank, a licensed financial institution regulated by the Bank of Jamaica, for One Hundred and Eighty Million Dollars ($180M).

b) The Directors of Capital and Credit Merchant Bank are a matter of public record. I am advised that they are:

- Mr. Dennis Harris, Chairman
- Dr. Noel Lyon, Director
- Mr. Archibald Campbell, Director
- Mr. V. Andrew Whyte, Director
- Mr. Rodger Braham, Director
- Ms. Vintoria Bernard, Director
- Mr. Gregory Shirley, Director
- Mr. Martin Lyn, Director
- Mr. Maurice Clarke, Director
- Mr. Sharpe, Director
- Mr. Keith Duncan, Director
- Mrs. Donna Duncan-Scott, Director
- Ms. Patricia Sutherland, Director.

They are the same Directors when the MP for East Central St. James wrote to the Minister of Tourism urging him to continue the former JLP Government's efforts to save the Outameni Experience business.

I am advised that the Directors of Orange Valley Holdings Limited are: Mr. Lenbert Little-White, Director...

(*Sotto voce* remarks by Opposition Member)

The PRIME MINISTER:

I am hiding nothing. I am just giving the facts as I received from the NHT:

- Ms. Cheryl Ryman, Company Secretary;
- Ms. Damali Little-White, Director
- Mr. Errol Chambers, Director.

Thank you, Mr. Speaker.

(Applause)

Mr. HOLNESS: Mr. Speaker, the Prime Minister's answers are not very clear. I don't think that they have advanced the public's understanding of the very important issues that are at stake here, and so if you will permit me, Mr. Speaker, to ask followup questions to help to bring clarity to the issue. Prime Minister, question one asked whether or not, in your mind, you are of the view that it would be *ultra vires* beyond the authority of the NHT to purchase any business, any operation that is not within the realm and scope of the mandate of the Trust such as a business having to do with tourism or attractions?

The PRIME MINISTER: That's a matter of law and I believe when I spoke I answered that question.

Thank you.

(Applause)

Mr. HOLNESS: Prime Minister, the nation does not know whether or not you are of the view that the NHT funds must be used for housing development singularly.

Dr. DAVIES: That is a new question.

Mr. HOLNESS: The nation does not know whether or not you agree with the Board of the NHT.

(Cross talk)

Mr. McKENZIE: *Weh* do *oonu*, sit down and tek *lick.*

(The Speaker gavels)

Mr. CHARLES: Don't start the war.

Mr. L. BUCHANAN: Desmond say is foolishness the Leader of the Opposition asked.

Mr. McKENZIE: I am referring to you.

(The Speaker gavels)

Mr. HOLNESS: The nation does not know, Prime Minister, whether or not you agree with the actions of the Board in purchasing the Outameni Experience business.

Dr. DAVIES: It is a new question.

Mr. HOLNESS: Of course, it is a new question; these are supplementary questions.

The PRIME MINISTER: This is a question of law and the NHT Act mandates the Board clearly. There is an Act where their responsibility is to invest and to administer the resources of the Trust. It is not my opinion, Mr. Speaker; it is law, not my opinion.

(Applause)

Mr. L. BUCHANAN: Six runs!

Mr. HOLNESS: By your response, in your own statement you have said that the NHT Act gives the legal direction for the Board to use the funds of the Trust for the development of housing for Jamaicans and social services in the communities where those houses are built. That is the law. Now, as Prime Minister, the law gives you direct responsibility for the Housing Trust. Have you exercised your duties to ensure that the Housing Trust follows the law?

The PRIME MINISTER: Yes.

Mr. WARMINGTON: Yes what?

The PRIME MINISTER: And to be sure...

Mr. WARMINGTON: Expand.

The PRIME MINISTER: You don't take me on, and you know you should not.

I think you should check section 4(2)(b) of the Act.

Mr. HOLNESS: Prime Minister, you maintain...

(The Speaker gavels)

Mr. HOLNESS: ...you maintain that the NHT did not purchase a tourist attraction. Though it is not clear in the answers, because in your initial response to Question one and Question two you said we did not purchase a tourist attraction, but as you went on in your responses you pointed out where you will be doing feasibility studies on the attraction. Let's take that answer. Mr. Speaker, let's accept the answer that the NHT did not purchase...

Dr. DAVIES: Okay, good.

Mr. HOLNESS: ...tourist attraction. What the NHT is purporting to have purchased is ten acres of land, prime land, 10 acres of prime land, for what purpose, Mr. Speaker? What was the purpose of the purchase?

Dr. DAVIES: Audley, you would have done better?

The PRIME MINISTER: Mr. Speaker, I really believe I answered that question already. I do not need to answer it a second time.

Mr. HOLNESS: Mr. Speaker, it is a simple question. Was the intention of the NHT to develop this property to build houses, yes or no?

Mr. PRYCE: That is a different question.

Mr. PICKERSGILL: *Yuh* know *yuh* really *nuh* have any question.

The PRIME MINISTER: Mr. Speaker, the laws governing the National Housing Trust is quite clear - and to build houses and it is investments. It is providing housing, social services, and so I responded already to the question, and I think that Question four

responded to what the Leader of the Opposition is now asking, Mr. Speaker.

Mr. HOLNESS: So Madam Prime Minister, you have purchased - the NHT has purchased then, 10 acres of land for approximately $180 Million which works out to $18 Million per acre...

Dr. DAVIES: That's good division.

Mr. HOLNESS: ...$18 Million per acre; that must be some very prime real estate for which the Government then would want us to believe, Mr. Speaker, that they would then turnaround and build houses for poor people on the land. I wonder, Mr. Speaker, what would be the cost of that development, if the Prime Minister were to go through with it.

(Applause)

Mr. McKENZIE: Answer that!

Mr. L. BUCHANAN: Prime like Beverly Hills.

(The Speaker gavels) (Cross talk)

The SPEAKER: (Gavels) The Prime Minister will answer the questions in silence.

The PRIME MINISTER: Mr. Speaker, this is prime real estate with a rich and strong history, can serve as an area where students can visit, cultural, heritage and tourism. (Applause) And certainly I am not saying that we are going to be building houses there. I am sure that the Housing Trust could get into partnership with the Ministry of Tourism. You see, I am not so sure about some Members. I am sure about myself that I believe in joined-up government, ministries supporting each other if the need arise in the interest of the Jamaican people and in the interest of Jamaica.

(Applause)

Mrs. NEITA-HEADLEY: That's right.

Mr. HOLNESS: Mr. Speaker, the Chairman of the NHT and other members have made it clear publicly that it was their intention to spend another $111 Million to develop this property into an attraction. In fact, we have documents from the NHT where the NHT had gone far down the road in doing feasibility studies on operating this property as an attraction. That, Mr. Speaker, is outside the scope of the NHT, and for the Prime Minister to stand here and tell us that it is fine for the NHT to do this, shows scant regard for the use of public funds. (Applause)

Mr. PICKERSGILL: What about Emancipation Park?

Mr. WARMINGTON: Bobby, shut your mouth, you senior citizen.

Mr. HOLNESS: Mr. Speaker, will the Prime Minister say whether or not the NHT's Internal Review Committees conducted studies on the proposal and rejected the proposal to purchase Outameni?

The PRIME MINISTER: My understanding is that the NHT Board took the decision to purchase this property.

And let me say something, Mr. Speaker. You know, when I was Minister of Labour the National Insurance Fund was static, until I had a meeting with the Permanent Secretary and asked why don't we invest the NI funds rather than allowing it to be static? If that was not done the NI Fund would be bankrupt today. (Applause) The NHT is not the Ministry of Tourism but this Government believes in joined-up government. So the NHT can meet

with - I have no authority to instruct NHT what to do, they are governed by their Act, but I will protect the interest of the Trust and the people of Jamaica. (Applause)

Mr. HOLNESS: Mr. Speaker, you will forgive me at my puzzlement. The Prime Minister has just said that she has no authority over the NHT.

Mrs. NEITA-HEADLEY: She didn't say that. You say that.

Mr. HOLNESS: Mr. Speaker, the Prime Minister gives policy direction, and we were investigating earlier whether or not it is the policy of this Government to allow the NHT to breach its mandate, which is to build houses with the funds of contributors. And we have seen, Mr. Speaker, time and time again where this Government has allowed the NHT, and has directed the NHT to use funds outside of the mandate of building houses for poor people. (Applause)

Mr. Speaker, the Prime Minister has not answered the question asked. Is she aware that when the proposal was made to the NHT that the Technical Committee of the NHT reviewed the proposal and rejected it?

The PRIME MINISTER: Mr. Speaker, I was only aware of the purchase of this property when it came in the media. The NHT do not have to refer to the Prime Minister in terms of investments by the NHT or where - if they take the decision, the Board, to put a housing scheme in the Leader of the Opposition's constituency....

Mr. HOLNESS: Which I wish they would do.

The PRIME MINISTER: ...that do not - they do not report that to me. And they have a number of lawyers at the NHT, much more than we would have at Jamaica House.

Mr. HOLNESS: Mr. Speaker, is it a matter of concern for the Prime Minister, that her Chairman that she appointed to the NHT would make a decision that by all accounts would be outside of the mandate of the NHT against the technical advice of competent staff in the NHT to purchase a property, a private sector property, that was highly leverage, highly indebted. Is the Prime Minister concerned and will the Prime Minister take action against the Board Chairman?

The PRIME MINISTER: Obviously you are only at the Chairman, I don't believe in going at personalities.

Mr. Speaker, in terms of the NHT Act, it clearly stated, section 4(2)(b) says;

"The Trust has the responsibility to administer and invest the moneys of the Trust".

Mr. L. BUCHANAN: Why *yuh nuh* fire Gayle as Senator?

Mr. HOLNESS: You know, you know, Mr. Speaker, I am personally disappointed, I was expecting more from the Prime Minister. I was expecting more from the Prime Minister.

But, Mr. Speaker...

Mr. L. BUCHANAN: Why *yuh nuh* fire Gayle from the Senate and he is a part of the Board?

An Opposition MEMBER: Why you don't shut up your mouth? Bush man, shut up your mouth.

Mr. HOLNESS: Mr. Speaker, can the Prime Minister say whether or not any other Government agencies have funds invested in the Outameni Experience or own shares in the Outameni Experience business?

The PRIME MINISTER: That is a brand new question and I have to be absolutely sure that when I give a response it is the truth. I do not know. I do not have that information with me.

Dr. DAVIES: Andrew, give somebody else a chance.

Mr. WARMINGTON: No, you don't run the show across here, you know.

(The Speaker gavels)

Mr. HOLNESS: Mr. Speaker, the Prime Minister has declared that she is only recently aware of this purchase, this transaction which was conducted some 20 months ago. Since the purchase to this point, can the Prime Minister say whether or not the NHT has done anything towards the property, either to improve it, to resell it, or to develop it?

The PRIME MINISTER: Mr. Speaker, that's an operational matter for the National Housing Trust. I can enquire into that but that's an operational matter.

Mr. L. BUCHANAN: Alright, the real leader going now.

Mr. WARMINGTON: Oh, shut *yuh* mouth bushman.

Mr. SHAW: Mr. Speaker, I know that it would not be the willful intention of the Most Honourable Prime Minister to mislead the House of Parliament. So I have to assume that the answer to the first question raised by the Leader of the Opposition, I have to assume that the Honourable Prime Minister has been misled. And I would like to ask a specific question to confirm that assumption.

The property was assessed and valued by David Delisser & Associates in November of 2012, and the property which was valued was listed as approximately 9 acres and consists of a 300-year-old Great House, the built attraction called Outameni Experience and an extensive play area. The property and its contents were valued by David Delisser & Associates at $311,163,800 which was the figure given to us for the valuation.

My question therefore, to the Honourable Prime Minister, this valuation was not a valuation of the property alone, it was a valuation of the property and the business enterprise, and it was on the basis of that valuation that a sale price of 180 million was established. Can the Prime Minister...

(*Sotto voce* comments by Mr. L. Buchanan)

(The Speaker gavels)

Mr. SHAW: Mr. Speaker, can the Prime Minster now state that on the basis of this information that I have provided that in fact, it is not just the property that was purchased, but Outameni Experience.

Mr. PICKERSGILL: You mean the goodwill and the name?

Mr. WARMINGTON: *Oh, shut yuh mouth, man.*

The PRIME MINISTER: Mr. Speaker, I am standing by what I said, and the Outameni Experience was not bought, that is

what I was told when I - it is - my information was that it is intellectual property and that was not purchased.

Mr. SHAW: The Honourable Prime Minister is obviously being misled, because, Mr. Speaker, the only issue that appeared to be a grey area in relation to the purchase of the property, related to items which were referred to as chattels, chattels which subsequently, Mr. Speaker, these chattels were assessed to be the acquisition of items which are being used by the Outameni staff personnel at a value of $2,112 Million, and the purchase of chattels related to the reopening of the experience, the reopening of the experience to include the grounds of the Great House and pieces of furniture forming the chattels at an estimated cost of $20 Million.

So, Mr. Speaker, my question to the Prime Minister, is she aware that the purchase was for the entire facility, the property, the Outameni Experience business...

Government MEMBERS: No, no.

Mr. SHAW: ...and that the only outstanding issue was chattels which were subsequently valued at approximately $22 Million?

The SPEAKER: Mr. Shaw, did you make a statement or did you ask a question?

Mr. SHAW: Mr. Speaker, let me - I did ask a question. But let me emphasize further, Mr. Speaker, why the Prime Minister must now become painfully aware that she has been misled by the National Housing Trust and has caused her to face the embarrassment of coming to this Honourable House and misleading the House and misleading the people of Jamaica.

Mr. PICKERSGILL: Si dung! She has a duty to answer question.

Mr. SHAW: Mr. Speaker, from day one, the Prime Minister, I want to ask the Prime Minister if she is aware that from day one...

Dr. DAVIES: Which is day one?

Mr. SHAW: ...from day one, when the property was purchased it was the plan of the National Housing Trust to roll it out as a renewed version of the Outameni Experience concept, are you aware of that Prime Minister?

(Heckling by Members)

Mr. SHAW: And, Mr. Speaker, is the Prime Minister aware that in an internal memorandum from the...

(The Speaker gavels)

Mr. SHAW: ...Acting Managing Director to the Finance Committee dated September 1, 2014, approximately one month before she said she became aware of the issues, that, in that memorandum it referred to the recommendations for the reopening of Outameni Experience, Orange Grove Trelawny, to the public and it listed the amount of money that would be required, $30 Million for capital cost, operating cost $8 Million annually, inflows $6 Million annually and further monies, $5 Million to be spent on the actual grand opening of the Outameni Experience. Is the Prime Minister aware of this information? And if she was aware of it, would you have come to mislead the House in this way?

The PRIME MINISTER: You know, Mr. Speaker, I am accustomed to men treating me like a lady, not yelling at me.

The National Housing Trust is not the Ministry of Tourism; they cannot run a tourism project on that property, because they are not the Ministry of Tourism.

(Applause)

Mr. SHAW: Mr. Speaker, what the Prime Minister has said in her answer is inconsistent with what is in the information from the National Housing Trust. And, Mr. Speaker, I am asking the Prime Minister in another way, is she aware that, initially, the Housing Trust said exactly what she told us, but subsequently, the Housing Trust has publicly admitted that they are going to open the Outameni Experience as a tourist attraction. They had publicly stated that. That is my question to the Prime Minister; is she aware of that?

The PRIME MINISTER: My information is that they did not buy the intellectual property. It is owned, I understand, by Orange Valley.

Mr. HOLNESS: No... Mr. Speaker, for clarity, the Prime Minister, in her response, says:

> *"I am informed that the Board of the NHT was exploring the possibility of acquiring and operating this investment as an educational, cultural, heritage, and tourist attraction*."

The PRIME MINISTER: Exploring the possibility.

(*Sotto voce* comments)

Mr. HOLNESS: Hold on. The Prime Minister had said a while ago that the NHT is not the tourism industry, finally answering the question that it would be inappropriate, outside of policy for the NHT to operate a tourist attraction. Yet... yet...

(*Sotto voce* comments)

Mr. HOLNESS: Yet, Mr. Speaker, this, she goes on to say,

> *"I have instructed that they should explore ways of using the property; to look at physical infrastructure, enjoyment of quality of life, and visitors... making it a tourist attraction".*

Mr. WARMINGTON: She said tourist attraction.

Mr. HOLNESS: Mr. Speaker, the question must be asked if it is the intention of the Government to purchase a piece of real estate, under the NHT, to operate a tourist attraction, but yet the Government does not take the very thing that makes the property a tourist attraction. It doesn't purchase the intellectual property. It doesn't seek to take charge of the artifacts. Then one asks the question, Mr. Speaker, why purchase this property? Was it purchased as a favour, or was it purchased for the real reason, Mr. Speaker...

(*Sotto voce* comment by Mr. Pickersgill)

Mr. WARMINGTON: Shut *yuh* mouth, *yuh* old man.

Mr. HOLNESS: ...was it purchased, Mr. Speaker, in the interest of the public, or was it merely purchased as a favour to friends? That is the question that must be answered.

(*Sotto voce* comments/Applause)

A MEMBER: Ask the former Prime Minister.

The PRIME MINISTER: Hi... no, no, don't bring the former Prime Minister into this.

(*Sotto voce* by Mr. L. Buchanan)

The PRIME MINISTER: Please, my side, please, please, please... Let us keep it clean. I am not into dirty politics inside here nor outside there. The fact is that former Prime Ministers, when they discovered that the place could be in problems, had indicated their Governments to give support to it - on both sides - and we must stop it, and stop the hypocrisy.

Mr. HOLNESS: Mr. Speaker, the hypocrisy... the hypocrisy ...former Prime Minister, Bruce Golding toured the Outameni Experience; a wonderful property and a wonderful business. We on this side will do what we can within the ambit of the law and within policy to facilitate and support private businesses. (Applause) We are not in any argument about that. But, we were also clear, the Prime Minister at the time, Mr. Golding, wrote to the then...

(*Sotto voce* comments by Mr. Pickersgill)

Mr. HOLNESS: ...please… please... wrote to the then Minister of Tourism, the Member for East Central St. James, and asked him to explore ways of assisting. The NHT was not one of those ways. (Applause) It must also be clearly understood, Mr. Speaker, that we as a Government, when we were the Government, took a strident stance on protecting the NHT, and not using it in these very wasteful ways.

(Applause)

A MEMBER: Hear, hear!

Mrs. NEITA-HEADLEY: Wasteful?

Mr. HOLNESS: Madam Prime Minister, the NHT...

The PRIME MINISTER: I am going to remind you of this... (Inaudible)

Mr. HOLNESS: ...is to build houses for poor people. Mr. Speaker, I grew up in an NHT house.

(*Sotto voce* comments)

Mr. L. BUCHANAN: ….contributor... (Inaudible)

Mr. HOLNESS: Yes, and many of the contributors are poor. And what the Government is doing, is running down the NHT to the point, Mr. Speaker, where the NHT will not be able to fulfill its mandate.

Mr. PAULWELL: A point of order, Mr. Speaker.

Mr. McKENZIE: Siddung Paulwell.

Mr. HOLNESS: Mr. Speaker, the Prime Minister must take...

The PRIME MINISTER: On a point of order, Mr. Speaker.

Mr. HOLNESS: ...responsibility for this...

The PRIME MINISTER: On a point of order...

Mr. HOLNESS: ...as her answers have sought to obfuscate...

(The Speaker gavels)

A MEMBER: Sit down!

The PRIME MINISTER: I am asking that you direct the Leader of the Opposition to bring the evidence that we are running down the NHT, to this Parliament.

An Opposition MEMBER: The blind can see.

The PRIME MINISTER: And you better bring it; you better bring it.

Mr. HOLNESS: Mr. Speaker, during the last debate on the NHT, when this Government took $11 Billion per year for the next four years out of the NHT, I asked...

Mrs. NEITA-HEADLEY: Legally.

(*Sotto voce* comments)

Mr. HOLNESS: …I asked them to send to us, a report, Mr. Speaker, on how this will affect the NHT. To date, such a report has not been delivered. The question, Mr. Speaker, is not for me to bring it; it is for the Prime Minister to bring that to the country and of the NHT.

(Applause by Opposition Members)

A MEMBER: You are right.

The PRIME MINISTER: You know, Mr. Speaker, it is so sad; I am now responsible for the state of the country when we found it in 2011 the way we found it. I will assume no responsibility for that. I am trying to straighten what was wrong then to make it right now.

(Cross talk)

The SPEAKER: You finish?

Mr. SHAW: One final question, Mr. Speaker. Mr. Speaker, can I ask the Honourable Prime Minister one final question? It is known that the last time the National Housing Trust carried out an assessment of the loan limit was about five or six years ago, and the limit which now stands at $4.5 Million per contributor, would the Prime Minister not consider that because of the increase in building costs of some 40 per cent since the last time of that new ceiling, would it not be appropriate, given the contraction, to increase the loan ceiling limit for contributors by at least a $1 Million, or at least, say, $6 Million? And I ask you to comment on this because it is of material importance to the contributors to the National Housing Trust.

The PRIME MINISTER: That's a very good question, and a very good recommendation. I certainly will put it to the NHT for consideration. It is a very good question.

(Applause by Government Members)

Mr. HOLNESS: Mr. Speaker, the purchase of the Outameni property, Outameni experience, whatever it is, we are not clear what it is that you purchased, runs counter to...

(*Sotto voce* comment)

Mr. HOLNESS: ...please... please... it runs counter to the fiscal responsibility that the Government must exercise. The Government has purchased a business or a property that is highly in debt, and is intending on running it, when the direction, based upon your IMF Agreement, Prime Minister, is that you should be divesting yourself of loss-making entities. Instead, you have done the reverse; you have gone to take over a loss-making private sector entity. How will this impact on our IMF Agreement, Prime Minister?

The PRIME MINISTER: I don't know about operating; I don't know about taking over. I know about the property being bought by the NHT. And I can only respond to the

information I have. And that's the information I have.

The SPEAKER: Mr. Vaz.

Mr. VAZ: Thank you very much, Mr. Speaker.

Dr. DAVIES: I hope it is a different issue.

Mr. VAZ: Not a different issue, the same issue. Mr. Speaker.

The SPEAKER: You want some clarification on some of the answers?

Mr. VAZ: Absolutely, sir, and I would also like to add my voice.

Mr. PICKERSGILL: The real Vaz soon come.

Mr. VAZ: Mr. Speaker, the issue of the Prime Minister's comments here today, as my colleague said, I have no reason to second guess her, in terms of what she has said. But, it raises a bigger question, especially in light of the fact, Mr. Speaker, that politicians and public servants are deemed by the majority of the populace as sometimes not telling the truth; and I go further, deemed as dishonest. And therefore, Mr. Speaker, I feel more than compelled to add my quick voice to this scandalous, contemptuous issue of the NH...

(*Sotto voce* comment by Mr. Pryce)

Mr. McKENZIE: Shut up man.

Mr. VAZ: My question will come. You don't try and stop me... by way of the acquisition by the NHT...

(*Sotto voce* comments by Mr. Pickersgill)

Mr. VAZ: ...and contentious, based on the fact of this buy-out of what I now refer to as *out of money,* not out of many, anymore, *out of money.*

(Applause)

Mr. Speaker, I say so because, based on the comments that have been made by Board members up to this morning, I deem them, based on what the Prime Minister has clarified here this evening, as dishonest, contentious, arrogant, and furthermore, the judgment - questioning the judgment of the contributors and the people of this country.

The SPEAKER: Question, Mr. Vaz... question...

Mr. VAZ: My question, Mr. Speaker, before I go further, is to reiterate the question that was asked before. Based on the comments by the Directors as late as this morning, in relation to: what was the purpose of the buy-out of *out of money* in relation to the projections that were made for it to reopen in January as an *out of money* experience? How is it now that we are hearing today that it is land, and land for development? I go further, Mr. Speaker, and ask the question, how, as my colleague said before, are you going to provide housing on nine acres of land at $18 Million an acre and expect a contributor to afford that house?

(Applause by Opposition Members)

Mr. Speaker, the public demands no less than the resignation of the Board of the NHT, and it is on the basis of what the Prime Minister has come and explained to us. And if I can't believe my Prime Minister, and deem that what she says as the person who has direct ministerial responsibility, then I have to now deem what is being said out in the public, by Directors to be dishonest and untrue.

An Opposition MEMBER: Hear, hear!

Mr. VAZ: I am going to go further, Mr. Speaker.

The SPEAKER: Hold on, Mr. Vaz, hold on.

Mr. VAZ: And I close and ask the question.

The SPEAKER: Get to the question.

Mr. VAZ: I am here now, right here. It is not a question, it a question and a suggestion.

The SPEAKER: No, you are allowed a question.

Mr. VAZ: Mr. Speaker, I am hereby serving notice that I personally support, unless the Board resigns, the withholding by contributors of any further money to the NHT because of this despicable behaviour by the Board of the NHT.

(Applause by Opposition Members)

A MEMBER: Nonsense!

Mr. VAZ: And this is despite the KSAC passing a Resolution today to name a road in Nannyville after Mr. Easton Douglas, OJ. That is how much they support what is being done by the NHT, in terms of raiding...

The SPEAKER: Question, Mr. Vaz, question.

Mr. VAZ: ...the people's money.

Mr. DALLEY: Nonsense! You shouldn't be allowed to...

The SPEAKER: Mr. Warmington.

Mr. WARMINGTON: Mr. Speaker, the Prime Minister said they didn't buy Outameni Experience but instead the Board bought Orange Grove. What I would like to know is if the Outameni Experience is a separate property from Orange Grove. One.

(Cross talk by Mr. Atkinson)

And second - I not asking you Attorney General. And secondly, how many housing units are expected to be built on this property if that's what the land was purchased for? And then after that a followup.

The PRIME MINISTER: Mr. Speaker, you should really not ask me to respond because how can I respond to something that I don't know? We never said that housing units will be built on it.

And there are some comments that have been made in here that I believe should not have been made in the House of Parliament, it's totally inappropriate, and let me make one thing clear.

I have been in politics for a long time; no one dare point a finger at me and say that I am dishonest or have ever been dishonest in anything. My credibility is straight. I am straight up. I give no one anything to be able to say about me outside there that is not positive, that is negative. Never, ever. I have been straight as an arrow, as a politician as I am sure many and most of the politicians in here are, and not because we are women some people think they can take step with and thing. Don't try it with me. My honesty is known across this country and the world.

(Applause) (Heckling)

Mr. HOLNESS: Madam Prime Minister.

(Heckling)

The issue at stake here is not your integrity, Madam Prime Minister, nobody is questioning that. The issue that we are debating is whether or not public resources were used in a wasteful, *ultra vires* and possibly cronyistic way. That is what we are

debating and that is what I want the nation to focus on. That is what, Mr. Speaker, is of importance here. Whether or not the NHT funds were used in the public's interest or they were used to satisfy personal interest. That is what we are debating here.

(Heckling)

The SPEAKER: Thank you.

House Leader.

Mr. WARMINGTON: I am not finished. I am not finished.

Mr. VAZ: Mr. Speaker, point of order.

Mr. WARMINGTON: I am not finished; I am asking a follow-up question.

Mr. VAZ: Point of order.

The SPEAKER: Please.

Mr. WARMINGTON: I say a follow-up question.

Mr. VAZ: Point of order.

The SPEAKER: Hold on. Mr. Vaz, hold on. You got the opportunity to ask some questions you asked…

Mr. VAZ: Clarification.

The SPEAKER: You asked none.

Mr. VAZ: Clarification.

The SPEAKER: You asked none.

A MEMBER: No.

Another MEMBER: Sit down.

(Heckling)

Mr. VAZ: Clarification.

The SPEAKER: No.

(Heckling)

The SPEAKER: Mr. Warmington.

Mr. VAZ: Mr. Speaker, point of order.

(Heckling)

The SPEAKER: What happen to you, you finished?

Mr. WARMINGTON: I say I have a follow-up question.

The SPEAKER: Well come up with your follow-up question.

Mr. WARMINGTON: But too many speakers cannot speak at the same time.

The SPEAKER: I have not recognized Mr. Vaz.

Mr. VAZ: Pardon me?

The SPEAKER: I recognize Mr. Warmington.

Mr. VAZ: Oh, sorry, sorry, sorry, Mr. Speaker.

(Heckling)

Mr. WARMINGTON: Mr. Speaker, may I say that I did not question the honesty and integrity of the Prime Minister, neither would I.

The SPEAKER: All right.

Mr. WARMINGTON: Mr. Speaker, the Prime Minister said that the property was not bought as Outameni Experience but the Orange Grove, but this morning a member of the Board said that the purchase - that the Board purchased Outameni and it will go down in history as the best investment in the history of Housing Trust. Further, the Chairman of Housing Trust made a separate statement, a different statement that contradicts the Prime Minister, what the Prime Minister said, so there is conflicting information being given.

(Heckling)

The Chairman was quoted in the media as having said - the Chairman made the comment contrary to what the PM said, he said the Trust intends to position the business so that we can

have return from it. Douglas said, "The Housing Trust does not plan to outsource the management of the attraction; instead it will adopt the same model used to run the park," according to the Chairman. NHT itself manages the park via a special team. So what the Prime Minister is saying here that they do not intend to operate the park, yet the Chairman in the media saying opposite, that they intend to develop and run it as an attraction.

The SPEAKER: So the question is?

Mr. WARMINGTON: So I would like to know which of the information should we accept as being correct? The Statement by the Prime Minister or the one from the Chairman of the Board?

Mrs. NEITA-HEADLEY: The Prime Minister.

(Heckling)

Mr. HOLNESS: (Inaudible comment) - is saying that the NHT is not the Minister of Tourism.

Mr. WARMINGTON: Yes. So who is misleading right now? We should be…

That's all I am asking, Mr. Speaker. So I ask the Prime Minister to shed some light on this.

(Heckling)

I am asking the question - as I said, I am saying the information from the Chairman is contrary to the information the Prime Minister presents here, so I am asking, which of the information can we accept as being correct? Is the Prime Minister misleading the House or is the Chairman of the Board misleading the country? Because both of them cannot be correct based on the statement made by them, so I would like to know who is…

(Inaudible comment by Mr. Atkinson)

Mr. WARMINGTON: I didn't ask you any question, Attorney General, I am asking the Prime Minister.

Mr. ATKINSON: Sit down.

Mr. WARMINGTON: You can't sit in the Prime Minister's chair so shut your mouth and allow the Prime Minister to answer. So I am asking the Prime Minister to answer her question. You will never sit in that chair. You look like when dem…

Mrs. ROBINSON: No.

(Heckling)

The PRIME MINISTER: Mr. Speaker, I am sure I gave a response to that question earlier.

Mr. WARMINGTON: No.

The PRIME MINISTER: Obviously the Member was not listening.

(Inaudible comment by Mr. Warmington)

The SPEAKER: Mr. Mike Henry.

(Heckling)

(Inaudible comment by Mr. Atkinson)

Mr. WARMINGTON: Shut your mouth.

(The Speaker gavels)

Mr. ATKINSON: You are uncontrollable.

Mr. HENRY: Madam Prime Minister…

(Heckling)

(The Speaker gavels)

Madam Prime Minister, my understanding of the purchase is that we are separating the land from the company. My earlier question would have been, but correct me if I am wrong, and having had experience in the Air

Jamaica and the Brand Jamaica, to emphasize the ownership of Intellectual Property Rights, I think you have categorically stated that the Intellectual Property Rights still remains with the company called Outameni.

MEMBERS: No, no!

Mr. SHAW: That is not clear at all.

Mr. HENRY: Well that's why I want…

(Heckling)

Please.

A MEMBER: Orange Valley Grove -

Mr. HENRY: Please. Please, please, please. I live in a life of intellectual rights. That's why I raised Air Jamaica and Brand Jamaica, because the Air Jamaica was sold but Brand Jamaica, Air Jamaica has a registration written and signed, it's still owned by this country, not by Trinidad, and in anything that you are removing the intellectual rights or ownership from, you have to identify that on a balance sheet which is identified and owned. Because the point that I would be getting at, because Outameni has run into economic problems. It's run into it because it's making an interpretation of those rights in a live show. Anybody can make the Outameni Experience by a slide show.

Mr. VAZ: It's out a money.

Mr. HENRY: Please. Therefore, in this, if you are not purchasing the business then you are really, really going to end up with the land. Unless you are saying, which would then prove the business was being bought, that basically the past owners could go down the road and buy five acres and open a Outameni.

Mr. HOLNESS: Absolutely. Yes.

A MEMBER: Yes.

Mr. HENRY: Which will be in competition to the investment.

A MEMBER: No.

Another MEMBER: How you mean no?

Mr. HENRY: You may not have the information totally, Madam Prime Minister…

Mr. VAZ: We have not protected ourselves.

Mr. HENRY: …but I want to be clear that we have protected the investment, if it's not in Outameni then we don't have any concerns left, they can open down the road.

A Government MEMBER: That's right.

Mr. HENRY: However, in any purchase made of this kind, which involves a brand name in which there was an intention to operate, you will have a normal clause in business which states you are not permitted to work, to open, or be in competition to. I don't know if that is in the existence of it, because, Madam Prime Minister for me, it is not very clear…

Mr. PICKERSGILL: What's the question?

Mr. HENRY: Whether in the totality of the agreement we have separated the ownership of the intellectual rights, "Outameni" which is a creativity of someone who have taken "Out of Many One" to make Outameni registered, marketable. In fact, everyone of us these days use iPhones and use what it is. I never knew we could have registered "Let's get ready to Rumble", but that being used so consistently anybody who uses that in sports has to pay a copyright to the owner.

The SPEAKER: Question, Mr. Henry.

Mr. HENRY: So I am seeking to protect the investment either way…

A MEMBER: Question.

Mr. HENRY: …because the point being - the question is, how we move into business and what we are doing? Because if we had purchased Outameni maybe a hundred years from now it has greater value. The value is in the creativity and the approach, but you have confirmed to me and I want that clarified, that Outameni is still owned by the previous persons here, and if it is still owned, if it's not yet agreed then I would ask that we ban them from opening any competitive element in the area. It would be a risk to the investment.

(Cross talk)

I am merely trying to be as constructive in ownership and right.

I remind you, Bob Marley's estate is worth more now than it ever been. Okay? And Outameni was never challenged by the Government in any way, so it's a registered brand owned. If I am incorrect and it's not registered I stand corrected. But I am afraid, Madam Prime Minister, I do not think your Board, if it's not included in all of this, I do not think your Board has acted in protecting the investment of the people of Jamaica in any and in this development. (Applause)

And if you could clarify that for me I would be grateful.

Mr. MAIR: Through you, Mr. Speaker. Could the Prime Minister clarify. She mentions here that the Orange Valley property was purchased by the NHT from Capital and Credit Merchant Bank. Am I right to assume that Outameni Experience was highly indebted to Capital and Merchant Bank? Am I right to assume that the property was used as collateral and that this sale really has saved Outameni Experience from bankruptcy and Capital and Credit from getting rid of a property they could not sell otherwise?

Mr. CHUCK: Yes, yes, yes.

The PRIME MINISTER: Those details, Member, I do not have, but I can certainly get the information for you.

The SPEAKER: Mrs. Robinson.

Mrs. ROBINSON: Thank you, Mr. Speaker.

Prime Minister, two quick questions. One. Was this a property not an attractive acquisition why the Ministry of Tourism and the agencies associated with Tourism did not seek to purchase it and to operate? One. And two. As a Member of Parliament who has the privilege to represent a constituency where the lack of affordable housing solutions is maybe the single largest challenge that I face on a daily basis, would not this money have been better spent say, on lands already owned by the Government, like the Windsor property, to put in necessary amenities: road, water, electricity…

(Applause)

A MEMBER: Hear, hear!

Mrs. ROBINSON: …and have the people pay for them, pay for it and understand that the improvements would be incremental? I think that the Jamaican people, a lot of people would have gotten better value for the money and a lot of people who live on these lands already owned by Government, are indeed contributors to the Housing Trust, and

I believe that this lack of affordable housing solutions ought to be addressed and ought to be addressed as quickly as we possibly can. So I ask, Prime Minister, if you don't think that we would have gotten better value for the money and the contributors to the Housing Trust would have been better served?

Dr. BAUGH: Good question, Shahine.

The PRIME MINISTER: I can't believe you said that's a good question.

Mr. WARMINGTON: That is not a bad question, Prime Minister.

The PRIME MINISTER: The question is…

Mr. WARMINGTON: That is not a bad question, P.M., it's a good question.

The PRIME MINISTER: Don't *tek* me on, you know, mi grandmother *gwaan* box you over tonight.

(Laughter)

Dr. BAUGH: The mike was on, you know.

A MEMBER: That was *sotto voce.*

(Laughter)

The PRIME MINISTER: This will not prevent the National Housing Trust from building. For example, I know they are looking at building, putting some houses in a particular constituency in Kingston that is neighbouring the constituency of South West St. Andrew. It doesn't prevent them from…

(Cross talk)

Dr. DAVIES: We need some contributors from the constituency.

(Cross talk)

Mr. WARMINGTON: The whole of Majesty Gardens .... they were assisted.

The PRIME MINISTER: No, no, a number of them are proud owners....

Mr. WARMINGTON: Yes, they are owners....

The PRIME MINISTER: ...and are paying, and they are paying. Don't say that.

Mr. WARMINGTON: No, I didn't say that. I said they....

The PRIME MINISTER: I'm just saying I know that there are plans and I'm not sure if they had the discussion with the particular Member of Parliament yet for some houses to be built near to the constituency of South Western St. Andrew. They're not stopping their building of housing and their housing programme...

Mr. HOLNESS: I had a proposal for them that has been there for about ten years, twelve and a half acres of land....

Mr. PICKERSGILL: Where?

Dr. DAVIES: Bruce turn you down to?

Mr. PICKERSGILL: Yes, so what?

Dr. DAVIES: Bruce turn you down to?

Mr. PICKERSGILL: So what you did wid your four years?

The PRIME MINISTER: The point that the Leader of the Opposition has acres - and he said ten acres of land the houses can be built - how much? Twelve, twelve acres...

Mr. PAULWELL: We will consider it.

The PRIME MINISTER: No, no, not that we will consider it. It was known already and I had spoken to him that NHT was going to do something in his constituency. It's for him now to meet with them and to work out exactly what is going to happen.

(Inaudible comment by Mr. Holness)

The PRIME MINISTER: And I shouldn't say it here, because I don't want it to be said because there is a - some controversy about the buying of this property why this is being said. And the Leader of the Opposition know that the both of us spoke - spoke about that before now; even before we knew that any land would be bought in deep rural Jamaica by the [National] Housing Trust. So I just want to say that we did not - that what I see in the Agreement of Sale here, there is no mention of... Outameni (*Sotto voce*) No mention of Outameni. It describes the parcel of land, part of Orange Grove in the parish of Trelawny. The Sale Agreement, that's what it specifies.

Mr. SHAW: The Sale Agreement, that's not a valuation. That's not a valuation.

The PRIME MINISTER: If the Leader of the Opposition wishes to look at it, I can send it across that he can look at it.

The SPEAKER: Miss Grange. Final question.

Miss GRANGE: Yes, Mr. Speaker, through you to the Prime Minister.

Prime Minister, there seems to be some confusion as to what has really been purchased and, although there is a Sale Agreement that refers to land, there must be valuation done, various valuation done. So is it possible for you to provide us maybe not today but with the information on valuation on the land, valuation on the building, valuation on the furniture, valuation on the intellectual property which you would have to retain something if you're speaking to a product that you are going to down the line package and market to the various sectors. So if you could provide us with those details, because Outameni could be just a trademark and a name as opposed to the other intellectual property rights that reside within the purchase. So we would like those details and then we'll be able to have some clarification on what you have bought.

Mr. PICKERSGILL: Good question.

The PRIME MINISTER: No problem at all, and I think your request is good and is fair and we will ensure that you get the information.

(Cross talk)

The SPEAKER: House Leader.

Mr. PAULWELL: Mr. Speaker, we revert to Public Business.

As I had indicated earlier, Mr. Speaker, we will do Item 6 this afternoon but I should alert the House that we will continue with Private Members' Motion No. 6 dealing with Reparation. We intend to have four speakers this afternoon and we will conclude the debate next week with the Minister of Youth and Culture and the proposer closing next week. We also next week intend to start debate on the CCJ Bills, so I'm giving adequate notice. Yes, I see. So Mr. Speaker, we will start with Item 6, the Minister....

The SPEAKER: Minister Guy.

Dr. GUY: Thank you, Mr. Speaker.

Mr. Speaker…

The SPEAKER: (Gavels) Only one person supposed to be standing.

Dr. GUY: Thank you, Mr. Speaker.

The matter for consideration in this Honourable House, Mr. Speaker, is the

Mortgage Insurance (Amendment) Bill, 2014, which seeks, among other things, an increase in the percentage of the appraised value of a property on which mortgage indemnity insurance is being granted from:

1. 90 per cent to 97 per cent; and
2. varying the percentage of the appraised value to be done by way of ministerial order subject to affirmative resolution.

Mr. Speaker, the amendment to the Act is a small matter, but one which will have an enormous and profound effect on the housing sector in this country as well as the ability for individuals to own a home. This, Mr. Speaker, is part of the administration's deliberate efforts to make access to homeownership more realizable.

The Mortgage Insurance Act 1960 was last amended in 2008. This amendment, Mr. Speaker, facilitated the increase of the amount of insurance that can be issued by the JMB from $1.2 Billion to $2 Billion. However, in furtherance of the objective of this Government to facilitate access to housing for the average Jamaican, the Jamaica Mortgage Bank which administers the insurance fund on behalf of the Government of Jamaica has recommended section 4(l)(b)(i) of the Mortgage Insurance Act be amended to allow for an increase from 90 *per centum* of the appraised value, or any part thereof to 97 per cent of the appraised value or any part thereof in order to facilitate and enable the upper portion of a mortgage loan of up to 97 per cent of the appraised value of a property being purchased to be insured under the Mortgage Insurance Act.

Of note, Mr. Speaker is that the Bank undertakes a thorough evaluation of the underwriting standards of each approved lender and each application for mortgage insurance coverage is individually assessed before undertaking to issue is ensured. This vigorous process reduces the possibility of falling prey to any recent global and international happenings.

The Mortgage Insurance Fund is currently being underutilized and it's the view of the Bank, Mr. Speaker, that this amendment is to the percentage sum which can be insured will increase the usage of the product. This will make mortgages more accessible to the average Jamaican trying to acquire a home. The maximum 97 per cent will only be applied and allowed in particular circumstances and as such the bank wishes to have the flexibility to examine each application on case-by-case basis. The amount loaned and insured will be based on the assessed risk of the borrower. This is to ensure that there is no increased risk to the Fund. The Jamaica Mortgage Bank estimates that this will result in an increase of the policy insured by 15 to 20 per cent. As at the end of October 2014, Mr. Speaker, the plan had 4,625 policies outstanding with mortgages valuing over $3 Billion. This accounts for insurance of $642 Million, a little less than a third of the total of $2 Billion of insurance issuable. On the average, the Mortgage Insurance Fund plan currently covers approximately 20-25 per cent

of the mortgages offered by the financial institution. With this proposed change the coverage will be between 20 and 32 per cent.

Mr. Speaker, it is evident that the large deposit required and the additional closing cost incidental to the purchase of a home are major hurdles faced by Jamaicans in their efforts to acquire a home. The amendment would result in a perspective purchaser having to find 3 per cent of the price of the house as downpayment plus an estimated 2 per cent closing cost for an overall equity input of 5 per cent exclusive of the relevant duties payable in the purchase of property. This, Mr. Speaker, is in comparison to the current downpayment requirement of 10 to 15 per cent plus closing cost of approximately 2 per cent, which is out of the reach of most Jamaicans. In terms of equity, the input of 5 per cent represents a sizable stake in the home acquisition efforts of many low wage earners. This would, in turn, make mortgages more accessible to the average Jamaican trying to acquire a home.

Mr. Speaker, because of the low earning capacity of the bulk of the labour force most of their income is utilizing providing basic goods and services such as, housing, rent, food, utilities, school fees, transportation and health care. As a result there is usually not enough left for savings. The requirement to accumulate a relatively large sum to make the downpayment and closing cost is very challenging to most working Jamaicans. However, of note here, Mr. Speaker is that the sums spent on rent in most instances comfortably service a mortgage for a similar or improved housing unit being occupied.

The benefits of the amendments, Mr. Speaker, would, therefore, include:

1. making mortgages more accessible to the average Jamaican;
2. allowing mortgage companies to use a higher loan to value ratio in their underwriting as a result of this increase in the percentage.
3. allowing to access a larger mortgage loan and would, therefore, reduce a large amount that would be required as a deposit, relieving persons of the burden of a high down-payment particularly, for new entrants to the work force, new professionals, university and college graduates, public sector workers and others who have stable jobs and who have qualified for mortgages and can afford the monthly mortgage repayments, but do not have the significant savings to cover the large deposits.
4. creating an opportunity for persons who are unable to afford the standard deposit; and
5. further, Mr. Speaker, facilitating the acquisition of a home earlier in life. This would also, Mr. Speaker, allow for longer period of time to pay off the mortgage over their working lives.

The specific sections of the principal Act to be amended are as follows:

Mr. Speaker, Clause 2 of the Bill amends section 4 of the principal Act and I will read:

"2(a) in subsection (l)(b)(i) by deleting the words and numerals "90 per centum" and substituting therefor the word and numerals "97 per cent"; and

(b) by deleting subsection (4) and substituting therefor the following-

"(4) The Minister may from time to time—

i. *vary the percentage of appraised value under subsection(l)(b)(i), by older subject to affirmative resolution; and*

ii. *prescribe variations in respect of the percentages or the amount specified in subsection(l)(b)(i) or in section 5.*

Clause 3 section 5 of the principal Act is amended by deleting from subsection (1) the words, *"per centum"* and substituting therefor the words, *"per cent"*, and

Clause 4, Mr. Speaker, seeks an amendment of section 14 of the principal Act by deleting from subsection (2) (a) the words, *"per centum"* and substituting therefor the words, *"per cent"*.

Mr. Speaker, this proposed amendment, we feel, will augur well to the benefit of many Jamaicans who are seeking to own a home and own a home much earlier in life.

Thank you.

(Applause)

The SPEAKER: Mr. Chuck.

Mr. VAZ: Yuh own a home in Trelawny?

Mr. CHUCK: Mr. Speaker, may I say that the present proposed amendment must get the support of the House even though there are other considerations that should be taken by the different institutions.

Mr. Speaker, there's no doubt that all Jamaicans should be encouraged to own a home and become a stakeholder in their country.

In essence, Mr. Speaker, business persons or employers should encourage their employees to do their very best so that they can own a home. Because when you own a home, Mr. Speaker, you take much better care of it than if you're a tenant, which is unfortunate, because tenant should really take care of where they live. But the truth, Mr. Speaker, is that homeowners tend to be proud of what they own and develop their property properly, because they know the value of owning a home.

So, Mr. Speaker, if this will go towards increasing homeownership, then we must fully support it. And there can be no doubt, Mr. Speaker that this will assist in homeownership.

However, Mr. Speaker, I think the Minister and the Government must be careful how they put forward, that the deposit of the purchaser is really causing people not to own a home. It's not usually the case, but the point, Mr. Speaker is, it is a fact that many persons can find 10% or 15%. But the reason why 10% or 15% is the deposit is because the Government requires the stamping up of the agreement for sale. And the stamping up of the agreement for sale, before the Member from North East Manchester and the former Minister Omar Davies, it's used to be $12^1/_2$%.

That is 7½%transfer tax and 5% so you had to pay 15% in order to stamp up the document 12½% plus another ½% towards the registration.

Now, Mr. Speaker that the Stamp Duty has been reduced to 4% and the transfer tax to 5%, the minimum deposit that will be required is 10%; so that most attorneys in the conveyancing practice require at least 10%, because for the mortgage to be registered the agreement for sale and the transfer have to be stamped and cross stamped. And the question is, where will this 10% come from, because you need 9% Transfer Tax and Stamp Duty to stamp it and another ½% for registration fee?

And what happens at the moment, Mr. Speaker, is that with NHT, the National Housing Trust oftentimes requires only 5% deposit, and once it is approved, the National Housing Trust will then send another 5% for the document to be stamped.

Here is the problem though, Mr. Speaker. What the Stamp Duty Act requires, is that from the agreement is stamped - sorry, is signed, you must register it within 14 days. In other words, you must pay the Stamp Duty and Transfer Tax within 14 days. So there is an inconsistency there, because if you say you must only pay 3% or 5% deposit, then you can't really stamp up the agreement for sale because you don't have enough money to stamp the agreement for sale. You have to wait until the mortgage is approved before you can get the additional money either from NHT or a mortgage company, in order to stamp up the agreement for sale and the transfer - instrument of transfer.

So, Mr. Speaker, along with this, we may have to do an amendment to the Stamp Duty and Transfer Act so that we don't require attorneys who've prepared the agreement for sale, to stamp up within a specified time. It may be you say you stamp up within seven days or fourteen days after the mortgage has been approved, at which point you hopefully will get an advance from the mortgage company. But how it is now, Mr. Speaker, to only require 3% or 5% is inconsistent with the Stamp Duty and Transfer Tax Act? So Minister I support this, but we have to do a consequential amendment to the Stamp Duty and Transfer Tax Act.

But this is important, Mr. Speaker, because if a homeowner or a prospective homeowner is only required to pay 3% or 5% and once the mortgage is approved, the additional deposit can come from the mortgage company, it will go a far way to ease the accessibility of housing solution.

So once, Mr. Speaker, in support of this, we say bring shortly, the amendment to the Stamp Duty and Transfer Act so that this can properly work; because without that amendment we're not going to be able to work it.

So, Mr. Speaker, we support this amendment and hope that the mortgage companies will follow what the National Housing Trust is doing and bearing in mind that they will have to advance some deposit in order to facilitate the purchase of homes.

Mr. SHAW: Mr. Speaker.

Dr. DAVIES: Gwan talk man.

Mr. SHAW: Mr. Speaker, I rise also to support the proposed amendment, and also take note of what my colleague from North East St. Andrew has had to say.

Dr. DAVIES: Speak up man.

Mr. SHAW: You know, Mr. Speaker, the truth is that, in what has emerged as a relatively high cost environment for housing, it is almost inevitable that initiatives like these have to be taken in order to encourage more homeownership. And of course, even as we approve it, we mustn't divest ourselves of the idea that it's always a good idea to take some equity in what you're owning, because in addition to ownership - as mentioned by the previous speaker - taking equity in the initial ownership is also another part of the guarantee of the sustainability of the project.

And the truth is, we need go no further than the subprime problems that existed in the United States and was part of the global implosion that took place in the 2008 and 2009 period to be aware of this.

And I mentioned that only to say, Mr. Speaker, that the Government has to do whatever it can, notwithstanding this initiative, but there are other initiatives that can be taken. The point mentioned about Stamp Duty and Transfer Taxes is one to be taken into account. They need also to reverse the decision that the Government had taken to increase Transfer Taxes and Stamp Duties by 1% on each, I believe was a wrong decision. And these are areas in which I think the Government can take another look to see how it can participate in lowering the overall cost of transaction.

And as I mentioned - and the Honourable Prime Minister has given the undertaking that she will encourage a review of the loan ceiling at the National Housing Trust, and in a *sotto voce* remark the former Finance Minister and the Minister for this matter, under whose signature this Bill is before us, has indicated that he is taking a look at the question of the increase in building cost, because you might not agree with my figure of 40%...

Dr. DAVIES: You just made it up.

Mr. SHAW: ...but whether... It might be 42%. (Laughter)

A MEMBER: Or 39.

Mr. SHAW: Or maybe 38%. But chances are, I think upon your own due diligence you'll find that it really has sharply increased in cost and, therefore, I think here it would be another example of how Government can assist in the process of making houses more affordable.

Thank you very much, Mr. Speaker.

Dr. GUY: Mr. Speaker, I'd like to thank the two Members for their contribution; the Member from North East St. Andrew and the Member from North East Manchester. Seemingly, it's only in North East constituencies that houses need to be built.

The suggestions that they've made, Mr. Speaker - the contribution that they've made, Mr. Speaker, is noted, but I want to advise and assure them, Mr. Speaker, that this amendment is part of the raft of measures that we're having, dealing with the whole aspect of housing and housing construction.

As it relates to the cost, Member from North East Manchester, the Ministry is also

looking at new technologies to see how the cost of housing can come down.

With that, Mr. Speaker, I ask that the Bill be read a second time.

The SPEAKER: The question is that the Bill be read a second time.

Put to the House and agreed to.

Bill entitled:

"AN ACT to Amend the Mortgage Insurance Act",

read a second time.

The SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

The CHAIRMAN: Minister.

Mr. PAULWELL: Mr. Chairman, there are no amendments so we'll proceed to take the Bill.

The CHAIRMAN: Okay. I put Clause 1.

Clauses 1 to 4 put to the Committee and agreed to.

The CHAIRMAN: I put the Title and the Enacting Clause.

The Title and the Enacting Clause put to the Committee and agreed to.

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage without amendment.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage without amendment.

Dr. GUY: Mr. Speaker, I now ask that the Bill be read a third time.

The SPEAKER: The question is that the Bill be read a third time.

Put to the House and agreed to.

Bill entitled:

"AN ACT to Amend the Mortgage Insurance Act",

read a third time and passed.

(Applause)

Mr. PAULWELL: Mr. Speaker, we want to commend the Minister on his maiden Bill presentation, it's his first time...

(Applause)

Mr. CHUCK: That was a challenging experience.

Mr. VAZ: Three years?

Mr. PAULWELL: ...and he has a lot more to do, it seems.

Mr. Speaker, I move for the suspension of the Standing Orders to enable us to take Private Members' Motion.

The SPEAKER: The question is for the suspension of the Standing Orders to allow for the taking of Private Members' Motion.

Put to the House and agreed to.

PRIVATE MEMBER'S MOTION

Mr. PAULWELL: Mr. Speaker, this afternoon a number of speakers will contribute to the Debate. I know that the Deputy Speaker, the Member from North East St. Elizabeth, the Member from West Rural St. Andrew, the Member from Eastern Portland, among others, will be addressing the Parliament.

Mr. Speaker, just a correction. We want to take Private Bill Number 18 before we move on to Private Members' Motion Number 6, and the Deputy Speaker will be in charge of that.

Mr. Lloyd B. SMITH: Thank you, Mr. House Leader.

Mr. Speaker, I will be as expeditious as possible in this matter, it has been one that has been long in coming. And I refer to the Report of the Power of Faith Ministries International (Incorporation and Vesting) Act, 2014.

This particular Act has been with us for some time, Mr. Speaker, and the matter has been sufficiently dealt with, and today we are seeking to have the Report approved.

Just a quick background for Members, Mr. Speaker. This Bill refers to An Act for the Incorporation of the Power of Faith Ministries International and the vesting of property in the Body so incorporated. The Bill seeks to make such a provision so as to ensure that this particular organization can in fact continue into perpetuity.

The Power of Faith Ministries is located in the Waterford community of Portmore, in the parish of St. Catherine, and it seeks to spread the gospel and to continue to do a great deal of work in that community.

So, Mr. Speaker, without much further ado, I wish to close the debate on this matter, and to move towards asking that the Bill be approved - sorry, the Report, rather, be approved.

The SPEAKER: The question is that the Report of the Joint Select Committee on its deliberations on the Bill shortly entitled, The Power of Faith Ministries International (Incorporation and Vesting) Act, 2014, which was laid on the Table of the House on the 23rd day of July, 2014, be adopted.

Put to the House and agreed to.

The SPEAKER: The House will now resolve into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

The CHAIRMAN: Okay, we will proceed.

The last word on page 1, "Churches" is amended to read now "Church".

I put that amendment.

Put to the Committee and agreed to.

Clause 1 put to the Committee and agreed to.

We have a typo correction, 2014 in place of 2013.

Clause 2 put to the Committee and agreed to.

Clause 3 put to the Committee and agreed to.

The CHAIRMAN: Clause 4. We delete Clause 4(1) and replace it with a new Clause 4(1), as detailed in the Report.

I put the second amendment to Clause 4, insert a semicolon in subclause (3) where it reads "...Act upon the same trusts as those referred to in subsection (1);" delete "as".

I put that amendment.

Put to the Committee and agreed to.

Clause 4 as amended put to the Committee and agreed to.

Clause 5 put to the Committee and agreed to.

Clause 6 put to the Committee and agreed to.

The Schedule has a number of amendments, and I put the amendments as detailed in the Report - there are four amendments listed and outlined.

Amendments put to the Committee and agreed to.

The Schedule as amended put to the Committee and agreed to.

The Preamble as amended put to the Committee and agreed to.

The Title and Enacting Clause put to the Committee and agreed to.

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage with seven (7) amendments.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage with seven (7) amendments.

Mr. Lloyd B. SMITH: Mr. Speaker, I now ask that the Bill be read a third time.

The SPEAKER: The question is that the Bill be read a third time.

Put to the House and agreed to.

Bill entitled:

AN ACT for the Incorporation of the Power of Faith Ministries International and the vesting of property in the Body so incorporated,

read a third time and passed. (Applause)

Mr. PAULWELL: Mr. Speaker, we will now revert to Private Members' Motion Number 6.

The SPEAKER: Mr. Smith.

Mr. L.B. SMITH: Thank you, Mr. Speaker.

I can assure you, sir, that I will be very brief. But I thought it most important that I should make a contribution to this particular matter which surrounds the issue of reparations.

Mr. Speaker, it is sometimes felt that such a pursuit among those of us who have been the descendants of the experience of slavery, in particular, the Middle Passage, that seeking reparation is an exercise in futility, smacking of being idle and irresponsible.

But the fact is, Mr. Speaker that the matter of reparations has several aspects to it, which I will touch on very briefly.

Firstly, it must be fully understood that the matter of reparations is a legal one embedded in the principle of law that has existed for decades upon decades, which basically states, Mr. Speaker, that there is an obligation on the part of a wrong-doing party, to redress the damage caused to the injured party.

And in this case, Mr. Speaker, it can be said without anybody seeking to say otherwise, that those persons who were dragged and quartered and brought against their will to the Americas and to the West Indies, were wronged, and therefore, there ought to be some form of redress.

The matter of reparations, Mr. Speaker, is also a moral issue, because it deals with the humanity of people, it deals with the human rights; it deals with their right to exist.

It is also an economic matter, because in real terms we have seen over these many centuries many, many aspects of economic

deprivation which would have been caused by the fact that those super powers, our colonial masters of the past - and, indeed, in some cases of the present - have taken our patrimony and our birthright to use to their own particular benefits.

The matter of reparations is also a political one, and perhaps this is where we in Jamaica need to work very closely with our CARICOM partners to ensure that this matter does not just remain esoterical or of intellectual interest, but is to be found within the confines of the political decision-making processes across the globe.

And finally, Mr. Speaker, perhaps most importantly, we have to realize that when we talk about reparations we must also look at the psychological damage that has been done to a race of people, wherein they were made to feel inferior, they were made into chattels, and even today, Mr. Speaker, in our own beloved Jamaica we see so many strains, so many signs of this psychological damage.

Indeed, Mr. Speaker, we think of bleaching, for example, where so many of our young persons, both male and female have sought to change their complexion to look white. This is one of the psychological damages that is embedded in the psyche of so many of our people.

And I could go further, Mr. Speaker, to refer to the fact that, so often in Jamaica, we hear that anything too black *nuh* good. That is also a part of the psychological damage. And we have so many of our people who continue to feel that they are inferior and that if you do not have a certain complexion that is akin to our former colonial masters we are less of an individual. And so we live in a society where the 'browning culture' has taken over, and I do not in any way, wish to refer to either yourself, Mr. Speaker, or the Clerk to the Houses, or to the Member from North East St. Ann. But the reality is that in our society, Mr. Speaker, there is still a great deal of inferiority complex.

But I want to also add, Mr. Speaker, that even as we look at the matter of reparations, that we also must take a broader picture in mind to include the whole matter of repatriation. And I dare say, Mr. Speaker, this may not find favour with some of my colleagues from the other side, but this is not to seek political mileage, but I do believe that as a country if we are going to sufficiently deal with the issue of reparations and the psychological effects that slavery has had on this country, then we must also, once and for all, deal with the Coral Gardens massacre, so-called. Because we continue to exhibit a certain level of hypocrisy whereby for many years, Mr. Speaker, being Rastafarian was to be a *dutty Rastaman* - a person who was regarded as less of a human being.

And today, we have come full circle Mr. Speaker, where there are so many Jamaicans who are now calling for Bob Marley, our Reggae icon to be a national hero. And the dreadlock hairstyle has become international. It has become accepted. And yet we still have on our books, Mr. Speaker, the horrible experience of the Coral Gardens massacre whereby men who wore locks - locks that were shaven off and they were brutalized,

imprisoned. I do believe, Mr. Speaker, that if we are going to come to this House and debate the matter of reparations, then we need to make a public and official apology to the Rastafarian community for that act. (Applause) And as I said this is not a political statement. It relates to us as a people outside of the narrow bounds of partisan politics.

But I think we have to be careful, Mr. Speaker, that we do not treat reparations as a handout. Because we well know that to some extent, in our own political culture, there is this business of handout.

And I note with interest Mr. Speaker that in 1999 the African World Reparations and Repatriation Truth Commission called for the west, meaning of course, those countries that exist in the Western Hemisphere such as the United States in particular and Great Britain, to pay Seven Hundred and Seventy-seven Trillion Dollars to Africa within five years. Now maybe that is why it is felt that we are pursuing a pipe-dream. Because I do believe, Mr. Speaker, that in the reality of today's existence, where even some of these countries that were once our slave masters and benefited tremendously from the wealth that they were able to gamer from our sugar estate, *et cetera*, some of them are now in serious economic straits.

And so, Mr. Speaker, I would want to broaden the Debate to say that it ought not just to be matter of a handout where every individual in this country or in the diaspora, or wherever should get a money. I think we need to look at something much more realistic and purposeful.

And it is in that context that I want to say, for example, as has been suggested, that there ought to be a Reparations Fund set-up in the same way that the Jews, after what Hitler did to them, coming out of World War II, a fund was set up and to this day that fund is being managed properly. So we do not see a case where it is just a handout business where everybody is going to line up and get a money. That, I think, is an impractical approach.

And I want to suggest therefore, Mr. Speaker, that one of the things that we should do, as a House, is to put forward the view and the suggestion within the conversation that is now taking place in the wider Caribbean and internationally, that we look at the establishment of a Reparations Fund that would seek, first of all, to deal with what I believe is the most injurious and the most devastating aspect of slavery what it has done to the minds and the psyche of our people. And so, I would want to see where any such fund would place a great emphasis, if not the greatest emphasis on education - education. And that can take various forms as to how we can infuse within the education system, the means by which we can help to eradicate this feeling of inferiority, this feeling of not knowing who one is.

Because, you know, Mr. Speaker, if I may segue a bit here, I am a bit concerned that even with the outbreak of Ebola that we now - some of us, Mr. Speaker, almost have a certain level of abhorrence towards the African continent. And I really believe, Mr. Speaker, that if we are going to be truly talking about

reparations, when we look at Liberia, for example, before Liberia was overcome by the Ebola virus it was one of the most economically prosperous countries in Africa.

So Mr. Speaker, I do believe that in the same way that former Prime Minister Edward Seaga brought back or sought to the bringing back of the body of our first National Hero, Marcus Mosiah Garvey, I see that as part of the whole reparation exercise in its totality. And in the same way that the late Norman Washington Manley, and indeed his son Michael Manley, former Prime Minister, stood out in the world in their fight against apartheid, that too must be seen as a part of the struggle towards reparations.

And so, Jamaica has had a very, very impressive history in this regard, and we must bring all this together in a means of ensuring that psychologically, we as a country, we would have not just been repaired, in terms of any economic or other benefits, but that our psyche would have been so expunged of that inner feeling that we are an insecure, inferior people and that we hair *nuh* good, we are not - we don't have straight noses, and we have bad hair. And a lot of Jamaican parents encourage their children to marry somebody with a nice complexion so that the children can come out looking less black. And we take these things to the most vulgar extremes. And I really believe, Mr. Speaker, that if we are going to truly be talking about reparations it can't be just seeking economic benefits, but that we must look, as I said, at the psychological aspect of this whole business of slavery, and what it has done to us as a people.

You know, it has been said, Mr. Speaker - and I will soon be closing - that a people's culture can very often determine its economic viability. And sometimes we have to wonder therefore, Mr. Speaker, is it that in Jamaica our culture so far has been an inhibiting factor, in terms of being productive; in terms of us being able to, you know, become more economically prosperous. Because we spend so much time and we know of the Peter Prince - sorry, the Lynch principle whereby that too has been so infused in us, psychologically, that we don't trust each other. There is a basic element of mistrust among our people. We don't trust our politicians; we don’t trust our pastors; we don't even trust ourselves. And so, every time we make one step forward, we make three steps backward.

I do believe, Mr. Speaker, and Members of this Honourable House that we must therefore support any attempt - be it from that side of the House or this side of the House - we must, as Members, as descendants of Marcus Mosiah Garvey, support reparations. (Applause)

And so today, Mr. Speaker, I ask that we perhaps have to look at a vote of conscience, Mr. Speaker, so as to allow our Members to have that level of freedom to exercise their belief in this matter.

Mr. Speaker, I do believe that the time has come; if not now, when? We cannot delay this process any longer. If we were to do so, Mr. Speaker, generations of Jamaicans to come would have very little regard for us. We need to finally put that business of emancipating our people from mental slavery, and the only

way we are going to achieve that is to effectively deal with this matter of reparations.

I thank you, Mr. Speaker. (Applause)

The SPEAKER: Mr. Buchanan.

Mr. Paul BUCHANAN: Mr. Speaker, I begin with a quote from one of our brilliant sons, the late Professor Rex Nettleford. And I quote:

> "The main point of reparation advocacy is by no means seeking a handout of 500 pounds per person to descendants of the oppressed, but rather positing serious investment by countries which have been enriched by the heinous crime of the slave trade and slavery in the human resource development of countries that suffered, preferably through education, and preparation of their young, to enable them to cope with the inheritance of a continuing unjust world".

Mr. Speaker, I rise in support of this Motion not because of some Parliamentary duty or a Party position. I rise because I must. Indeed, Mr. Speaker, every descendant of the African diaspora should be deeply concerned with this issue which I dare say is one of the central challenges of our time. It is late, Mr. Speaker, this centuries-old demand for justice, atonement and reparations must not outlive our generation. It must be brought to closure now.

(Applause)

I begin with a quote from Derrick Walcott's poem, '*Air',* to accentuate the breach in our great history and culture that has brought us to this point today. I quote,

> *"Between the mountain ridge and the vague sea, where the loss exodus of coral sunk without a - quote - a trace, there is too much nothing here..."*

That sentence '*there is too much nothing here...'* that reference, Mr. Speaker, is powerful. We, as a Caribbean people, after the terrible effects of slavery, among all the nations of history, have had to reinvent ourselves as a people and a nation, fashion a language and literature, and made it our own. We had to lift ourselves between the mountain ridge and the vague sea to overcome the self-contempt and inhumanity of our paths, to rise and claim our place as a proud member of the family of nations. And yet, Mr. Speaker, after our long, tortuous climb, we are still too far from where we ought to be. So Walcott is correct; there is too much nothing here.

So Mr. Speaker, my purpose in rising is to confront, in a direct way, the arguments of those on the other side. What are the arguments they offer? Some of our own say slavery was legal at the time, Africans practiced it, and so the British Government owes us nothing. Others say we must move on, forget the past; we need to cut crime and grow the economy.

Mr. Speaker, let me hasten to address the point of African slavery and the legality of the slavery claim.

Mr. Speaker, there is a song we used to sing and maybe you sang it better than all of us. We sang it as kids. I didn't sing it well, but I know you have a melodious voice, Mr. Speaker.

"Jane and Louisa will soon come home, will some come home into this beautiful garden."

Let's consider Jane and Louisa as two beautiful, innocent black children of slaves; they never did come home, Mr. Speaker, they were snatched away to be sold and used in slavery.

Mr. Speaker, I ask the Members of this Honourable House to transport themselves back to a savanna of an African village, where the European slave traders raided, destroyed lives and entire villages - not even the children were spared - or fast forward to a village in St. Mary, St. James or Trelawny, where the children were routinely auctioned in the Town Square as chattels, mere commodities, things that Professor Orlando Patterson called socially dead, yet one of the main arguments against reparation is that slavery was legal.

Mr. Speaker, I begin with the children because even indifferent and cold hearts on this question must be moved by the cruelty and inhumanity to the children of slavery in the African diaspora. Slavery left nothing intact. All that was pure, all that was innocent was lost. There was nothing legal about that.

My son Sage, a bright boy, so unlike his father, does his research and tells me with passion, that slavery, as practiced in Africa before the Europeans came, was different. Animatedly, he provides compelling evidence that the African system of slavery involved people who failed to pay their debts: criminals, persons seized in war; children of dead slaves did not automatically become slaves. And he goes on to explain that it was illegal in Africa and resisted by many African leaders. So contrary to what a number of the persons on the other side say, as early as the 16 century there was an African fraternity that patrolled the Gulf of Guinea to deter slave traders, that King Truro of Dahomey attacks slave forts that were built by Europeans, that Queen Congo of what is now called Angola also resisted... and there were many others... that the tables were not turned until the African resistance - against the African resistance until the Europeans introduced superior fire power on to the continent that saw a dramatic explosion of the trade. So, Mr. Speaker, there was resistance, and it was clear, the trade was illegal as considered by the Africans themselves.

On the question of collaboration by African privateers, even more pointed, our former Prime Minister, the most Honourable PJ Patterson, an eminent Queens Counsel reminded us:

"There is no principle of law which permits the organizer of a criminal enterprise to escape responsibility because others collaborated in carrying out that enterprise. Legal responsibility is not affected by any collaboration."

In fact, Mr. Speaker, it was Lord Grenville, speaking as Prime Minister and mover of the Motion against slavery in the House of Lords, who offered a pointed reference to the insurmountable evils of the Atlantic slave trade when he said:

"My Lords, we can flatter ourselves that the mischief the slave traders created will not be remembered, for ages to a

reproach there is nothing comparable to the evil of the African slave trade to be found in the whole history of this world ancient or modern."

Further, Mr. Speaker, despite the admirable intervention of my son's research, the most powerful argument against the question of legality and the use of African slavery as a justification for noncompensation was forcefully provided by the British themselves.

You know, on this issue, as many more, I remember Professor Carl Stone, because he has often said we have not done sufficient research on many critical issues, and as such, I have not seen where the scholars have unearth the fact that long before 1838 - in fact after, the long courageous, heroic and unsuccessful struggle in the British Parliament by William Wilberforce, was ably supported by former Prime Minister William Pitt in the second half of the 18th century. Charles James Fox, Britain's first Foreign Secretary, in tandem with another Prime Minister, Lord Grenville introduced a Resolution to abolish the slave trade in 1806.

During that Debate, Members of the British Parliament stood up in both Houses proclaimed the guilt of their own nation in the salve - in the Trans-Atlantic Slave Trade and asked their country to atone to the African slave.

This is critical. Mr. Speaker, as it was proclaimed by the British themselves from whom we have inherited our legal jurisprudence. And yet we talk about slavery was legal. Mr. Speaker, to remove all doubt as to the accuracy of that statement let me quote Charles Fox from the Parliamentary records.

"The time is not now far distant when Africa will be freed from the oppression, degradation and misery of this impious trade that this nation shall atone to the Negro race for their accumulated wrongs."

He went further in admitting that they all, in their time, encouraged the slave trade, but then declared:

"By so much more it is, nor duty to atone for it, and to put an end to the mischief we have occasioned."

He further stated:

"Compensation should be paid to persons suffering from that course of justice and which we should not, so much, consider the magnitude of the compensation, but the justice of it."

Mr. Speaker, here we have the British themselves saying we were wrong and we must atone. The word atonement, the British dictionary tells us, means making amends for the wrong done. So, all the legal arguments against reparations falls flat on the basis of the position of the British, which formed the part of the Resolution that was passed into law by 114 to 15 in the House of Commons and 41 to 20 in the House of Lords in 1807.

The gravamen of this occurrence, Mr. Speaker, is that the British accepted liability for slavery and it is now time to pay up. So when former Prime Minister, Tony Blair told us that he was sorry, he knew from his history books, and his history lessons that they had

already owned up to their guilt. And in 1807, they said with one voice that it was time to pay up; we must atone.

Sadly, Mr. Speaker, both Charles Fox and other critical allies, they died before the provision of the Act came into the force, and it was never effected.

Mr. Speaker, the history is there, the British Parliament stood. Let no one here in Jamaica continue to deny or reject that which the British accepted as a natural consequence of their guilt. Listen to the admission of one of the proponents of the continuing slave trade, General Tarlatan,

> *"As to the situation of Liverpool, it was once a mere fishing village, but it has risen in prosperity in exact proportion to the extent of the African trade."*

With that confession, do we need to go to Rodney's monumental work or Europe underdeveloped Africa?

Mr. Speaker, there is another argument that has recently been muted, that we must not stain our hands with filthy money from those who enslaved us. Well, Mr. Speaker, that kind of intellectual snobbery betrays a dishonesty that is to be rejected. When we are wronged for things such as defamation, we sue the guilty party for damages, for redress, but yet some of us do not advocate the same redress to the defendants of slaves who were tortured and killed. That argument must be rejected.

Mr. Speaker, let me now turn to the charge that we must now move on. The reparations question enveloped some of the major issues of our times, whether the ganja debate, tax reform, climate change, banking fees, the Anti-gang Legislation. If we step back we will see the link.

Mr. Speaker, those who counsel that we must move on and forget the past are wrong. Those are fine words - nice words - but almost meaningless on a socio-economic playingfield that has been forced on us, and is still never level. Just consider the intricacies of our fiscal impediments today. The grave challenge to achieve the development we seek has been powerfully presented by one of our brightest minds, the late Professor George Beckford who attributed our developmental obstacles to the vicious inequalities of the plantation society with its pyramidal structure which confines the mass of our people, the African descendants of our slavery, to the widening base of his paradigm characterized by persistent poverty, while the children of the plantocracy stand at the apex-projected awesome wealth, and a highly disproportionate share of property and capital.

Mr. Speaker, I am yet to see one statement from any organization representing big capital in full support of the far-reaching tax reform measures introduced by the Minister of Finance - monitoring role, yes; oversight role, yes; not fulsome support. Are they waiting to say, I told you so. The base has been laid. As Professor Beckford told me years ago, it is a brute thing to round up the pyramid. Yes, Mr. Speaker, with the monopolies they enjoy they can move prices up, stimulate cost, push inflation and undermine tax reform in pursuit of profits.

Again, Mr. Speaker, consider the spread between the Treasury bill rate and the bank's

lending rate on the one hand and on the other let us look at what happen to our deposits. We pay fees on our deposits; those deposits that the banks loan to other customers - to their customers - and their capital go up, and ours go down.

Recently, Mr. Speaker, at the Banking Subcommittee, I asked the Head of one of our two major banks, if the banks moved their fees upwards - even while the country was commending their sacrifice - if the banks moved their fees during the JDX and the NDX interventions. And he said yes, they did move their fees up. So, Mr. Speaker, Beckford's pyramid remains the same paradigm precipitated by slavery over 200 years ago.

Mr. Speaker, if George Beckford's thesis regarding persistent poverty in our society is wrong then perhaps reparations are irrevelant. The empirical data that he provides does not support such a conclusion.

Mr. Speaker, in a real sense, what Beckford has postulated envelopes the almost insurmountable breach of the black man's social and economic history created by slavery. If this is not so then perhaps, Mr. Speaker, reparations are necessary. But have not our Leaders sought to close the gap between the aspirations of the poor for a better life on our limited resources without reparations? They have tried. Repairing the breach has also bedeviled our great Leaders. This was the lifelong goal of the Right Excellent Sir Alexander Bustamante, especially his monumental struggle for the rights and upliftment of the working-class.

Mr. Speaker, despite the brilliance of the Right Excellent Norman Manley, who forsook his legal career and took up the cause of the people and presided over record GDP growth, he too could not overcome the vicious gap in the socio economic circumstances of his people at the bottom of the plantation system. Neither was the Most Honourable Hugh Lawson Shearer who advanced the status of the Labour Movement successfully in his time.

In fact, his tenure is marked by the highest growth in our history; a cumulative growth of 38.8 per cent between 1967 and 72, but there was unemployment of 22 per cent, and female unemployment of 33.3 per cent which classified his time, and which is remembered for reflecting growth without equity, a paradoxical anomaly that he was almost powerless to prevent - Beckford's paradigm. We started too far back.

Mr. Speaker, despite his great social legislation and exaltation of our sovereignty, the breach was not repaired by the supreme champion of social justice, the Most Honourable Michael Manley. Even former Prime Minister, the Most Honourable Edward Seaga who advanced the concept of the haves and the have-nots, and established a number of significant development institutions, also failed to correct the rupture created by slavery.

Mr. Speaker, even the tremendous assault on correcting the landlessness of the masses, undertaken by the Most Honourable P J Patterson could not overcome the breach. We are still there Mr. Speaker; we are still here fighting. In fact, Mr. Speaker, it is this gap

directly related to the impact of slavery that has continued to offer limited options and grave fiscal challenges to our Leaders in this New Millennium.

There is still no capital gains tax, and our property tax on unimproved land is still flat, despite the wide differences in improvement of the rich and the poor. Those at the top of the pyramid will fight to preserve their inherited privileges and maintain the structure of inequality in our land. This is what Beckford was talking about. Reparation is not a myth, or some fetish. Reparations go to the heart of who we are as a people - a race of men who demand redress for a wrong done to establish some equity to repair the breach which placed us at an irreparable disadvantage. (Applause)

Mr. Speaker, it is to Nettleford that I must once more turn, in drawing to a close, because this is our way out, so I reinforce. The main points of reparation advocacy is by no means seeking a handout of £500 per person to the descendants of the oppressed, but rather positing serious investment by countries which have been enriched by the heinous crimes of the slave trade and slavery.

Mr. Speaker, it is through education and the preparation of the young that we will be able to achieve that growth without equity that we seek. I watched our Finance Minister as he navigates and he twists and turns, and is doing an excellent job. Growth was never the problem; that is where we will go, but growth with equity - and that takes us right back to the reparations issue, and how far we have started. And with education, that is the breakthrough we need to pay our teachers, fix our roads; that reparations fund to fix our roads, our water supply and achieve the economic stability that has eluded us thus far.

It is through education that we have moved from the factory floor to the manager's office, and now some of our people have gone into the boardrooms. Education is the elixir to growth with equity. Therefore, any compensated grant - compensation granted, must be used for education which will, at last, begin to repair the breach and provide human dignity and atonement for a ruptured past.

I close, Mr. Speaker, by asking the Members of this Honourable House to consider those gladiators for justice who have supported this cause, and I ask the Members of this House to determine on which side of the issue you stand. There are many of us who do not support this issue, but there are a long pantheon of our heroes and our intellectual icons who, in their time, we honoured them and we gloried in their words.

What position would Michael Manley have taken on this issue, those who honoured him in his time? Perhaps, Hugh Lawson Shearer too. And what about our greatest son, Marcus Mosiah Garvey who we all extol; George Beckford, Rex Nettleford, and that other warrior who bestrode this hallowed Chamber a short while ago, the Right Excellent - the Honourable Dudley Thompson? And, of course, we know the positive position of our former Prime Minister, the Most Honourable P J Patterson, and of course, our present Prime Minister, the Most Honourable Portia Simpson Miller.

Mr. Speaker, I know not what my colleagues' position is, but as for me there is no doubt, I stand on the side of the champions - the champions of our past.

May it please you; I am done.

(Applause)

A MEMBER: Excellent presentation. Reparation Czar.

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker, we will defer further presentations on this Private Members' Motion until next week. It is not intended for us to do any further business this afternoon, so I move for the adjournment of the Parliament until next Tuesday, 18th November at 2:00 p.m.

The Deputy SPEAKER: The question is that this Honourable House now adjourns until next Tuesday, November 18 at 2:00 p.m.

Put to the House and agreed to.

The Deputy SPEAKER: (Gavels) This Honourable House now stands adjourned.

The House accordingly adjourned at 5:38 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2014 – 2015

TUESDAY, November 18, 2014

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.28 p.m.

PRESENT

THE SPEAKER

HON. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern, Speaker of the House.

MEMBERS OF THE CABINET

THE HONOURABLES:

DR. THE HON. PETER DAVID PHILLIPS, (PNP), St. Andrew, East Central, Minister of Finance and Planning

HON. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western, Minister of Water, Land, Environment and Climate Change

REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston, Central, Minister of Education

HON. LISA RENÉ SHANTI HANNA, (PNP), St. Ann, South Eastern, Minister of Youth and Culture

HON. EVON PATRICK CULLITON ATKINSON, QC, (PNP), Trelawny, Northern, Attorney General

MINISTERS OF STATE

HON. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern, Minister of State in the Office of the Prime Minister

HON. JULIAN JAY ROBINSON, (PNP), St. Andrew, South Eastern, Minister of State in the Ministry of Science, Technology, Energy and Mining

HON. IAN DAVE HAYLES, (PNP), Hanover, Western, Minister of State in the Ministry of Agriculture and Fisheries

HON. ARNALDO ALPHONSO BROWN, (PNP), St. Catherine, East Central, Minister of State in the Ministry of Foreign Affairs and Foreign Trade

OTHER MEMBERS

DR. LYNVALE GEORGE BLOOMFIELD, (PNP), Portland, Eastern

MR. HUGH CARL BUCHANAN, (PNP), St. Elizabeth, South Western

MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central

MISS JOYCE DENISE DALEY, (PNP), St. Catherine, Eastern

DR. WINSTON LLOYD GREEN, (PNP), St. Mary, South Eastern

MR. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central

MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern

MR. MIKAEL ASHER PHILLIPS, (PNP), Manchester, North Western

MR. RAYMOND FRANKLYN PRYCE, (PNP), St. Elizabeth, North Eastern

MR. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern

MR. AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern

MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary, Western

MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western

MR. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western

MR. CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western

DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central

PRAYERS

Prayers were offered by Mr. Hugh Buchanan

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

The SPEAKER: Before we get into today's business, let us welcome the following: Students from Mico University College; Northern Caribbean University; Mandeville Tutorial Institute; UWI LEADS, New Approach Learning and Resource Center, MYC Reparations Group and representatives from CASE.

(Applause)

ANNOUNCEMENTS

The Clerk laid on the Table of the House a copy of the following:

- **Ministry Paper No. 146**
  Annual Report and Audited Financial Statements of The Coconut Industry Board for the year ended March 31, 2013
- Response of the Office of the Director of Public Prosecutions to the Independent Commission of Investigations' Report to Parliament concerning the Robert "Kentucky Kid" Hill Murder matter Dated November 5, 2014
- Office of the Contractor General's Special Report of Investigation
- Special Report of Enquiry Conducted into Allegations Surrounding Procurement Breaches Associated with the Procurement of Bookmarkers by the Ministry of Education (MOE)
- Office of the Contractor General's Special Report of Investigation Conducted into the "Circumstances Surrounding the Procurement of Ethanol for and on behalf of the Government of Jamaica and, in particular, the award of certain

Government Contracts to Infinity Bio-Energy and JB Ethanol"

- Office of the Contractor General's Special Report of Investigation Conducted into the circumstances surrounding the award of a contract to Cable and Wireless Jamaica Limited, for the procurement of Wide Area Network (WAN) Connectivity to support the Ministry of Education's Education Management Information System (EMIS)
- **The Jamaica Library Service**
  Annual Report for the financial year ended March, 2012
- **Universal Service Fund**
  Annual Reports and Audited Financial Statements for the financial years 2011/2012 and 2012/2013
- **Jamaica Cultural Development (JCDC)**
  Annual Report and Audited Financial Statements for the financial year 2009/2010
- **Rural Water Supply Limited**
  Annual Reports for the financial years 2008/2009 and 2009/2010

Dr. PHILLIPS: Mr. Speaker.

The SPEAKER: Yes, Minister.

Dr. PHILLIPS: With your indulgence, I would just like to take this opportunity to indicate to the House, and particularly the Leader of Opposition Business and Opposition Spokesman on Finance, that it is proposed to lay the Supplementary Estimates next Tuesday. That we would expect and hope that the PAAC would make arrangements, subsequent to the laying of the Supplementary Estimates, to have its sittings and to put the House in a position to consider and to debate the Supplementary Estimates on the 9th of December.

Thank you, Mr. Speaker.

REPORTS FROM COMMITTEES

Mr. BARTLETT: Reports from Committees, Mr. Speaker.

The SPEAKER: Mr. Bartlett.

Mr. Speaker, I beg to give notice that at the next meeting of the House I will move:

Be it Resolved that the Report of the Public Administration and Appropriations Committee of the House of Representatives on the Fiscal Policy Paper for the financial year 2014/2015 Interim Report, which was laid on the Table of the House on the 11th day of November 2014, be adopted.

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Mr. Holness.

Mr. HOLNESS: Mr. Speaker, at the expiration of seven days I would like to ask the Honourable Prime Minister the questions here.

Question 1:

Will the Prime Minister state whether she received correspondence or information from a Mr. Lennie Little-White or any

party within or external to the Government offering for sale or advising of the acquisition of lands and/or other assets related to the Outameni Experience and if so, when did she receive such correspondence or information?

Question 2:

Will the Prime Minister submit all correspondence related to the transactions, whether they be letters, notes, recordings, contracts or any other information in relation to the discussions on Outameni from all Ministries, Ministers and Government officials including the Minister and Ministry of Tourism and all correspondence to the Office of the Prime Minister and to the Prime Minister?

Question 3:

Will the Prime Minister advise the House of the full expenditure both expected and already expended in the purchase of any asset related to the Outameni Experience by the NHT?

Question 4:

Will the Prime Minister advise the House of any debt written off by any Government agency in relation to the Outameni Experience and state the value of such debt?

Question 5:

Will the Prime Minister advise the House as to whether Mr. Lennie Little-White or any business with which he is involved or has been involved undertaken political work or campaign-related activities for the governing political party whether through campaign contributions of cash or kind, or contracted work?

Question 6:

Will the Prime Minister tell the House whether she has had any meetings or correspondence with the members of the board or executive of the NHT or interested parties in relation to the acquisition pertaining to Orange Grove/Outameni Experience and if so:

a) Provide details of such meetings and conversations
b) Provide to the House any document that was presented before, during or after these meetings, conversations, or consultations?

Question 7:

Will the Prime Minister tell the House whether the legal entity that operated the business known as the Outameni Experience fulfilled all its statutory obligations in terms of but not limited to NHT contributions, PAYE taxes, NIS obligations or any other legally required obligations up to the time of the conclusion of the sale?

Question 8:

Will the Prime Minister indicate whether she has had any briefing from or meeting with the NHT Board on matters related to the acquisition of lands at Orange Grove since the acquisition?

Question 9:

Can the Prime Minister state the cost incurred by the NHT to date to manage the property/facility at Orange Grove

since its acquisition, including the salary paid to any property manager or project manager?

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, at the expiration of 21 days I would ask the Minister of Finance and Planning the following questions:

Question 1:

Will the Minister provide details of the investment made by the NIBJ or DBJ in the enterprise known as Outameni as well as shares held (percentage of company owned) and of any loans or guarantees provided directly or through AFIs in relation to the enterprise, including information on the security provided for such loans or guarantees?

Question 2:

Will the Minister state what is the current status of the investment, loans or guarantees?

Question 3:

Has the DBJ received any dividends on this investment or interest payments on these loans?

Question 4:

Has the DBJ provided any relief in relation to the investment, loans or guarantees and, if so, will the Minister provide details of such relief?

Question 5:

Will the Minister state the total amount of relief (i.e. write-off of interest and/or principal) provided by the DBJ to its clients over the past 3 years and provide details of such relief?

Did the DBJ make any attempt to negotiate monetary compensation in lieu of the preference shares held in exchange for the letter of no objection being sought by the NHT in order to effect the sale? And if not why?

The SPEAKER: Mrs. Robinson.

Mrs. ROBINSON: Thank you, Mr. Speaker.

Mr. Speaker, at the expiration of 21 days I wish to ask the Minister of Tourism the following questions.

Question 1:

Will the Minister state whether the Ministry of Tourism, Tourism Enhancement Fund or Tourism Product Development Company was approached to undertake any intervention or provide any assistance to the Outameni Experience attraction?

Question 2:

If the answer to part 1 is in the affirmative, will the Minister state:

a) When such approach was made and by whom and what intervention or assistance was being sought?

b) What action was taken and response given in relation to such approach?

Question 3:

Did the Minister advise or in any way communicate with the Prime Minister or Cabinet in relation to Outameni's request for government intervention or assistance?

Question 4:

Did the Minister or any of the agencies for which he is responsible make any approach to potential investors with

regard to Outameni and, if so, will the Minister provide details and the outcome of such approaches?

Question 5:

Will the Minister state what level of preparation is in place for the upcoming tourist winter season?

Question 6:

Will the Minister state what are the growth projections in earnings and visitor arrival?

Question 7:

Will the Minister state what is the state of the Russian market and how many visitors are expected this winter?

Question 8:

Can the Minister indicate what is the level of cost competitiveness of the Jamaican product vis-à-vis our Caribbean partnets?

Question 9:

Will the Minister state whether there is going to be an increase in the airport tax of US$10 per person and what implication it will have on the cost of travelling to Jamaica?

Mr. McKENZIE: Might as well we just ask. Wi nah get nutten.

PUBLIC BUSINESS

Mr. ROBINSON: Mr. Speaker, we intend to deal with three matters today. The Senate Amendments to the Bill shortly entitled: "The Disaster Risk Management Act, 2014" to be led by Minister Arscott; the Bill shortly entitled "The Quarantine (Validation and Indemnification) Act, 2014 to be led by the Minister of Health and the Private Members' Motion for the debate to continue regarding Reparations.

Dr. PHILLIPS: Mr. Speaker.

The SPEAKER: Yes, Minister.

Dr. PHILLIPS: Before we proceed on the business of the day and it might be a tad invidious for the Acting House Leader to do so. But I think it is entirely appropriate for the House to take note of the fact of the elevation of Justice Patrick Robinson to a seat on the International Court of Justice. (Applause) Not only was that elevation accomplished through the usual procedures of the United Nations, Mr. Speaker, but I dare say it was accomplished with an overwhelming majority, both within the General Assembly and a unanimous vote in the Security Council - 15 to none. That is akin to the...

(Applause)

(*Sotto voce* remarks by Opposition Member)

Miss HANNA: Don't go there.

Dr. PHILLIPS: But what I would say, Mr. Speaker, is that that was a testament not only to the regard and respect for him as a person and for his learning and his conduct in the International Courts in The Hague where he has been sitting in relation to matters in Serbia and Bosnia. But it is equally a testament to the high regard in which Jamaica is held in the international community.

(Applause)

(MR. EDMUND CURTIS BARTLETT, CD, (JLP), St. James, West Central, entered and took his seat.)

(MR. ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Leader of the Opposition, entered and took his seat.)

(MR. ANDRÈ MARIO HYLTON, (PNP), St. Andrew, Eastern, entered and took his seat.)

(MR. FITZ ARTHUR JACKSON, (PNP), St. Catherine, Southern, entered and took his seat.)

(HON. PETER MURCOTT BUNTING, (PNP), Manchester, Central, Minister of National Security, entered and took his seat.)

(HON. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western, Minister of Industry, Investment and Commerce, entered and took his seat.)

(HON. RICHARD AZAN, (PNP), Clarendon, North Western, Minister of State in the Ministry of Transport and Works, entered and took his seat.)

(HON. DAMION ORANDY CRAWFORD, (PNP), St. Andrew, East Rural, Minister of State in the Ministry of Tourism and Entertainment, entered and took his seat.)

Dr. PHILLIPS: And I think we can all take pride, Mr. Speaker, because his early activities in the realm of jurisprudence took place right here in his service to the Government of Jamaica as Deputy Solicitor General and in many other capacities in the Public Service. We can all be justly proud that a true son of the soil, as they say, has been elevated to the highest levels of international service and brought credit to the country and I dare say the people of Westmoreland, of which he is a product, can justly take pride, especially in view of the fact that he is the son of a former Member of Parliament representing that parish. I'll make no mention of where he went to school, but it is worthy of note that he went to one of the most eminent institutions in the country; and also that his service will continue and indeed is not finished, Mr. Speaker. We would ask that the Clerk of the House convey on behalf of all of us directly to Mr. Justice Robinson the congratulations of the House and our best wishes in his future career as a Judge of the International Court of Justice.

Mr. Speaker, I had indicated that it might have been invidious for the Member, Acting House Leader, to raise it because he is in fact the father of the Acting House Leader. (Applause) It is our expectation, and I think it is already evident, that the wisdom manifest in Mr. Justice Robinson has had some effect on him. (Applause)

Mr. SMITH: Mr. Speaker, the Opposition would like to associate themselves with the commendation re Justice Robinson's most recent achievement. We are fully aware that Justice Robinson has had a long and distinguished career in the legal field. He has served well in his previous appointment to the point where those who were thinking of contesting against him eventually had to withdraw when it was quite obvious that he was the overwhelming favourite to achieve the objective of being elected to the position. So we are very happy that another son of the soil has distinguished himself internationally. Jamaica is again in the public domain of producing individuals of the highest calibre -

'Brand Jamaica' as some people would like to say. And we across the aisle here surely would like to extend commendations, not only to Justice Robinson himself but, of course, to the offspring of the gentleman.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Hylton.

Mr. Anthony HYLTON: Thank you, Mr. Speaker.

Mr. Speaker, on both sides of the House, having given their commendations and acknowledgement of the elevated status of Justice Robinson, I would just like to on a personal note to send my own congratulations to Justice Robinson someone with whom I had the privilege of working very early in my political career when I started as Parliamentary Secretary in the Ministry of Foreign Affairs and Foreign Trade and subsequently as Minister of State in that Ministry. So I have had the privilege of working with now Justice Robinson, then Deputy Solicitor General in the Attorney General's Chamber and to say, Mr. Speaker, that it comes as no real surprise to me notwithstanding the difficulty - the challenges that he had initially, but that his erudition was very clear to those of us who worked with him in those early years. The tremendous skill and knowledge that he brought to the post as Deputy Solicitor General was very obvious to us.

But I should point out that Justice Robinson even from that time had shown a real distinction in the work that he did as Deputy Solicitor General. I recall a particular exercise in which Justice Robinson was leading the negotiation with Colombia and in a long running negotiation about settling the boundaries between Jamaica and Colombia over a particular area now called the Serranilla Bank in what is our exclusive economic zone, we had a long fight about how to settle those borders. And I remember that a very creative solution was entered into by Justice Robinson, then Deputy Solicitor General, in which for the first time in international law the boundary issue was settled through the creation of a joint area that was - the creativity of it was taken account of by the United Nations itself, the United Nation the Law of the Sea Convention, about that creative resolution. It was referenced by the United Nation and stood as an example of the creative ways and means in which the law could be used to keep the peace and settle potential dispute. And I was very happy to be associated with him then in that exercise and in other exercises. And as I said it was very clear to those of us who worked very close with him that he had not only the integrity, the characteristics and the erudition, but the creativity to find solution to a very practical problem. And so I want to say how delighted I am that the process has ended in the way that it has and I have no doubt that Justice Robinson in his new position will distinguish himself as a jurist *par excellence* in the International Court of Justice.

Thank you. (Applause)

The SPEAKER: Mr. Bartlett.

(Applause)

Mr. BARTLETT: Thank you very much, Mr. Speaker.

It is indeed a great moment for us all and particularly those of us from the Western quadrant of this beautiful island and George's Plain and Grange Hill and Frome and that particular area, we feel a great sense of pride. I'm just looking across the floor and see the Member from Northern Trelawny who understands exactly what we're talking about and, of course, yes, the Member from Western Hanover. We having been products of that - oh yes, and of course, the Member from Eastern Westmoreland would have passing acquaintance with what we're talking about him being of a different vintage. (Chuckles)

(DR. THE HON. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern, Minister of Health, entered and took his seat.)

(MRS. MARISA COLLEEN DALRYMPLE-PHILIBERT, (JLP), Trelawny, Southern, entered and took her seat.)

But, Mr. Speaker, we're really very proud of the elevation of this great son of Jamaica and, indeed, of Westmoreland. But perhaps the elevation of Justice Robinson speaks more to Jamaica's present position in the global scene, because it comes at a time when we were almost being forgotten in relation to the heady days of the 70s and the 80s when Jamaicans were leading in almost every one of the major multilateral groupings across the world and had a very strong and powerful voice in international affairs. And we feel that his elevation now creates a new moment and will drive us to another dimension in the new diplomacy which now embraces international affairs. I want to congratulate him. His son is here as a living testimony of his own strength and his particular contribution to the future of Parliament and to the future of Jamaica.

I recall very well, Mr. Speaker, as the Member of Parliament for the constituency when the Member from South East St. Andrew was but a little laddie and those days in Hope Pastures when we used to move around and do what we had to do. But Justice Robinson was that calming influence that enabled people like me as a young politician at the time to understand very carefully my role and he was very helpful to me in interpreting much of the legislative rigors that we had to endure in this House, and I want to put that on record.

And finally, Mr. Speaker, Justice Robinson is not just a jurist *par excellence* but he's also a great sportsman and a sports writer and I think his contribution to Jamaica's sport literature is seminal and his latest book which he did on the Olympics and the performance of Jamaicans over the years, I think, is obligatory reading for most of us who are interested in Jamaica's sports development. So, again, congratulations to him and from us in Westmoreland we say, more power to you Justice Robinson. (Applause)

The SPEAKER: Mr. Brown.

Mr. BROWN: Thank you, Mr. Speaker. Mr. Speaker, it would be remiss of me not to...

Mr. VAZ: I hope you don't call him on your phone, you know.

Mr. D. SMITH: Yuh better phone him you hear.

Mr. BROWN: ...add my voice to the commendations...

Mr. VAZ: Don't call him. Email him.

Mr. SHAW: WhatsApp him.

Mr. D. SMITH: Yuh better phone him, yuh hear.

Mr. VAZ: Don't call him from right here. Email him.

Mr. BROWN: ...to the commendations that have been made... (Laughter)

(Inaudible comment from Mr. Shaw)

Mr. BROWN: ...with respect to the elevation of Justice Robinson - and since the Members are talking about calls, if we weren't making phone calls in support of Justice Robinson we wouldn't be here celebrating this outcome here today. (Applause) And that is where I want to go, Mr. Speaker, because very often we celebrate the outcome but we don't recognize the work that is being done behind the scenes to get this to happen. (Applause)

(DR. KENNETH O'NEIL BAUGH, (JLP), St. Catherine, West Central, entered and took his seat.)

And in that regard I want to celebrate...

(Inaudible comment by Mr. Warmington)

Mr. BROWN: ...I want to celebrate the Permanent Mission in New York and all our Missions across the globe, because make no mistake about this the elevation of Justice Robinson is a testament to the currency of Jamaica's foreign policy and to our foreign operatives across the world. (Applause)

Certainly, Mr. Speaker, the quality of Justice Robinson's candidacy made the work all the more easier in the international forum and we do not gainsay that at all because he has an impressive *curriculum vitae.* But this elevation of Justice Robinson must be recognized for what it is, two years of continuous lobbying at the international level and I want to also express congratulations and appreciation to the candidate in Argentina who graciously withdrew when they recognized the level of support that Justice Robinson had in the General Assembly. (Applause) I want to also congratulate the members of the Security Council who, taking their signal from the General Assembly, endorsed unanimously the elevation of Justice Robinson to this position. (Applause)

Finally, Mr. Speaker, I want to also congratulate Ambassador Courtney Rattray who was our lead negotiator, our lead lobbyist in New York and who himself has been elevated to the Chair of the Security Council Committee that will be looking at the reform of the U.N. Security Council. Another feather in the cap of Jamaica's foreign policy.

(Applause) (Cross talk)

And finally, I want to congratulate Minister Nicholson for his leadership...

(The Speaker gavels)

Mr. BROWN: ...and the Prime Minister of Jamaica for her leadership in this matter.

A Government MEMBER: Hear, hear!

Mr. BROWN: Thank you very much, Mr. Speaker.

(Applause) (Cross talk)

The SPEAKER: Dr. Baugh.

Dr. BAUGH: Mr. Speaker, I take the opportunity to make a brief comment having

been Minister of Foreign Affairs and Foreign Trade in the last Administration and having worked with Justice Robinson for many years as a matter of fact, knowing him from the days of the University of the West Indies and watching his career take shape over time. And I know that the reason for his success in being appointed to the International Court of Justice has to do with own style, his own credentials, his own credibility, because he has been a diligent worker all these years and has carved out for himself a good international reputation. I have no doubt that the Ministry of Foreign Affairs and Foreign Trade and Jamaica in general has contributed in terms of hard work, because we know the intensity of the lobbying that's necessary. (Applause) But I wondered whether the withdrawal of the other candidate had anything to do with the abilities of our candidate, the fact that he was an outstanding person, the fact that he was very popular and the fact that Jamaica itself has a high regard in international circles.

A MEMBER: Hear, hear!

Dr. BAUGH: Well, I'd like to congratulate him.

(MR. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern, entered and took his seat.)

I know that he has a son in the House. Maybe it's just a coincidence that he's the House Leader - nobody else wanted to do it at this point in time. (Laughter) And when I was Minister of Foreign Affairs and Foreign Trade, his sister, Justice Robinson's daughter, was put on the OAS Inter-American Human Rights and she, again, was exceeding popular…

Mr. PICKERSGILL: Much brighter than...

Dr. BAUGH: Much brighter than the brother I wouldn't be surprised, but that doesn't mean he's not bright.

(Cross talk)

Dr. PHILLIPS: That's not true.

Dr. BAUGH: But the fact is she was accepted by all. Got the most votes, even ahead of another Caribbean candidate from Barbados. And I would like to commend the family. (Applause)

Mr. PICKERSGILL: Yes, hear, hear! Hear, hear!

Dr. BAUGH: I know the Robinson's lost their mother some years ago and she herself was student at the University in my time and she would have loved to have been here, maybe she's looking down feeling very pleased. But, Mr. Speaker, all Jamaica, everyone in Jamaica should be proud of the achievements of Justice Robinson and we commend him on his high elevation.

Thank you very much. (Applause)

Mr. ROBINSON: Mr. Speaker, let me, on behalf my father and the family, extend to the House and Members our gratitude for the warm sentiments that have been expressed on his behalf.

I would just like to make a couple of points on the election. Other speakers have noted that the election is both a reflection of the candidate himself and also a reflection of the country and his qualifications have been

spoken about, I don't need to go through that. But in the deadlock, which ensued, where both the Security Council and the General Assembly went through several rounds of voting at each stage, the General - his lead in the General Assembly continued to improve to the point where he ended up with twice as many votes as his Argentinean candidate.

And more than anything, Mr. Speaker, we have lot of challenges here in Jamaica, we have difficulties, but we must never lose sight of the fact that the country is held in very high regard and esteem by many of our partners throughout the world. (Applause)

A MEMBER: Hear, hear!

Mr. ROBINSON: The African group - and this is not a political statement, it cuts across the divide. All the African countries stood in solidarity with his candidature, a number of - almost all the Small Island Developing States. And when there was a deadlock between the General Assembly and the Security Council, the Security Council voted in favour of the Argentinean candidate. The General Assembly wanted to indicate to the Security Council its support and his lead grew in that Chamber, and I think that more than any other reason contributed to the withdrawal of the Argentinean candidate.

But we are - as a family, we are grateful for the support of the Government of Jamaica and my colleagues have already highlighted a number of persons: from our Prime Minister to our Minister of Finance to the entire Ministry of Foreign Affairs, but I'd like to highlight in particular our Ambassador at the U.N., Courtney Rattray. (Applause)

Miss HANNA: Yes.

Mr. ROBINSON: Courtney really was the - if you want to call it the right-hand man; he was the right-hand man. This has been a two year campaign. And really Courtney's own stature, which has been demonstrated in his chairmanship of two very important U.N. committees, was instrumental in this campaign.

It is also important to note that we were up against a country which had vastly more resources than we did, had Embassies all across the world, had access to the capitals of most of the countries and in spite of that with our limited resources we were able to garner the vast majority of the General Assembly, which reflects the majority of the countries in the world. So again, it's a reflection of the regard within which countries hold Jamaica; it's something that we should not take for granted in spite of our own difficulties. And, again, on behalf of the family I would like to thank the House for the kind sentiments that have been expressed.

Thank you. (Applause)

The SPEAKER: The Clerk will, on behalf of the Parliament, convey our congratulations and best wishes to Justice Robinson.

House Leader.

Mr. ROBINSON: Mr. Speaker, we will take the first item, the Senate amendments to the - I don't see Minister Arscott. Minister Ferguson. Let's take the Bill shortly entitled, the Quarantine (Validation and Indemnification) Act 2014.

Minister Ferguson.

The SPEAKER: Minister Ferguson.

Dr. FERGUSON: Mr. Speaker, the quarantine authority is established under section 3 of the Quarantine Act which provides a subsection (1) and subsection (2) as follows:

1) There is hereby established a Quarantine Authority which shall consist of a Chairman and four other members to be appointed in accordance with the provisions of this section.
2) The Minister shall appoint;
   a) the chief medical officer or a principal medical officer to be the chair and;
   b) four other Members one of whom shall be the representative of the interest of shipping and another of whom shall be representative of the interest of airways.

   Two (2) Sections 3(3) of the Act provides that members of the Authority, appointed by the Minister, shall serve for three years and shall be eligible for reappointment.
3) Pursuant to section 3 (2) of the Act, the following persons were appointed as members of the Authority for a period of three years with effect from February 4, 2008 to February 3, 2011:
   Dr. Sheila Campbell Forrester, Chair
   Lieutenant Cornell Oscar Darby
   Mr. Paul Hall
   Mr. Michael Bernard
   Captain Hopeton Delisser

As required by section 3(6) of the Act, the appointment of the above named the members of the Authority was duly published in the *Jamaica Gazette*, as Government Notice No. 153 on the 5th day of June 2008, Volume CXXX1 No. 23.

After the expiration of their tenure, the above-named Members of the authority continued to perform official duties under the Act beyond their tenure namely; during the period commencing the 4th of February 2011 and ending the 12th of June 2011.

Without being duly reappointed in accordance with the provisions of the Act. This is and they were not reappointed by the Minister with the subsequent gazetting of their reappointment.

Cabinet via decision No. 25/11 approved the appointment of new members to the Authority and decided that validating and indemnifying legislation would be required to confirm the continuation in office of the members of the previous Authority, for the period commencing the 4th of February 2011 and ending the 12th of June 2011.

Accordingly, Mr. Speaker, the purpose of the Bill is to validate and confirm as lawful all official acts done by the purported members of the Authority, in good faith, and inadvertently as to their being unlawful during the period commencing February 4, 2011 and ending on June 12, 2011 in the purported exercise of the functions and duties of a member of the Authority and to indemnify the members of the Authority from liability in relation thereto.

And I thank you, Mr. Speaker. (Applause)

The SPEAKER: Minister.

Dr. FERGUSON: Mr. Speaker, I move to close the debate on the Bill, and I now ask for a second reading.

The SPEAKER: The question is that the Bill be read a second time.

Motion put to the House and agreed to.

Bill entitled:

"AN Act to Validate and confirm as lawful all official acts done by the purported members of the Quarantine Authority in good faith and inadvertent as to their being unlawful. During the period commencing on the 4th day of February 2011, and ending on the 12th day of June 2011, in the purported exercise of the functions and duties of a member of the Authority, to indemnify the members of the Authority and all other persons from liability in relation thereto and for connected matters;

read a second time.

The SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

The CHAIRMAN: Clauses 1, 2 and 3 put to the Committee and agreed to.

The preamble put to the Committee and agreed to.

The Title and the Enacting Clause put to the Committee and agreed to.

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage without amendment.

Motion put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed committee stage without amendments.

Dr. FERGUSON: Mr. Speaker, I now ask that the Bill be read a third time.

The SPEAKER: The question is that the Bill be read a third time.

Motion put to House and agreed to.

Bill entitled:

"AN Act to Validate and confirm as lawful all official acts done by the purported members of the Quarantine Authority in good faith and inadvertent as to their being unlawful. During the period commencing on the 4th day of February 2011 and ending on the 12th day of June 2011, in the purported exercise of the functions and duties of a member of the Authority; to indemnify the members of the Authority and all other persons from liability in relation thereto and for connected matters;

read a third time and passed. (Applause)

The SPEAKER: House Leader.

Mr. ROBINSON: Mr. Speaker, we are going to continue the debate on the Private Members' Motion regarding Reparations. Mr. Speaker, the Minister...

(*Sotto voce* comments by Mr. D. Smith)

Mr. ROBINSON: Stamp Duty, no, the Minister has indicated that he is not ready to do that today.

Mr. Speaker, we will continue the debate on the Private Members' Motion regarding Reparations. There are two speakers scheduled for today, the Member from North East St Elizabeth, Raymond Pryce and the Member from East Portland, Lynvale Bloomfield. Member Pryce.

Mr. WARMINGTON: No, you don't call him.

The SPEAKER: Mr. Pryce.

Mr. PRYCE: Thank you, Mr. Speaker....

(*Sotto voce* comments by Mr. Warmington)

The SPEAKER: No, I called him. You are not paying attention.

Mr. PRYCE: Thank you Mr. Speaker, thank you Members.

Mr. Speaker, Members, the Private Members' Motion brought by the Member from Central Clarendon is, as I have expressed elsewhere, one of the most important items that we have debated so far in the life of the current Parliament.

Last week we had very well written and well presented contributions from the Member from West Rural St. Andrew and the Member from Central St James and indeed, many of the points that I would have made in my own presentation were substantively covered by them. Save and except, Mr. Speaker, if I would be allowed to make the following emphases.

The Member from Central St. James, in his deliberation, spoke of a well-known but not often spoken about practice, especially in rural Jamaica - the concept of marrying-up, where it is believed because of the manner in which we were educated, and social and cultural reality that if you are light you are right and if you are black step back.

In the modern dispensation we find that many of our young people in both urban and rural areas have taken to this deleterious habit of using chemicals and other abrases to lighten the texture and the complexion of their skin, all based on a somehow jaundiced opinion that if in fact you are of a lighter hue or look less as a member of the African diaspora, then you are somehow more entitled to attention, and of course attention gives you access, access gives you resources and resources give you power.

Mr. Speaker, it is with regret that in 2014 after our 52nd Anniversary of Independence that many people, if questioned, will honestly indicate that they believe that the vestiges of slavery still haunts us in such a way that there is a positive skew towards people of lighter complexion.

One of the coincidences of last week's deliberations in this House was that a series of questions and answers elicited a debate and one of the words that were often thrown around is an amalgamation or a play, if not a metaphor, drawn from the country's national motto: Out of Many One People. I find it, Mr. Speaker, to have been a strange coincidence because in addition to the discussion about the property where some allegations - some statements; some genuine, others perhaps caused by opportunism or misinformation, that really questioned whether or not as a people, we yet have the sovereign right or the authority to make certain decisions as to our development that would seek to change the

order of society which we have inherited from our colonial past.

Mr. Speaker, I find that all of these things are linked to the issue of reparation, if through no other conduit but this one, that there are some unanswered questions, some unresolved issues, and some areas that are becoming growingly impatient for resolution, in terms of how society in Jamaica is arranged and how different groups within the population see themselves in relationship to other groups in terms of our negotiation of power, and our right to be who we are born to be.

Mr. Speaker, I believe that for this Parliament and for Jamaica as a unit within the global community to properly advance and advocate for reparation rights, as I believe we ought to, in support of the Motion, we must also address some outstanding issues of our own internal reparations. I believe that earlier this year when the Parliament - or late last year - when the Parliament passed a resolution on a motion that I had brought forward regarding the decriminalization of ganja, and in particular the decriminalization of the right of some persons within the society to use Cannabis, more popularly known as ganja, as their religious sacraments, and linked to that same community, the issues that had taken place in Coral Gardens in St. James, that as a people, as a government, notwithstanding which organization or which political party form the Government at that time, there are some outstanding issues of an internal reparation that we need to consider.

Mr. Speaker, linked to that as well is, in my opinion, this incomplete system that we have adopted regarding our sovereignty, where on the one hand we assert our independence; we heard the fitting tributes to Sir Justice Robinson, and we heard of how we are acknowledged within the international community, yet we are somehow disabled or debilitated, unable to assert that recognition within the State and finally repatriate all symbols of our sovereignty and our independence within a native Jamaican space.

I believe, Mr. Speaker, that though these things are not necessarily mutually exclusive, they are all linked, if we are to achieve in Jamaica, a better understanding of who we are, who we were called to be and who we ought to be in this society.

I think it is fitting as I look around the Gallery that there are so many young persons from various backgrounds and different groups who are observing these proceedings today, and I ask them because they can't participate through their voices, to consider within the silence of their own souls whether or not they feel, as Jamaicans, that they are equally recognized as Jamaicans, by every other Jamaican, and more importantly, by the structures and systems of government and governance that gives us intentionally, our Jamaican citizenship.

Mr. Speaker, the final set of issues I would want to raise in my contribution and my support for the Motion is that until and unless we allow for a positive space in which each of us, and therefore all of us, can come to a common understanding as to our rights and roles as citizens in a modern democracy, to express those rights in a responsible way, to

have access to the spaces of power and authority that determines not just who we are, who we have become, but who we still must be and must become, that even in supporting the Motion for this Parliament to have a vote and take a position as to our advocacy on the global space for reparations for the Atlantic Slave Trade, then we will still have these unresolved issues within us as a nation.

Mr. Speaker, I gave an example of the importance of this matter to me. Quite by coincidence, and through the decisions taken by parliamentarians of a different ilk and a different time, to give broad access to education through the Common Entrance, and my ability to have passed that Common Entrance and received education at the secondary level at my *alma mater* and that of the Member from Central Kingston, St. Georges College, which was the gateway to further education at the tertiary level both here and internationally, it came to be the case that I was the recipient of a Commonwealth Scholarship.

As part of that scholarship I did some studies in India and was called back to participate in a set of seminars in 2007. The lady whose photograph is on this side of the House on the wall to the north, her daughter, the Princess Royal was a special guest at one of these workshops where all of the Commonwealth scholars from across the Commonwealth were present. As it turned out, that was the exact anniversary of the bicentenary of the abolition of the trade in enslaved Africans by the British Empire.

As she addressed us, and came to the workshop where I had been assigned, she happened to ask: "How is it that you find Delhi?" And I said, "it is very similar to parts of Kingston." And she says, "oh, you are from Jamaica?" And I said, "yes." And as I had what was a normal conversation with the daughter of our Sovereign, the Queen it dawned upon me that I had a greater responsibility in that space and that time than just ordinary pleasantries. So, I said to her, "Isn't it coincidental that you, the descendant of those who enslaved us, are speaking to me, a descendant of those you enslaved on this the exact anniversary 200 years hence, of the abolition of the Atlantic Trade in enslaved Africans?

Mr. Speaker, in the United States, they refer to people of my complexion as being coloured, but I only ever have the one colour. I think the term *coloured* would have best applied to the Princess Royal because she changed through several shades of grey, back to her normal complexion, and then to a colour just a little lighter than the tie you are wearing. So, she went all through those.

Mr. McKENZIE: She can't change.

Mr. PRYCE: She looked around at who I discovered was her head of security to her left, then she trembled a little and looked to her right, to who I later discovered was her Press Secretary, and then she looked somewhat behind me, to who I then discovered was the Chief of the party that had travelled with her. And as she grappled for her composure, and other delegates or scholars looked and said,

"boy, you Jamaican..." I remember the Grenadian scholar said *sotto voce* remarks which I heard, "you can always count on these Jamaicans to be troublesome."

I ignored him and the Princess Royal recovered her composure and then she simply said: "My word...! Is it indeed that day?" And I said, "yes Ma'am, it is indeed that day."

There was some discomfort and she managed a conversation around the Atlantic Slave Trade which was not on her talking points that day. That evening I was invited, as some of the other scholars were, to a state banquet in her honour, and because I was somewhat of the mouthpiece for the scholars, I was asked to do a presentation. When she realized I would have been on the programme, she went ahead of me and she spoke and she said words to the effect - I am almost certain it's a direct quote because they are forever emblazoned in my mind - She said: "It took the young scholar from Jamaica to remind us that we are at the soul of all of us, equal people, born by the creation of our Father, whether you call him God, or Allah, or however you refer to him. And I use this opportunity to acknowledge that some of my forbearers participated in an activity that endangered the forefathers of many of you in what is now known as this Commonwealth of Nations."

Mr. McKENZIE: (Inaudible) ...disband her?

Mr. PRYCE: There was wide applause, and I too participated in the applause. And I...

Mr. VAZ: Then we have to go through all of this?

Mr. PRYCE: You know, when you spoke last week and you went through all of *out of money*, no one was allowed to stop you.

Mr. VAZ: Too much now, man; too much now.

(*Sotto voce* comments)

Mr. PRYCE: Mr. Speaker, the discomfort that some are now showing is a confirmation of how uncomfortable we are in this country when people of a certain background assert their right for equality in this Jamaica.

(Applause/*Sotto voce* comments)

Mr. PRYCE: And I am not going through all of this for the Member from Western Portland. I am going through all of this for the young, black sons and daughters in the Gallery, so that they will understand that as one of their representatives, when we speak in this House we speak with authority vested in us by them despite the horrid history we have had of slavery, and I will not be silenced. That is my reparation rights in here today. I shall not be silenced.

Miss HANNA: That is right, Raymond.

Mr. PRYCE: Mr. Speaker...

(*Sotto voce* comment)

Mr. PRYCE: The interesting thing though, Mr. Speaker, is that in that moment the Sovereign's daughter did much better than she did when Buckingham Palace issued a statement that said: "The moment our ancestors..." because it is a habit of the Sovereign to speak of herself in the plural pronoun - "the moment our ancestors agreed that slavery was a crime against humanity, we did all that we were empowered to do to end

it." That simply says to me, Mr. Speaker, that that institution thought of me and my forbears as less than human, which is their justification for having conducted that bad practice of slavery. If for those, and no other reasons, Mr. Speaker, and notwithstanding our incomplete issues of an internal reparation where we as Jamaicans have practiced unkindness, unfairness, and inequity against other Jamaicans, I believe that we must establish not just the support for the Member's Motion, but a new determination within this society that we will deal with reparation within the society as we advance for global reparation against the horrid crimes of slavery.

And for those who are still uncomfortable with the topic of reparation, I will simply remind them of this fact and of this truism. Even if it seems to some that debates such as these, on topics like this one, is an effort in futility, until and unless we come to a space where we realize that as God's creation all of us, we're entitled to be treated fairly, with respect and with our innate and intrinsic dignity, we're going to continue always to be at daggers drawn or in some form of war or the other.

Of course, Bob Marley put it to music, what is Emperor Haile Selassie I had said so beautifully, that until the philosophy that holds one man superior and another inferior is finally and permanently abandoned and abolished, everywhere is war.

Mr. Speaker, in closing, though the Member from Central Clarendon never linked the two, I placed on notice, that if he is sincere, as I know he is in terms of reparation and moving away from those trappings of our colonial past, when the time shall have come in this place, that we seek to put to rest our umbilical connection, not just to the sovereign but to Her Privy Council, he too, as I stand to support his motion, will stand to support that intention.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Dr. Bloomfield.

(Cross talks)

Mr. L. BUCHANAN: Desmond, tap di nize.

Mr. McKENZIE: The last time yuh open yuh mouth yuh get in a trouble, yuh hide from Parliament fi three weeks. Soh yuh nuh worry mi.

Mr.VAZ: Who dat?

The SPEAKER: Dr. Bloomfield.

(Cross talks) (The Speaker gavels)

Dr. BLOOMFIELD: Thank you, Mr. Speaker.

I could easily start by quoting Maya Angelou who said that it is her understanding that even the brute and the bigot, and the batterer are all God's children. How interesting it is that anytime the issues of reparation come up, that we are thrown into emotionalism.

Mr. Speaker, I rise acutely conscious of my responsibility to the constituents of East Portland and to the people of Jamaica, and indeed to those of us who call ourselves world citizens, to speak on this matter. I wholeheartedly congratulate and support this motion most strongly, most energetically, conscientiously lifting up my own voice in the

furtherance of this quest for human rights and justice. It is my understanding that we're all God's creatures and equally so, and that our voice must be heard.

Mr. Speaker, the long sweep of history records the myriad examples of man's inhumanity to man. One such exquisite example, Mr. Speaker, is the horrendous and horrific act of dehumanization known as African slavery. Indeed we could call it an African holocaust. And whereas many have falsely benefitted from chattel slavery, and many seem to want to downplay and make scant regard of what we are doing here today, the principles of reparation here today, is a reflection that our consciences will not allow us to be silent.

Because even in modern Jamaica, as alluded to by the Member who just spoke from St. Elizabeth, the idea that some form of compensatory payment should be made to the descendants of those Africans enslaved by the Atlantic Slave Trade, provokes very negative responses. In fact, sometimes very energetic resistance, because they anchor their arguments upon the questions of who will be paid? How much will be paid? Who will pay? And what is the - are terms and conditions for these payments always arise. And so many are uncomfortable with the very fact of slavery, even as others refuse to take responsibility for it.

For hundreds of years, Mr. Speaker, our enslaved Africans ancestors were plundered, not only for their bodies, but for their work, for their families; plundered of their sweat, blood and tears through forced labour. An entire epoch was built and their wealth was built upon the work of slaves and on the work of the work of slaves. And the selling of these bodies has come to break the very back of who we call family, to build an autonomous economy, the benefit of which we have never received.

Indeed, Mr. Speaker, the ravages of the slave trade are so horrendous and so numerous and so long-lasting that it is not possible to itemize them today. The very destruction of family, when we were - our value was placed and based upon sexual prowess and on our ability to conduct sexual reproductivity to the satisfaction of the slave master; when our men were told, produce a big crop this year, impregnate as many women as you can, because our wealth depends on you being that person who is defined by your capacity and ability to sexually deliver the goods, so to speak.

You don't have to take care of them, Mr. Speaker, just produce them. And so the vestige is still with us today. So the idea of two better than too many sounds reasonable, but in practice slavery is still telling us, too many is better than two. Our standing and regard at that time was based upon how we produce, and so a definition of prowess, our definition of manhood, our definition of identity now became as a reflection of our sexuality.

They broke down our family system; we were humiliated and so in a sense we became sufferers now of what was then. How easy for a slave master to instruct a slave to copulate with someone of the female sex regardless of

the relationship whether real or imagined that had existed. It could've been his sister, it could've been his aunt, it did not matter to a slave master, just produce a good crop this year of young slaves.

What about committed relationships then that came from Africa? To the slave master it was what has love got to do with it? Is it any wonder why we wrestle with the concepts of marital rape today, when we're still questioning who is who, when our people have no control over their own bodies, no autonomy to say yes or no? When quasi religious people and quasi religious organizations tell themselves that because of a system of belief we're still subjected to that situation where we have no control over our own selves.

What about the gender inequalities that we continue to suffer? What about the manifestation in terms of sex work? What about the racial issues that we suffer today, when at the time an octoroon was more valued than a mulatto? And therefore we were defined by the hues, the colour differences that existed among us, how the slaves picked up on this very quickly, and therefore we were categorized based on the hue of our skin. No wonder we struggle with the idea of bleaching and we euphemistically now call it toning. How many of us in here are toning?

MEMBERS: Desmond.

(Laughter)

Dr. BLOOMFIELD: Mr. Speaker, many of us have been told overtime by persons hopefully of another generation. I heard one lady telling a young man who got married to a lady of lesser hue, and said to her - to him, I am proud of what you have done with your life, and I'm so pleased when I look at your wife, I'm glad your family has added milk to the family's coffee. Those are the ravages and vestiges of where we're coming from. What about classism which we still suffer from in this country in a major way?

And so, Mr. Speaker, when we look to the hegemonic and the European expansionism into the West Indies, that broke the back of our greatest asset, the African family, and built a great economy and amass great wealth on the backs of our people, of course the complexities of such an economy, its culture and so on, have affected our culture, our politics. The discriminatory and exploitative practices that even to this very day continue to impact on our family relationships, on our healthcare and our health seeking behaviours, our education, our housing, our approach to investments and entrepreneurship, all of these have been affected by the ravages of slavery. How can we then not see slavery as a distinct vibrant evil?

But an attempt to deal with this great sin of slavery, many countries have tried and made attempts to deal with it, the nations to the North, Mr. Speaker, have put forward all types of ways to deal with it; affirmative action, housing and so on, which cannot replace the permanent damage that we have suffered. So the issue of reparation, Mr. Speaker, is a very complex one.

The fact that the descendants of our people, that the perpetrators still will not take responsibility for our slave society that they

say is long gone, but continue to benefit from that slave society...

Mr. PRYCE: Hear, hear!

Dr. BLOOMFIELD: ...others who have paid compensation - call it restitution if you might - to slave owners to the tune of £20 Million, but see no obligation to compensate those who are most aggrieved, our very own people.

The question might be asked, Mr. Speaker, what is a reasonable dollar figure or price tag for that which we're suffering today?

Is job training enough? Are public infrastructures enough? Is closing the wealth gap enough? Can we then look at persons who have benefitted from reparation, like the Jewish people? They were paid Seven Billion Dollars ($7B) by Germany, and that is not including all the individual settlements that have taken place over the years.

Who pays for the psychological trauma? The offence to our racial honour? The careers that have been halted because of the vestiges of slavery? The times we have spent in the fields working to build someone else's wealth?

Mr. Speaker, Israel prospered as a result of reparation. In fact, after assessing the results of reparation agreement, it was David Ben-Gurion who said:

> *"For the first time in the history of relations between people, a precedence has been created by which a great State, as a result of moral pressure alone, takes upon itself to pay compensation to the victims of the Government that preceded it.*
>
> *For the first time in the history of a people that has been persecuted, oppressed, plundered and despoiled for hundreds of years in the countries of Europe, a persecutor and despoiler has been obliged to return part of his spoils to, and even undertaking to make collective reparation as partial compensation for material losses".*

Mr. Speaker, in this country it is going to take more than moral pressure.

Someone spoke of the consequences of this ancient brutality, past injustices, present prejudices. And so, reparation is not just a scheme - as someone suggested - that is concocted by those of us who claim to be progressive, it is more than a presentation of recompense for the injustices. We are not begging for any handout... (Applause) ...we are not begging for some hush money, we are not begging for any bribes, we are not begging for just 'gi dem wat dem want mek dem gwaan', we are not begging for 'gi dem some'n fe hoi' dem'. It must be a lead by those of us who are in leadership, a lead to racial introspection as we seek to define our personal and collective identities, as espoused by the previous speaker.

And so we are calling upon all well-thinking Jamaicans, we are calling on the Intelligentsia, we are calling on our Social Anthropologists, we are calling on our Social Psychologists, we are calling on our historians, we are calling on our lay people who work in the fields and in our homes, we are calling on Rastafari, we are calling on our very politicians, we are calling on the Church,

we are calling on our Civil Society, that it must now be time for us to lead from the front, to restore our ancestral heritage, to redefine our identity, and to reconcile ourselves with our own self image.

We need to re-position and to redefine our own style, Jamaican brand, of black consciousness.

A MEMBER: Hear! Hear!

Dr. BLOOMFIELD: May the debates only be a beginning of a major thrust to define our own reality.

And, I continue to applaud the Member for moving this motion over time. For reparation seeks to recognize and address the harms that have been suffered as we became victims of systematic human-rights violation.

We have a legal and a moral duty to address and to confront all of these violations. It might be financial, it might be guarantees, it might be social services, it might be even an official apology. But, does it make sense? My answer to you, Mr. Speaker, is, yes.

We can do many things to start the process. Someone suggested last week that we start a Reparative Fund. We can file legal briefs, we can even go to the International Court of Justice - and I think we have some influence somewhere there, as we just said today.

West Germany paid the Jews. Our Caribbean people - and that is why it's so important that we have a CARICOM, where all of us together can band as a unit in putting forward this reparation strategy. We need to have a loud voice, we need to speak diplomatically. We need to keep our legal options open. But it is important for us not only to admit it and to confess it, but, Mr. Speaker, to turn away from it and to get reparations from it.

Mr. Speaker, the debate may continue. May we arrive at actionables. May we strengthen those leaders who must go forward to make it happen. And, I say to you, it is only then that we will begin to define ourselves.

So regardless some issues as mentioned by our previous speaker, that need to be addressed in our whole healing process before we can bring closure, we must deal with Coral Gardens... (Applause)

Government MEMBERS: Hear! Hear!

Dr. BLOOMFIELD: ...we must deal with Pinnacle... (Applause) ...and we must deal with Outameni. Regardless of the perspectives, these suggest to us that we are at a place in our history and in our psychology, when confrontation is necessary. Not to be violent, not to be antagonistic, but rather, to move hand in hand as we go forward to seek reparation, which includes, repatriation for some, but includes that inescapable, that indispensible prerequisite to our national development, that is, finding ourselves and our national image.

Mr. Speaker, I thank you.

(Applause)

ADJOURNMENT

Mr. ROBINSON: Mr. Speaker, it's not our intention to do any further business for the day.

(*Sotto voce* comments)

Mr. ROBINSON: And accordingly, I move that the House be adjourned until next week Tuesday, the 25th of November.

The SPEAKER: The question is that the House do adjourn till next Tuesday, the 25th of November, at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: (Gavels) The House stands adjourned.

The Honourable House of Representatives was adjourned at approximately 3.52 p.m. to reconvene on Tuesday, November 25, 2014 at 2.00 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2014 – 2015

TUESDAY, November 25, 2014

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.27 p.m.

PRESENT

THE SPEAKER

HON. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern, Speaker of the House.

MR. LLOYD BARNES SMITH, (PNP), St. James, Central, Deputy Speaker

MEMBERS OF THE CABINET

THE HONOURABLES:

HON. PHILLIP FEANNY PAULWELL, (PNP), Eastern Kingston & Port Royal, Minister of Science, Technology, Energy and Mining and Leader of the House

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, ON, (PNP), St. Andrew, South Western, Prime Minister and Minister of Defence

DR. THE HON. PETER DAVID PHILLIPS, (PNP), St. Andrew, East Central, Minister of Finance and Planning

HON. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western, Minister of Water, Land, Environment and Climate Change

HON. PETER MURCOTT BUNTING, (PNP), Manchester, Central, Minister of National Security

REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston, Central, Minister of Education

DR. THE HON. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing with responsibility for Housing

HON. NATALIE GAYE NEITA-HEADLEY, (PNP), St. Catherine, East Central, Minister without Portfolio in the Office of the Prime Minister with responsibility for Sports and Deputy Leader of the House

MINISTERS OF STATE

HON. ARNALDO ALPHONSO BROWN, (PNP), St. Catherine, East Central, Minister of State in the Ministry of Foreign Affairs and Foreign Trade

OTHER MEMBERS

MR. EDMUND CURTIS BARTLETT, CD, (JLP), St. James, West Central

DR. DAYTON RICARDO CAMPBELL, (PNP), St. Ann, North Western

MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central

HON. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern

MRS. MARISA COLLEEN DALRYMPLE-PHILIBERT, (JLP), Trelawny, Southern

MR. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central

MR. ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Leader of the Opposition

MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern

MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern

MR. RAYMOND FRANKLYN PRYCE, (PNP), St. Elizabeth, North Eastern

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern

MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western

MR. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western

MR. CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western

DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central

PRAYERS

Prayers were offered by Mr. Raymond Pryce.

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Before we get down to today's business, let us welcome some visitors we have today. We have from the St. George's Debate Club 12 members and their Lecturers; Halfway Tree Primary; (Not yet here) Justice Training Institute; Balmoral Educational Institute, 22. (Applause)

STATEMENTS BY MINISTERS

Mr. PAULWELL: Mr. Speaker, we will have a Statement this afternoon. But I am sure you will oblige me to acknowledge the birthday of the Member from Central St. Mary, the Minister without Portfolio in the Ministry of Transport and Works.

Mr. CHUCK: How many years, 19 or 91?

Mr. PAULWELL: We want to wish him all the best and that tonight will be - he is going to Westmoreland.

Mr. Speaker, the Minister of Education will do a Statement.

The SPEAKER: Rev. Thwaites.

Rev. THWAITES: Thank you, Mr. Speaker.

Mr. Speaker, I have tabled in the House today a Ministry Paper outlining an Information Communication Technology (ICT) Project for which the Ministry of Education, through the Jamaica Library Service, has secured approximately US$2 Million as a grant from the Bill and Melinda Gates Foundation. (Applause) The Government of Jamaica will co-fund the project in the amount of $1.1 Million from the

regular subvention to the Jamaica Library Service.

Mr. CHUCK: US or Jamaican?

Rev. THWAITES: It will be converted to Jamaican dollars, Mr. Speaker. The funds will enable the Jamaica Library Service to install approximately 800 state-of-the-art computer systems (Applause) in 127 public libraries islandwide and in six mobile libraries. The aim of the project, as its name suggests, is the Jamaica Library Service: Using Technology to Empower Individuals and Communities for Development. We anticipate that some 750,000 users of public libraries will benefit from the installation of this ICT system.

Mr. Speaker, did the House know that as many as 750,000 Jamaicans gained knowledge, information and recreation from the Library Service; it is a very understated but well used facility. (Applause) In this new dispensation public libraries are expected to link users with personal advancement opportunities such as the High School Diploma Equivalence being delivered by the Jamaica Foundation for Lifelong Learning, as well as the promotion of entrepreneurship among young people by the Junior Achievement Programme.

Mr. Speaker, we must do more with what we have. And the libraries throughout Jamaica, now equipped with technology, are excellent venues and opportunities for those who never got a high school diploma to secure one and also for the training in matters to do with business and personal development, which the Junior Achievement Programme, a private sector supported group, is well known for.

Training in information technology for the Jamaica Library Service personnel has already commenced since the formalization of the project in November 2013, and the Jamaica Library Service is committed to executing the project in a manner that would contribute to achieving Jamaica's Vision 2030 goal of making Jamaica the place of choice to live, work, raise families and do business.

May it please you.

(Applause)

The SPEAKER: Mr. Holness.

Mr. HOLNESS: Thank you, Mr. Speaker.

I am certain that the people of Jamaica would want to express their gratitude to the Bill and Melinda Gates Foundation for this contribution to the development of our society. Minister, you could correct me if I am wrong, but maybe this would have been the second such donation they have made to - I believe they had made one before.

Mr. Speaker, libraries are still very relevant to the social development of the country. Though most of our information now does not reside in books, but the way in which information is dispensed still requires a place where people can come together in an atmosphere of learning and teaching and benefit from the knowledge that is now residing in the Internet.

Mr. Speaker, the Government of which I was a part made an investment in providing Internet connections to the libraries and,

indeed, putting a few, not as many as this will do now, computer labs and the e-Learning Programme contributed significantly to that. So our libraries, I believe all of them now have Internet connection. Putting in the computer systems will leverage that - will take advantage of that and bring our library system up to first world standards.

Mr. Speaker, the digital divide is a real issue, countries that are advancing are investing heavily in ICT and ensuring that their populations are not just consumers of technology, that they don't just see the computer as an appliance but that they see it as a tool to create further knowledge. And so, Mr. Speaker, we endorse this and we hope that the project - we endorse it, you want me to say it again - and we hope that the project will be executed within good fashion and that the people of Jamaica will receive the full benefit.

Thank you, Mr. Speaker. (Applause)

(*Sotto voce* remarks by Dr. Phillip)

ANNOUNCEMENTS

The Clerk laid on the Table of the House a copy of the following:

- **Ministry Paper No. 147**
  Annual Report and Audited Financial Statements of the Real Estate Board and the Commission of Strata Corporations for the fiscal year ended March 31, 2012
- **Ministry Paper No. 148**
  Annual Report and Audited Financial Statements of the Jamaica Deposit Insurance Corporation for the financial year ended March 31, 2014
- **Ministry Paper No. 149**
  Bill and Melinda Gates Foundation Grant Agreement to the Jamaica Library Service
- The Jamaica International Free Zone Development Limited Annual Report and Audited Financial Statements for the financial year 2013/2014
- Rural Water Supply Limited Annual Reports and Audited Financial Statements for the financial years 2010/2011 and 2011/2012
- Bath Corporation/Bath Fountain Hotel and Spa Annual Report for the financial years 2004/2005, 2005/2006 and 2006/2007
- Ministry of Finance and Planning First Supplementary Estimates 2014/2015
- Certified Appropriation Accounts Administrator General's Department for 2013/2014

BILLS BROUGHT FROM THE SENATE

The Clerk read the following Message from the President of the Senate.

"To the Honourable House of Representatives:

I have the Honour to advise the Honourable House of Representatives that on the 21st day of November, 2014, a Bill entitled: "AN ACT further to Amend the

General Consumption Tax Act" was passed in the Senate.

Signed: Floyd E. Morris
President of the Senate"

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move to introduce and have read a first time a Bill shortly entitled: "The Securities (Amendment) Act, 2014".

Mr. Speaker, I beg to give notice that at the next meeting of the House I will move the following Motion:

> Be It Resolved that the First Supplementary Estimates [of Expenditure] for the Financial Year ending March 31, 2015, which was laid on the Table of the House on the 25th day of November, 2014, be referred to the Public Administration and Appropriations Committee of the House of Representatives for consideration and report.

Mr. Speaker, I further beg to give notice that at a later stage today I will move for the suspension of Standing Orders to enable me to take this Motion.

Mrs. NEITA-HEADLEY: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move to introduce and have read a first time a Bill shortly entitled: "The Anti-Doping in Sport Act, 2014".

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Mr. Henry.

Mr. HENRY: Mr. Speaker, I beg to ask the following questions of the Honourable Minister of Finance and Planning next 21 days.

Part 1:

Will the Minister please state whether or not at the time of the investment by the National Investment Bank of Jamaica (NIBJ) in Orange Valley Holdings there were any intellectual property rights (IPRs) owned by or associated with Orange Valley Holdings?

Part 2:

If the answer to Part 1 is in the affirmative, will the Minister please state where the ownership of the IPRs related to Outameni resided at that time, and what is the current status of ownership of the IPRs?

Part 3:

Will the Minister please state whether or not there was a valuation of the IP at the time of the decision by the National Housing Trust (NHT) to purchase the asset and, if so, what was the value, what was the basis for the valuation, and who did the valuation?

Part 4:

Given the NHT's decision not to purchase the IPRs, will the Minister please state what, if any, agreement was in place to support the continued use of such IP

which would have formed the basis of the business plan for operation of the attraction?

Part 5:

Will the Minister please state how the income from performance rights was to be applied to the payment of the interest obligation?

Part 6:

Will the Minister please state what are the details of the secured debt of $209 Million with regard to specific creditors and the specific security pledged to each creditor?

Part 7:

Will the Minister please state what are the expectations for recovery of the write off - operational revenue or asset disposal, bearing in mind that the preference shares were not cancelled despite the write-off by the Development Bank of Jamaica (DBJ) of the full investment in 2011?

Part 8:

Given that the DBJ may be ineligible for these types of investments, will the Minister please provide this Honourable House with the terms of the original investment agreement and the terms of the transfer of this investment to the DBJ?

Part 9:

Will the Minister advise what, if any, are the guidelines or rules approved by the Ministry of Finance & Planning in relation to the use of IP as security?

Part 10:

Will the Minister further advise of the position of the International Monetary Fund and the World Bank on the use of IP for development and investment?

Part 11:

Will the Minister further advise if he is developing a policy to deal with any gap which may exist in the Jamaican financial environment in relation to (9) and (10) above?

The SPEAKER: Mr. Vaz.

Mr. VAZ: Mr. Speaker, in accordance with Standing Order No. 17B, I beg to give notice that at the second sitting of the House in December, 2014 I will ask the Prime Minister the following questions:

Part 1:

Does the Prime Minister recall that in answer to questions posed by the Leader of the Opposition on November 11, 2014, she stated that: "The NHT has not purchased the business known as Outameni Experience. The Board has advised me that the decision to purchase the property at Orange Grove in Trelawny and not the attraction known as Outameni Experience was firmly grounded in the National Housing Trust Act of 1979?"

Part 2:

Is the Prime Minister aware and, if not, will she cause herself to become aware of a submission made by the Acting Managing Director of the NHT to the Finance Committee of the Board dated September 1, 2014 in which it is stated *inter alia*:

i) "Submitted for consideration for the Board's approval is the recommended

approach to facilitate the re-opening of Outameni, Orange Grove, Trelawny to the public. The re-opening of the facility is in keeping with the rationale for the acquisition of the property."

ii) "The NHT Board at its meeting on December 3, 2012 approved the acquisition of the property based on a going concern to preserve what was considered to be a national heritage experience."

iii) "In the submission to the Board it was noted that the intellectual property which was reflected in the Experience was too valuable to the educational and cultural life of Jamaica to lose."

iv) that among the procedures listed for the resumption of operations are: "A - A review of the remaining chattels primarily to ensure the continuity of the Experience. C. The preparation and submission of a business plan to further enhance the Experienc**e** and for a financially viable operation ... (A business is already in existence for Outameni only to be upgraded to include the additional activities). F. The general outfitting of the Experience with staff, furnishing and equipment for its operation over the next 3 years for a sustainable and financially viable business."

Part 3:

Is the Prime Minister further aware that the Acting Managing Director's submission also stated the following: "Sometime in August 2013, it became clear that the NHT had not bought all the assets of Orange Valley Holding Limited as it relates to the Outameni Experience but had only purchased the buildings and that there would need to be further negotiations with Mr. Lennie Little-White to acquire the chattels including the props and equipment used in the presentation of the Experience. Following several discussions, legal advice was sought as to the legality of separating these items from the purchase of the property and the response as outlined in Appendix IV indicate that chattels were not part of the purchase price, hence the NHT's decision to have an Independent Valuator assign values to the items for acquisition? "

Part 4:

Does the Prime Minister accept that the statements referred to in Part 4 indicate that:

a) the re-opening and continued operation of the Outameni Experience was "the rationale for the acquisition of the property"?

b) at the time that the NHT purchased the property it assumed that what it had bought for $180 Million included "*all the assets of Orange Valley Holding limited as it relates to the Outameni Experience"*

c) it was only after the purchase was made and legal opinion obtained that the NHT discovered that this assumption was wrong and that all it was entitled to was the land and buildings thereon?

Part 5:

Does the Prime Minister accept that based on the account of the NHT's Acting Executive Director in Memo of September 1, 2014, it clearly indicates that up to yesterday, Monday, November 24, 2014, the Chairman of the Board of the NHT again misled the country regarding the true intentions of the Trust when it purchased the Orange Grove property?

Part 6:

And further, given the fact that other Board members have resigned arising out of this controversial sale, why the Prime Minister and Cabinet did not make the decision to ask the entire Board to resign and appoint an entirely new Board?

Part 7:

Finally, does the Prime Minister still accept as accurate the information she gave to the House on Tuesday, November 11, 2014 to the effect that the NHT decided "to *purchase the property at Orange Grove in Trelawny and not the attraction known as Outameni Experience*"?

The SPEAKER: Mr. Smith.

Mr. D. SMITH: Mr. Speaker, the Opposition, as I think you are aware, expecting some answers to questions from the Prime Minister tabled previously by the Leader of the Opposition. I would like the House Leader to inform us.

Mr. PAULWELL: Mr. Speaker, on the Question Paper that has been circulated to Members there are two outstanding questions: Question 7 related to a matter that I have been in discussion with the Member from North Central St. Andrew, because I think it is entirely irrelevant and ought to be withdrawn.

(*Sotto voce* remarks by Mr. Chuck)

Mr. PAULWELL: Yes, it has to do with the EWI issue and the country is fully appraised of that. So we are talking about that and I am hoping that that will be withdrawn in due course.

Question 23 is due today - the Minister of Water, Land and Environment, and I am committed that that question will be answered next time. There are no other questions due today.

Mr. CHUCK: Twenty-four...

Mr. PAULWELL: Not due today. Twenty-four, if you look on the date it says the 26th day of November.

(Cross talk)

Mr. CHUCK: No, but we don't meet tomorrow.

Mr. PAULWELL: No, there is no error. Just a second. The question that I believe you are referring to had given the Prime Minister seven clear days' notice and, quite rightly, the Clerk has indicated when that time expires and it is the 26th of November.

Mr. D. SMITH: Mr. Speaker...

The SPEAKER: Mr. Smith.

(The Speaker gavels)

Mr. D. SMITH: Mr. Speaker, the Opposition carefully calculated the days, one; and two, we were given a firm commitment that the questions would be answered today, and as such, Mr. Speaker, the Opposition is

expecting the Government and the Prime Minister, by extension, to answer the questions this afternoon.

Mr. CHUCK: It was last week Tuesday it was tabled.

Mr. D. SMITH: Mr. Speaker, I go further to say that there ought to be no reluctance, because this matter is one of great national importance.

Mr. CHUCK: Yes.

(*Sotto voce* comment by Mr. Pickersgill)

Mr. D. SMITH: And in fact, the Prime Minister should, and we are expecting her to answer these questions today. So, House Leader, whether you want to or not, that's the position of the Opposition, and we have had precedence on this. We have had precedence where we have tabled questions to the Prime Minister and it was answered the next time Parliament meets.

(HON. ANTHONY GEORGE HYLTON, (PNP) St. Andrew, Western, Minister of Industry, Investment and Commerce entered and took his seat.)

(MR. RUDYARD CONRAD SPENCER, CD, (JLP) Clarendon, South Eastern, entered and took his seat.)

Mr. HOLNESS: Mr. Speaker, if you may allow my pleadings to you, sir.

The SPEAKER: It is not a matter of pleadings; it is a matter of interpretation of the Standing Orders which I am going to explain.

Mr. HOLNESS: The essence of the Prime Minister's questions, Mr. Speaker, is to get speedy response. In other jurisdictions, the responses are immediate, and I believe that other Prime Ministers have done so - responded immediately. This matter is of great public importance, Mr. Speaker, and the public is waiting for a response. Mr. Speaker, the Opposition is not satisfied that the Prime Minister will not see this matter for the important matter that it is, and provide answers to the nation now. (Applause)

Mr. PAULWELL: And again, Mr. Speaker, the Standing Orders are very clear, and we will abide by the Standing Orders.

Mr. HOLNESS: Mr. Speaker, the Opposition is demanding answers now - now. (Applause)

Mr. CHUCK: You had a whole day Cabinet meeting yesterday. No, no, all day you spend in Cabinet.

(*Sotto voce* comments)

The SPEAKER: (Gavels) Let me refer to Standing Orders No. 15. On Standing Orders No. 15, subsection (5)(b), that the question should be put down for a day not earlier than seven (7) clear days after it has been handed to the Clerk.

Mr. CHUCK: Last week it was done.

The SPEAKER: Take it easy; take it easy. The seven days...

Mr. CHUCK: Mr. Speaker, with due respect, seven...

The SPEAKER: I'm not finished, Mr. Chuck. It says seven clear days after, and the legal...

(*Sotto voce* comments)

The SPEAKER: I am quoting the legal definition of *clear days.* It does not include the first day - the day it was handed in, and it does

not include the day that the answer is given; seven clear days between those days.

Mr. CHUCK: No, no!

The SPEAKER: So, it would not be due until tomorrow.

Mr. WARMINGTON: Mr. Speaker, it was handed in on Tuesday last week, count with me: Wednesday Thursday, Friday Saturday Sunday, Monday, Tuesday; this is seven days. You are being...

The SPEAKER: You cannot count today because...

Mr. WARMINGTON: Why they can't count today? Today will be eight days.

The SPEAKER: It says *clear days*, man.

(*Sotto voce* comments)

The SPEAKER: No, no, no!

Mr. WARMINGTON: Mr. Speaker, I cannot have a Senator interfering in the discussion here. Mr. Speaker, I refuse to have a Senator badgering me over there, interfering in what I am saying. This is not the Senate. Friday is his day; today is my day. And I am not going to have a Senator over there interfering in what I am saying here. I resent that.

Government MEMBERS: Sit down; sit down.

Mr. CHUCK: Mr. Speaker

The SPEAKER: (Gavels) Mr. Chuck.

Mr. CHUCK: Mr. Speaker, when this matter came up at the beginning of this Parliament, the idea of the Prime Minister not having question time was that she needed seven clear days for questions to be answered. In essence, Mr. Speaker...

Mr. PARCHMENT: That is right.

Mr. WARMINGTON: Shut *yuh* mouth.

Mr. CHUCK: ...and the understanding was that once you table the questions on this Tuesday, the following Tuesday that questions will be responded to promptly instead of immediately. Two weeks ago, Mr. Speaker, questions were posed by the Leader of the Opposition, and the Prime Minister graciously and understandably answered last week, so the questions that were tabled two weeks ago were answered last week, and at the same time in response to those questions, similar questions were asked last week. We expect, Mr. Speaker that they would be answered in accordance with precedence, that they will be answered today. We can't allow this matter which is of national importance, Mr. Speaker, to fall apart. The questions need to be answered today.

Mr. D. SMITH: Mr. Speaker.

The SPEAKER: Yes, Mr. Smith.

Mr. D. SMITH: You know, there is a situation where this Government relies on technicality. They did that with Trafigura; that is why the case is still pending. But, let me say, Mr. Speaker, that we are satisfied, not only based on the precedence that was set just two weeks, or so, ago, but based on the demand from the wider public for answers from the Prime Minister.

Mr. PICKERSGILL: Which wider public?

Mr. D. SMITH: And if the Prime Minister is not prepared to answer the questions today, the Opposition is not prepared to sit in the House today.

(Cross talk)

(The Opposition Members vacated the House)

Dr. CAMPBELL: A campaign *unnuh* want campaign. Is Central Westmoreland *unnuh* going.

(*Sotto voce* comments)

(The Speaker gavels)

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, the Minister of Finance will take the Motion, notice of which he had given earlier, followed by the opening of this historic Debate today on the three Bills entitled, the CCJ Bills. Thereafter, we will suspend, after the Prime Minister's opening, the Debate until next week when we expect to hear from other Members, and we will have contributions after that, from those Members who wish to speak on the Private Members' Motion dealing with reparations.

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker, I now move suspension of the Standing Orders to enable me to take the Motion, notice of which I gave earlier.

The SPEAKER: The question is for the suspension of the Standing Orders to allow the Minister to take the Motion, notice of which was given earlier.

Put to the House and agreed to.

Dr. PHILLIPS: Mr. Speaker, this is a very straightforward matter. We have before us, the First Supplementary Estimates. The normal course for the treatment of these Supplementary Estimates, as required by the fiscal rules adopted by this House, is that they be referred to the Public Administration and Appropriations Committee for their consideration and report to the House. And so, I move, Mr. Speaker, that this be referred to the Public Appropriations Committee.

The arrangements are that the Standing Finance Committee would be scheduled to meet on the 9th December to consider that Report from the Standing - from the Public Administration and Appropriations Committee - 9th December, for debate that afternoon on the Supplementary Estimates. The Reports from the Standing Finance Committee on the morning of the 9th, and the first Supplementary Estimates to be debated in the afternoon. So, Mr. Speaker, I so move.

The SPEAKER: Those in favour of the Motion.

Put to the House and agreed to.

The SPEAKER: Prime Minister.

(Applause)

CARIBBEAN COURT OF JUSTICE

The PRIME MINISTER: Thank you, Mr. Speaker.

Let me join you in welcoming the students of the Balmoral Educational Centre, Red Hills Road, and teachers. Mr. Speaker, today is a very special day for the women of Jamaica. As we celebrate International Day of Violence against Women - for the elimination of violence against women.

Mr. Speaker, let me say that our women do make a valuable contribution to our nation.

They are mothers, nurturers, caregivers, and we find women - our Jamaican women in every sphere of national life. Women are to be loved, not abused. And so, I hail the Jamaican women in all spheres of life, and thank our women for their contribution to national development. (Applause)

Mr. Speaker, two years ago I introduced in this Honourable House, three Bills that seek to complete the process of independence for Jamaica.

(HON. HORACE WASHINGTON DALLEY, CD, (PNP), Clarendon, Northern, Minister without Portfolio in the Ministry of Finance and Planning with responsibility for the Public Service, entered and took his seat.)

(HON. DAMION ORANDY CRAWFORD, (PNP), St. Andrew, East Rural, Minister of State in the Ministry of Tourism and Entertainment entered and took his seat.)

(MR. KEITH ANTHONY WALFORD, (PNP), St. Ann, South Western, entered and took his seat.)

The Bills are:

4) AN ACT to Make provision for the implementation of the agreement establishing the Caribbean Court of Justice, CCJ;
and for connected matters.
5) AN ACT to Amend the Constitution of Jamaica to provide for the replacement of appeals to Her Majesty in Counsel with new provisions for appeals to the Caribbean Court of Justice as Jamaica's final appellate court,
and for connected matters.
6) AN ACT to Amend the Judicature Appellate Jurisdiction Act.

Mr. Speaker, these three Bills to delink from the Judicial Committee of the Privy Council, and to establish the Caribbean Court of Justice were tabled July 2012, prior to Jamaica's Fiftieth Independence Anniversary Celebrations.

Mr. Speaker, a fundamental missing link in our structure as an independent nation is that we continue to have the Judicial Committee as the highest level of our court system even after 50 years of political independence. All the African countries, the four countries of the Indian subcontinent; Canada, Australia, New Zealand and four of our CARICOM neighbours, Guyana, Barbados, Belize and Dominica have affirmed their self-belief and sovereignty by delinking from the Judicial Committee and have sought to complete their circle of independence accordingly.

Miss HANNA: Hear, hear!

The PRIME MINISTER: Mr. Speaker, the agreement establishing the Caribbean Court of Justice - CCJ - came into force on July 23, 2002 and in 2004 Jamaica ratified that agreement. Ratification signalled Jamaica’s intention to become an active member at all levels of the CCJ.

Mr. Speaker, Honourable Members, Jamaica and the other Governments of the Region in establishing the CCJ, made a strategic choice as we have done in education,

in external negotiations, in health and in other areas, demonstrating that our people are capable of managing their own affairs. In order for Jamaica to be a member of the CCJ, it requires that legislation be brought to this Honourable House to make this a reality both in terms of its original and appellate jurisdictions.

Mr. Speaker, the three Bills that are now before us this afternoon are intended to make Jamaica a full participant at all levels of the Court. Mr. Speaker, the debate on these Bills is also about Jamaica's identity, the exercise of its sovereignty, the protection of the legal rights of its citizens and the location of that sovereignty.

Jamaica cannot claim to be a sovereign nation with the interpretation of our laws taking place at Westminster, by persons who have no knowledge whatsoever of our cultural practices, our aspirations as a people and indeed our heritage. (Applause) There are compelling reasons for Jamaica to go the route of the vast majority of former British colonies, by adopting our Regional Court, the Caribbean Court of Justice as our final Court of Appeal.

(Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

The PRIME MINISTER: The Opposition has said many different things on this matter over the years. Their latest position appears to be that Jamaica should establish a final court of its - our own. However, Mr. Speaker, everyone knows and accepts that the Jamaican court system is already substantially underfunded, and that the fiscal reality that gives rise to this underfunding is not likely to change any time soon.

Mr. Speaker, it would be misguided and unwise to have a new homegrown organ as our highest court without the consistent and predictable budgetary support available to do so. The lawyers here of this Honourable House will tell you that the retention of the Judicial Committee of the Privy Council as our final court has a substantially negative impact on the resources of the Ministry of Justice.

Mrs. NEITA-HEADLEY: Yes, yes.

The PRIME MINISTER: That is because we have to bear the very high cost of representation at appeals in the United Kingdom, and this helps to deplete the already inadequate budgetary funds available to improve Jamaica's justice system.

Mrs. NEITA-HEADLEY: Yes, yes.

The PRIME MINISTER: In contrast, Mr. Speaker, the CCJ is already fully funded. Loans were borrowed at the outset and paid into a professionally managed trust - a trust fund, which supports the CCJ capital expenditures and operating costs. Jamaica has already repaid its share of those loans, so the CCJ has already been fully paid for.

Mr. Speaker, since the costs of the CCJ are covered by the income and the gains generated by the fully endowed trust fund, the CCJ is not a charge on the national budgets of the countries which make use of the Court. Let us recall that this fact helps to account for the CCJ being accepted and acknowledged as the only Court in all the world that is the most insulated from political interference.

(Applause) It does not depend on line items in the annual budgets of the contributing territories.

MEMBERS: Hear! Hear!

The PRIME MINISTER: And, Mr. Speaker, concerning the matter of the appointment and tenure of the CCJ Judges, the proposed legislation speaks to the implementation of the agreement, establishing the Caribbean Court of Justice, which deals with the issue of the appointment and tenure of our Judges to the CCJ.

Mrs. NEITA-HEADLEY: Hear, hear.

The PRIME MINISTER: The appointment of all Judges is and will be the responsibility of the Regional, Judicial and Legal Services Commission. The proposed legislation also sets out very clearly, the composition of the Commission. It outlines the mechanism for the selection of Judges of the CCJ that is transparent and free from any form of political control.

Mr. PICKERSGILL: Yes.

The PRIME MINISTER: The only member of the Court in whose appointment and participation in the Commission the Regional Political Directorate will have any say, is the Chairman, who will also be President of the Court.

Mr. Speaker, the Heads of Government cannot just appoint a chairman of their choice, they will have to select one nominated by the Commission. Most importantly, the CCJ is the only Court in all the world whose Judges are not directly or indirectly appointed by national political representatives - representative. Anyone in this House, who has observed the work of the Judges of the CCJ thus far, would have realized that they're independent, fearless...

Mrs. NEITA-HEADLEY: Yes.

The PRIME MINISTER: ...knowledgeable and objective in the way they dispense justice. (Applause) A learned judgement in the Shanique Myrie Case, a classic example.

MEMBERS: Hear, hear.

The PRIME MINISTER: The CCJ has been established with great care to ensure, Mr. Speaker, the highest level of judicial independence and integrity. The Regional Judicial Services Commission is also fully shielded from political interference. It has appointed eminent jurists of the highest standard, both from within the region and outside to the bench of the Court.

Mr. Speaker, the overriding benefit of the CCJ is its accessibility. The Privy Council is fundamentally inaccessible to the vast majority of our people. (Applause)

Mr. PICKERSGILL: Yes, yes, you have to get visa.

Mrs. NEITA-HEADLEY: Hear, hear.

The PRIME MINISTER: The litigants and their Jamaican lawyers need visas to travel to the UK. (Applause)

Mrs. NEITA-HEADLEY: Yes.

Mr. PICKERSGILL: These visas expensive.

The PRIME MINISTER: Visas are not available or granted as a right.

Mr. PICKERSGILL: Yes.

The PRIME MINISTER: Jamaicans are the only people in the entire global structure

who're obliged, Mr. Speaker, to seek and obtain travel visas to access one of the courts.

Mrs. NEITA-HEADLEY: Yes.

The PRIME MINISTER: Again, the costs of retaining UK lawyers for representation in appeals are too high for the vast majority of our people.

(Applause)

Mr. PICKERSGILL: Yes.

The PRIME MINISTER: Mr. Speaker, Members of this Honourable House, the CCJ is so designed that it travels to the member countries to hear cases on home soil.

Mrs. NEITA-HEADLEY: Yes.

The PRIME MINISTER: It is an itinerant court. That was demonstrated, Mr. Speaker, in the Shanique Myrie Case...

MEMBERS: Yes.

The PRIME MINISTER: ...as she sought justice after she complained that her treaty rights were violated by agents of the state on attempting to enter Barbados.

Mrs. NEITA-HEADLEY: Yes, that right.

The PRIME MINISTER: The CCJ has an excellent record so far. Barbados, Guyana, Belize and indeed CARICOM as a whole in respect of treaty matters, are all benefitting from the quality of its judgements and the ready access which it affords to Caribbean citizens.

(Applause)

Mr. Speaker, the Privy Council is a British institution. Its existence depends on the impulse and decisions of the UK Government.

Mrs. NEITA-HEADLEY: Yes.

The PRIME MINISTER: There have been calls from the President of the Supreme Court in the UK for Caribbean countries to make use of the CCJ and free up their judicial time to deal with cases from their home country. (Applause)

Surely, Mr. Speaker, it is time for us to take that not so subtle hint. Are we going to wait until we're asked to directly leave?

Mrs. NEITA-HEADLEY: Exactly.

The PRIME MINISTER: Have we no shame?

A MEMBER: No they don't.

Mr. PICKERSGILL: Words! Words!

Mrs. NEITA-HEADLEY: Shame!

The PRIME MINISTER: The Bills now before this Honourable House will entrench the CCJ in the Jamaican Constitution. The CCJ will have the same protection in our Constitution as the Supreme Court and the Court of Appeal. (Applause) The Privy Council has no such protection as it was always understood that independent Jamaica would not stay with that Court forever.

Mr. Speaker, the Parliamentary Opposition perhaps they knew this was going to be done that's why they left. Can't take it at all, but it's still not going to stop the work of this Government, on behalf of the Jamaican people. (Applause) The Parliamentary Opposition argues that our withdrawal from the Privy Council in the United Kingdom and to embrace the CCJ as our final Court of Appeal should be the subject of a referendum.

(MRS. SHARON FFOLKES-ABRAHAMS, (PNP), St. James, West Central, Minister of State in the Ministry of Industry,

Investment and Commerce, entered and took her seat.)

The PRIME MINISTER: Mr. Speaker, according to the Judicial Committee itself, our law and Constitution do not contemplate that these changes be put to a referendum. What is required, according to the Privy Council, is a two-thirds majority vote in each House of Parliament.

Let us remind ourselves that a referendum is a political process, political parties use them for political advantage. I know who would have the advantage, yet, we are prepared to go this route.

We should not subject a decision concerning our Judiciary and the highest level, our legal and judicial system, Mr. Speaker, to partisan politics. (Applause)

Mrs. NEITA-HEADLEY: That's right! That's right!

The PRIME MINISTER: Almost all of the countries which were formally of the British Empire have moved away from the Privy Council.

A Government MEMBER: Including Scotland!

The PRIME MINISTER: This includes Canada, Australia, New Zealand, India, South Africa, Barbados, Guyana, Belize and Dominica. Not one of them sought to have the issue put to a referendum.

Mrs. NEITA-HEADLEY: Sensible people!

The PRIME MINISTER: But, you see, there is a difference between thinking about the people - our population - than thinking about self-interest. (Applause) The poor man or woman in Jamaica will never be able to find that plane fare to go to the Privy Council...

(Applause)

Mrs. NEITA-HEADLEY: That's correct!

The PRIME MINISTER: ...and to pay a lawyer to defend them there at the Privy Council.

We recall the attempt that was made in St. Vincent and the Grenadines, and how that referendum exercise became highly politicized. It also appears that in that country - quite unusual - there is the requirement for referendum to be held to delink from the Judicial Committee.

Mr. Speaker, the right to self-determination is a time-honoured principle.

Mrs. NEITA-HEADLEY: Yes, yes.

Mr. PICKERSGILL: Yes!

The PRIME MINISTER: Why do we need a referendum to determine if we must continue to be dependent or independent? (Applause)

(HON. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern, Minister of State in the Ministry of Local Government and Community Development, entered and took his seat.)

A referendum is also very expensive; it's a very expensive process costing hundreds of millions of dollars. To spend these large sums on a process not required by our Constitution, and which the experience of other countries shows to be potentially damaging, really

makes little sense. Do we wish to go where angels and all the other countries before us fear to tread? Are we prepared to?

Mr. Speaker, much discussion has taken place on whether or not the Constitution allows for section 110 to be repealed by a simple majority, as we intend to do.

Mr. PICKERSGILL: Yes, yes.

The PRIME MINISTER: This can be done because that section is not entrenched. Commonsense, Mr. Speaker, suggests that it would not have been sensible to entrench in the Constitution of Jamaica an institution, in this case the UK Privy Council, where its continued willingness to hear appeals from Jamaica, could not be enforced by Jamaica.

By the way, that constitutes another solid reason why no country which has delinked from the Privy Council, has ever subjected the issue to a referendum vote. For, if we vote - if the vote is yes, to remain with the Privy Council, the power to enforce that vote does not reside in Kingston but in Whitehall.

Mr. Speaker, the Privy Council is an institution of the United Kingdom Government.

Mrs. NEITA-HEADLEY: Yes!

The PRIME MINISTER: And it would not be in our interest to entrench in our Constitution an institution which belongs to another sovereign country.

(*Sotto voce* comments)

The PRIME MINISTER: Mr. Speaker, that is why when this matter was considered in 1962 by the Constitutional Committee, which was chaired by the Right Excellent Norman Manley, and consisting of other eminent persons such as Sir Lensley Condon, Sir Neville Ashenheim, Douglas Fletcher, Donald Sangster - Donald Sangster and Clem Tavares, it was decided that the Privy Council, which is located in another country, could not be entrenched in our Constitution. (Applause) And that had members of both political parties represented.

(*Sotto voce* comments)

The PRIME MINISTER: I turn now, Mr. Speaker, to the matter of bipartisan consensus. In recent times - in March 2011, a historic development took place in this House. The then Opposition - which I led - voted with the then Government, to approve the legislation for the Charter of Fundamental Rights and Freedoms. (Applause)

Mr. Speaker, I led my party to be part of a bipartisan consensus, in the interest of our country, and in the interest of our people. (Applause) We refused to close the door on bipartisanship in Jamaica. I believe that this House now has another opportunity for bipartisan consensus in the interest of the people of Jamaica. (Applause)

Mrs. NEITA-HEADLEY: Hear! Hear!

The PRIME MINISTER: The Senate will also have the same opportunity in this matter.

I am still hopeful, Mr. Speaker, that more than fifty years after our independence we can achieve political consensus between the Government and the Opposition, to fulfill this important aspect of achieving independence and adopting the CCJ as Jamaica's final Court of Appeal.

(Applause)

Mr. Speaker, our research shows that the first proposal to delink from the Privy Council and to establish a final Court of Appeal here in the Caribbean is to be found in a *Gleaner* editorial of 1908, which maintained that the Judicial Committee was out of joint with the times. Those who say we should not...

Mr. PICKERSGILL: 1908!

Mrs. NEITA-HEADLEY: 1908.

The PRIME MINISTER: ...they are not with the times. Right, 1908.

(*Sotto voce* comments)

The PRIME MINISTER: It was also mooted at a meeting of British Governors in Barbados in 1948, which also recommended that a university should be established here, in the English-speaking Caribbean, and also, that there should be free movement of people throughout the region. There was also a strong suggestion made by the Organization of Commonwealth Caribbean Bar Association during the 1960s.

Mr. Speaker, it was also placed on the Agenda of the Conference of Heads of Government, right here in Kingston, in 1970, under the chairmanship of Jamaica's then Prime Minister, the Honourable Hugh Lawson Shearer. (Applause)

The Conference mandated - the Conference chaired by the Most Honourable Hugh Lawson Shearer, mandated that the establishment of a final Court of Appeal for the English-speaking Caribbean, should be actively pursued. (Applause) Since then...

Mr. PICKERSGILL: Cock mout' catch cock!

The PRIME MINISTER: ...we have made some slow progress on this matter.

Jamaica has ratified the agreement to establish the Caribbean Court of Justice. We must now take the next step. We must move to replace the jurisdiction of the Judicial Committee of the Privy Council with the CCJ, as Jamaica's highest Appellate and final Court. (Applause)

Mr. Speaker, these three Bills are intended to do just that. I invite the Honourable House to give full support to these three Bills so that Jamaica can take its rightful place in the Caribbean Court of Justice...

Mr. PICKERSGILL: Hear! Hear!

The PRIME MINISTER: ...and complete its circle of independence, while at the same time enhancing the rights and access to justice for all our people, not some, all our people. (Applause)

Thank you. (A Standing Ovation)

Mrs. NEITA-HEADLEY: Hear! Hear!

Mr. PICKERSGILL: They don't know what they are missing.

(*Sotto voce* comments)

Mr. PAULWELL: Mr. Speaker, I move for the suspension of the debate until next Tuesday.

The SPEAKER: Suspended.

Mr. PAULWELL: Mr. Speaker, I move for the recommittal of the item, Notices of Motions Given Orally.

The SPEAKER: The question is for the recommittal of Notices of Motions Given Orally.

Put to the House and agreed to.

NOTICES OF MOTIONS GIVEN ORALLY
(Recommitted)

Mr. PAULWELL: Mr. Speaker, on behalf of the Minister of Finance, I beg to give notice of the following:

The Stamp Duty (Amendment of Schedule) Order Resolution, 2014.

Whereas on the 30th day of June, 2014, the Minister made the Provisional Collection of Tax (Collective Investment Schemes Order) 2014, which amended the Schedule to the Stamp Duty Act, for the limited period referred to in section 3 of the Provisional Collection of Tax Act;

And Whereas it is desirable to make more permanent provision in respect of the amendments to the Schedule to the Stamp Duty Act, set out in the Provisional Collection of Tax (Collective Investment Schemes Order) 2014;

And Whereas by virtue of section 4(1) of the Stamp Duty Act, hereinafter referred to as 'The Act', the Minister may by order revoke, increase, reduce or alter any duties specified in the Schedule to the Act, and may add any duties thereto;

And Whereas on the 25th day of November, 2014, the Minister made the Stamp Duty (Amendment of Schedule Order), 2014;

And Whereas it is provided by section 4(3) of the Act that every order made under section 4(1) of the Act shall be subject to affirmative resolution of the House of Representatives;

Now Therefore, be it resolved by this Honourable House as follows:

i. This resolution may be cited as the Stamp Duty (Amendment of Schedule Order) Resolution, 2014, to the Stamp Duty (Amendment of Schedule Order), 2014, is hereby affirmed.

Mr. Speaker, I also beg to give notice on behalf of the Minister of Finance, that at the next meeting of the House he will introduce and have read a first time, the following Bills shortly entitled, firstly,

- The Urban Renewal Tax Relief (Amendment) Act, 2014, and
- The Transfer Tax (Amendment) Act, 2014.

ADJOURNMENT

Mr. Speaker, it is not intended for us to do any further business this afternoon. So I hereby move for the adjournment of the Parliament until next Tuesday, December 2, at 2:00 p.m.

The SPEAKER: The question is that the House do adjourn to next Tuesday, December 2, at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: (Gavels) The House stands adjourned.

The Honourable House of Representatives was adjourned at approximately 3:31 p.m. to resume on Tuesday, December 2, 2014, at 2:00 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2014 – 2015

TUESDAY, December 2, 2014

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.40 p.m.

PRESENT

THE SPEAKER

HON. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern, Speaker of the House.

MR. LLOYD BARNES SMITH, (PNP), St. James, Central, Deputy Speaker

MEMBERS OF THE CABINET

THE HONOURABLES:

HON. PHILLIP FEANNY PAULWELL, (PNP), Eastern Kingston & Port Royal, Minister of Science, Technology, Energy and Mining and Leader of the House

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, ON, (PNP), St. Andrew, South Western, Prime Minister and Minister of Defence

DR. THE HON. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern, Minister of Transport, Works and Housing

HON. PETER MURCOTT BUNTING, (PNP), Manchester, Central, Minister of National Security

HON. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, Minister of Labour and Social Security

REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston, Central, Minister of Education

HON. LISA RENÉ SHANTI HANNA, (PNP), St. Ann, South Eastern, Minister of Youth and Culture

DR. THE HON. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing with responsibility for Housing

HON. NATALIE GAYE NEITA-HEADLEY, (PNP), St. Catherine, East Central, Minister without Portfolio in the Office of the Prime Minister with responsibility for Sports and Deputy Leader of the House

HON. EVON PATRICK CULLITON ATKINSON, QC, (PNP), Trelawny, Northern, Attorney General

MINISTERS OF STATE

HON. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern, Minister of State in the Office of the Prime Minister

HON. JULIAN JAY ROBINSON, (PNP), St. Andrew, South Eastern, Minister of State in the Ministry of Science, Technology, Energy and Mining

HON. RICHARD AZAN, (PNP), Clarendon, North Western, Minister of State in the Ministry of Transport and Works

HON. IAN DAVE HAYLES, (PNP), Hanover, Western, Minister of State in the Ministry of Agriculture and Fisheries

OTHER MEMBERS

DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central

DR. LYNVALE GEORGE BLOOMFIELD, (PNP), Portland, Eastern

MR. HUGH CARL BUCHANAN, (PNP), St. Elizabeth, South Western

MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central

HON. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern

MRS. MARISA COLLEEN DALRYMPLE-PHILIBERT, (JLP), Trelawny, Southern

MR. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central

MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern

MR. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western

MR. RAYMOND FRANKLYN PRYCE, (PNP), St. Elizabeth, North Eastern

MR. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western

MR. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central

MR. AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern

MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary, Western

MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western

MR. RUDYARD CONRAD SPENCER, CD, (JLP), Clarendon, South Eastern

MR. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western

MR. CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western

DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central

PRAYERS

Prayers were offered by Dr. Lynvale Bloomfield

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

STATEMENTS BY MINISTERS

Mr. PAULWELL: Mr. Speaker, the Minister of Labour and Social Security and Agriculture will give a statement.

The SPEAKER: Minister Kellier.

Mr. KELLIER: Mr. Speaker, this Government takes very seriously its moral responsibility and duty to protect the people of Jamaica, particularly the most vulnerable and disadvantaged members of the society. In last year's budget $75 Million was made available by the Government as a short-term

intervention project in response to the economic challenges encountered by these vulnerable groups.

(MR. ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Leader of the Opposition, entered and took his seat.)

(MR. WILLIAMS JAMES CHARLES HUTCHINSON, CD, (JLP), St. Elizabeth, North Western, entered and took his seat.)

The harsh economic conditions experienced locally and internationally impacted very heavily on the poor, the elderly, persons with disabilities, youth at risk, members on the PATH households and the unemployed. Approximately 3,500 poor households benefitted from this intervention last year.

The implementation of this project, Mr. Speaker, was done in collaboration with Members of Parliament, each of whom was allocated $1 Million per constituency. (Applause) The funding was directed largely towards the following productive activities: provision of compassionate grants, entrepreneurial ventures, and beautification of public spaces.

Mr. Speaker, I want to commend the Members of Parliament for recommending to the Ministry projects that were productive, meaningful and viable. (Applause) To this extent, Mr. Speaker, our evaluation showed that the assistance impacted in a very significant way the economic conditions of the recipients. I'm happy to report to this Honourable House that based on the positive outcomes from this intervention the Most Honourable Prime Minister and the Cabinet have decided that another $75 Million should be dedicated to continue this initiative. (Applause) The funds have been provided for by the Ministry of Finance in this year's budget to finance this programme.

In implementing this programme the same methodology used last year will be adopted. Each Member of Parliament will again be allocated $1 Million and will receive a letter that provides details of the project along with the prescribed form for the submission of beneficiaries' names and projects.

The recommendations are to be sent directly to the Permanent Secretary who will initiate the necessary investigations by social workers, to ensure that the projects are productive and beneficial. This programme will be undertaken during the remainder of this financial year, so I urge all Members of Parliament to make their recommendations to the Ministry at 14 National Heroes Circle, Kingston 4, by the latest of March 2015. They can start…

(Cross talk)

…by the latest of March 2015.

As of now, Mr. Speaker, Members of the House will be able to collect their envelopes in the usual place in the Member's room and they will sign for them so that we ensure that everyone gets their allocation in time, and they need to start right now.

(Cross talk by Mr. Chuck)

Yes, yes, you start right now. You start right now. But I know some people are usually tardy and there is a cut-off time because of the

financial year. So, it is ready as we speak Mr. Speaker, and I encourage the Members to make full use of it.

Thank you very much.

(Applause)

(HON. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western, Minister of Industry, Investment and Commerce, entered and took his seat.)

(HON. HORACE WASHINGTON DALLEY, CD, (PNP), Clarendon, North, Minister without Portfolio in the Ministry of Finance and Planning with responsibility for Public Service, entered and took his seat.)

ANNOUNCEMENTS

The Clerk laid on the Table of the House a copy of the following:

- **Ministry Paper No. 150**
  An Annual Report and Audited Financial Statements of the Development Bank of Jamaica Limited for the financial year ended March 31, 2014;
- **Ministry Paper No. 151**
  Annual Report and Audited Financial Statements of the Agricultural Credit Board for the financial year 2012/2013;
- Harmonization Limited Annual Reports Audited Financial Statements for the financial years April 1, 2010 to March 31, 2011; April 1, 2011 to March 31, 2012; and April 1, 2012 to March 31, 2013;
- Broadcasting Commission Annual Report and Audited Financial Statements for the financial year April 1, 2012 to March 31, 2013;
- Ministry of Foreign Affairs and Foreign Trade Report on the incarceration of a Jamaican national in Qatar.

BILLS BROUGHT FROM THE SENATE

The Clerk read the following from the President of the Senate:

"To the Honourable House of Representatives:

I have the honour to advise the Honourable House of Representatives that on the 28th day of November 2014, a Bill entitled: "An Act to provide for the regulation of timeshare vacation schemes and for connected matters" was passed in the Senate without amendments.

Signed: Floyd E. Morris,
President of the Senate

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Minister Dalley.

Mr. DALLEY: Mr. Speaker, I beg to give notice that at the next sitting of the House I will move: The Public Debt Management Act, Public Debt Management (Borrowing

Purposes) (Specification of Exceptional Ground) Order, 2014, Resolution:

Whereas by virtue of Section 10 of the Public Debt Management Act, the Minister may borrow money under Section 9 of that Act, for the purposes set out in Section 10 and such other grounds as the Minister may, by order, subject to affirmative resolution of the House of Representatives, specified to exemptions;

And Whereas on the 9th of September, 2014, the Honourable House of Representatives approved Ministry Paper No. 118 dated July 14, 2014, titled Assumption of Loan Outstanding of Approximately US$237 Million due from Clarendon Alumina Production Limited (CAP), to the PetroCaribè Development Fund by the Government of Jamaica and Ministry Paper No. 119 dated July 14, 2014, titled Assumption of Financial Obligations of Wallenford Coffee Company by the Government of Jamaica respectively;

And Whereas the Minister is satisfied that the assumption of the debt obligations of a public body in circumstances where the assumption is necessary to ensure compatibility with the targets of the macroeconomic objectives of the Government is exceptional for the purpose of Section 10(j) of the Act;

And Whereas on the 2nd day of December, 2014, the Minister made by Public Debt Management (Borrowing Purposes) (Specification of Exceptional Ground) Order, 2014, Resolution;

And Whereas it is desirable that the Public Debt Management (Borrowing Purposes) (Specification of Exceptional Ground) Order, 2014, should be affirmed by resolution;

Now Therefore, Be it Resolved by this Honourable House as follows:

1) This Resolution may be cited as the Public Debt Management (Borrowing Purposes) (Specification of Exceptional Ground) Order 2014, Resolution; and the Public Debt Management (Borrowing Purposes) (Specification of Exceptional Ground) Order, 2014, is hereby affirmed.

which was laid on the Table of the House today.

Mr. Speaker, thank you.

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. PAULWELL: Mr. Speaker, before we get into Question and Answers to Questions, I want to acknowledge the presence from North Central St. Andrew who was unwell recently but is looking fit and ready to resume in Parliament however he might. (Applause) He has assured me that he's firing on all fronts now. (Laughter)

Opposition MEMBERS: All cylinders.

Mr. PAULWELL: All cylinders. (Laughter) Confirmed by his wife.

Mr. Speaker, we have two questions to be answered today - Question 24 and Question 26. We are getting the copies done as we speak so we'll move on and resume this item in about five minutes, Mr. Speaker.

Mr. WARMINGTON: You will recommit.

Mr. PAULWELL: Recommit, yeah.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Mrs. NEITA-HEADLEY: Mr. Speaker, I now move to introduce and have read a first time a Bill shortly entitled: "The Anti-Doping in Sport Act, 2014".

Bill shortly entitled:

"The Anti-Doping in Sport Act, 2014",

read a first time.

Mrs. NEITA-HEADLEY: Mr. Speaker, I beg to give notice of second reading of the Bill.

Mr. Speaker, I further beg to give notice that at a later stage today I will move for the suspension of the Standing Orders to enable me to commence reading of this Bill.

The SPEAKER: Minister Dalley.

Mr. DALLEY: Mr. Speaker, I now move to introduce and have read a first time the following Bills shortly entitled: "The Securities (Amendment) 2014", "The Transfer Tax (Amendment) Act, 2014", and "The Urban Renewal (Tax Relief) (Amendment) Act, 2014".

Bill shortly entitled:

"The Securities (Amendment), 2014",

read a first time.

Bill shortly entitled:

"The Transfer Tax (Amendment) Act, 2014",

read a first time.

Bill shortly entitled:

"The Urban Renewal (Tax Relief) (Amendment) Act, 2014",

read a first time.

Mr. DALLEY: Mr. Speaker, I beg to give notice of the second reading of the Bills. I further beg to give notice that at a later stage today I will move for the suspension of Standing Orders to enable the second reading of the first two mentioned Bills and also for me to take them through all their stages later afternoon.

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, I move for the recommittal of item, Questions and Answers to Questions.

The SPEAKER: The question is for the recommittal of the item, Questions and Answers to Questions.

Put to the House and agreed to.

QUESTONS AND ANSWERS TO QUESTIONS (Recommitted)

Mr. PAULWELL: As I mentioned, Mr. Speaker, the Prime Minister will answer questions.

Mr. HOLNESS: Mr. Speaker, will the Prime Minister answer the questions standing in my name.

The SPEAKER: Prime Minister.

Dr. DAVIES: Who won the bi-election?

(Laughter)

Mr. HOLNESS: Not you.

A MEMBER: Audley, Audley.

(Applause/Cross talk)

The PRIME MINISTER: Thank you, Mr. Speaker.

(Cross talk) (The Speaker gavels)

Answers to questions asked by the Leader of the Opposition.

Question 1:

Will the Prime Minister state whether she received correspondence or information from a Mr. Lennie Little-White or any party, within or external to the Government offering for sale or advising of the acquisition of lands and/or other assets related to the Outameni Experience, and if so, when did she receive such correspondence or information?

Answer:

Mr. Speaker, upon review of all the files presented to me, I can inform this Honourable House that:

1. I received no correspondence from Mr. Lennie Little-White. However, on January 10, 2012, I received a letter from his late sister, Dr. Heather Little-White. She pointed out in her letter that former Prime Minister Honourable Bruce Golding before he demitted office, had instructed the then Minister of Tourism Honourable Edmund Bartlett to spearhead a team to save this attraction. She pointed out that Mr. Golding's letter, Honourable Golding's letter, to Mr. Bartlett had said, "It would be a terrible loss to see this attraction fold being one of the few that portray Jamaica's history and indigenous culture". She also said in letter to me that she had raised the matter with the former Minister of Culture, Honourable Olivia Grange, but nothing had been done and that she had later appealed to former Prime Minister, Mr. Andrew Holness, and did not get a reply. Dr. Little-White appealed to me to see how the attraction could be refinanced such as a mortgage for 15 years or more and repackaged because of its national importance to education and culture.
2. On February 10, 2012 I was copied on a letter from the Minister of Transport, Works and Housing, Dr. the Honourable Omar Davies, addressed to the Minister of Tourism and Entertainment, Honourable Dr. Wykeham McNeill. The letter from Dr. Davies brought to the attention of the Tourism Minister a letter written by former Prime Minister Honourable Bruce Golding to the former Minister of Tourism, Mr. Edmund Bartlett, suggesting that Mr. Bartlett spearhead a move to find a solution to the problem being encountered by the Outameni Experience attraction.
3. On March 13, 2012, I wrote to the Minister of Tourism and Entertainment referencing the letter from Dr. Davies, like former Prime Minister Golding before me had done in respect of his Tourism Minister. I asked the Minister of Tourism to intervene to see what can be done to

save the property, which even though privately owned, was set up as a heritage attraction.

4. Mr. Speaker, the matter never again came to my attention until it was reported in the media that the property had been purchased by the National Housing Trust.

Question 2:

Will the Prime Minister submit all correspondence related to the transactions whether they be letters, notes, recordings, contracts or any other information in relation to the discussions on Outameni from all Ministries, Ministers and Government officials including the Minister and the Ministry of Tourism and all correspondence to the Office of the Prime Minister and to the Prime Minister?

Answer:

Yes, all correspondence and documentation requested by the Auditor General and the Contractor General, which are the appropriate bodies to receive such submissions, will be provided to them.

(Applause)

Question 3:

Will the Prime Minister advise the House of the full expenditure, both expected and already expended, in the purchase of any assets related to the Outameni Experience by the NHT?

Answer:

Before responding directly to this question, I want to correct a misleading impression created by the Leader of the Opposition on the previous occasion when I answered questions on this matter.

Now, to my response: The National Housing Trust has informed me that the full expenditure for the purchase of the buildings including a 300 year-old Great House and land, chattels and associated costs in relation to the Orange Grove property is a total of $208,256,713.00.

This includes the March 15, 2013 purchase by the NHT from the Capital and Credit Merchant Bank for $180 Million, Orange Grove in Trelawny, comprising of 9.12 acres of land and at least sixteen buildings including the 300 year-old Great House where the Outameni Experience operated. The cost for the land was $12.74 Million. Capital and Credit Merchant Bank was the vendor acting under its powers for sale.

I am aware that the Board of the National Housing Trust has made public through the media, the Sale Agreement for the purchase of the property. The total sum also includes the July 2014 purchase by the National Housing Trust of chattels and equipment from Mr. Lennie Little-White for the sum of $2,112,885.00.

In addition to the purchase price indicated before the NHT has spent $25,259,958.00 for the maintenance and administration of the property - costs associated with the purchase of the land such as the valuation report, legal fees, and stamp duty; insurance and property tax.

(MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, entered and took her seat.)

(MR. KEITH ANTHONY WALFORD, (PNP), St. Ann, South Western, entered and took his seat.)

Question 4:

Will the Prime Minister advise the House of any debt written off by any Government Agency in relation to the Outameni Experience and state the value of such debt?

Answer:

It is now a matter of public record, and was the subject of a detailed press release by the Development Bank of Jamaica on November 17, 2014, that the DBJ has written off US$500,000.00 plus accruals, which it invested in preference shares not debt issued by Orange Valley Holdings Limited.

Mr. Speaker, March 2011, while the Jamaica Labour Party formed the Government, the DBJ Board decided to make full provision for this loss of the National Investment Bank of Jamaica's equity investment in Orange Valley Holdings Limited which was in the form of preference shares. The equity investment by the NIBJ was to assist with the construction of a heritage tourism attraction/theme park at Orange Grove in Trelawny, later known as Outameni Theme Park.

(Cross talk)

It has also come to my attention that in 2008, while the Jamaica Labour Party formed the Government, Orange Valley Holdings Limited was the beneficiary of a $3 Million loan facility which the Tourism Enhancement Fund made available to tourism entities. The Minister of Tourism and Entertainment will address this matter.

(Cross talk/Laughter)

Question 5:

Will the Prime Minister advise the House as to whether Mr. Lennie little-White or any business with which he is involved or has been involved has undertaken political work or campaign related activities for the governing political party whether through campaign contributions of cash or kind, or contracted work?

Answer:

Under the Standing Orders of the House of Representatives, I am not obliged to answer this question as it does not relate to the business of Government. However in the interest of full disclosure, I will answer same.

The professional creative production and reputable filming company, Media Mix limited, with which Mr. Lennie Little-White is associated, are among many creative and audio-visual service providers who have in the past been contracted at market rates to provide services to the governing political party.

A Government MEMBER: That's right and to the JLP too.

The PRIME MINISTER: Of course.

Question 6:

Will the Prime Minister tell the House whether she has had any meetings or correspondence with the members of the Board, or executive of the NHT, or interested parties in relation to the acquisition pertaining to Orange Grove/Outameni Experience, and if so:

a. provide details of such meetings and conversation;
b. provide to the House any document that was presented before, during, or after these meetings, conversations or consultations.

Answer:

Mr. Speaker, I had no meetings nor correspondences with the members of the Board, or Executive of the NHT, or interested parties in relation to the acquisition pertaining to Orange Grove/Outameni Experience before October 30, 2014. Since October 30, I have met with the Chairman of the Board and some members of the Board to ascertain the facts in this matter. There are no documents.

Question 7:

Will the Prime Minister tell the House whether the legal entity that operated the business known as the Outameni Experience fulfilled all its statutory obligations in terms of but not limited to NHT contributions, contributors PAYE taxes, NIS obligations, or any other legally required obligations up to the time of sale.

Answer:

I have been advised that the applicable laws of Jamaica do not allow for the public disclosure of documents, information and records related to the income or affairs of any person otherwise than for the purposes of the TAJ Act or any revenue law.

Mr. SHAW: Cover up.

(*Sotto voce* comment by Mr. Bunting/Laughter)

Mr. SHAW: Still want to hear about the sweetheart deal.

(The Speaker gavels)

The PRIME MINISTER:

Question 8:

Will the Prime Minister indicate whether she has had any briefings from, or meeting with the NHT Board on matters relating to the acquisition of lands at Orange Grove since becoming aware of the acquisition?

Answer: Yes.

Question 9:

Can the Prime Minister state the cost incurred by the NHT to date to manage the property/facility at Orange Grove since its acquisition, including the salary paid to any property manager or project manager?

Answer:

The NHT has advised that the sum of $19,941,777 has been spent since acquisition of the property in March, 2013.

This expenditure by the NHT covers cost for security, salaries and allowances for seven persons; five employed since 2013 and two persons employed since June

2014: maintenance, utilities, valuation and consultancy fees, stationery and materials, office supplies, traveling and subsistence.

(MISS JOYCE DENISE DALEY, (PNP), St. Catherine, Eastern entered and took her seat.)

Mr. HOLNESS: Mr. Speaker, followup questions. The Prime Minister in her answer to Question Number l seeks to draw reference to what former Prime Minister Golding did, former Minister of Tourism, Edmund Bartlett did, and what I did as former Prime Minister.

Will the Prime Minister state whether or not under the Jamaica Labour Party Government any approval was given for the purchase of Outameni by the NHT?

(*Sotto voce* comments)

The PRIME MINISTER: Mr. Speaker, it would be very difficult for me to respond to that question. I would have to research it.

Mr. HOLNESS: Mr. Speaker, I could help the Prime Minister to say, I certainly gave no such approval, and I am certain that Prime Minister Golding...

(The Speaker gavels)

...gave no such approval; that the approval for the purchase of Outameni using the NHT Fund was done by the People's National Party Government, and the Chairman of the NHT Board. That is the answer, Mr. Speaker.

Mr. Speaker, the Prime Minister stated in her answer to Question 1, that she gave instructions to her Minister of Tourism to explore ways of assisting Outameni, and then she heard nothing more of it since. I want to find out, Mr. Speaker, is it common practice for instructions to be given by the Prime Minister to her Ministers, and for her Ministers not to respond with what they have done, based on her instructions?

The PRIME MINISTER: I asked for him to see what could been done; I got no response that anything was done to assist at that time.

Mr. HOLNESS: I am just trying to be clear, Mr. Speaker. Is it that you got a response saying nothing can be done, or is it that you got no response?

The PRIME MINISTER: The Minister of Tourism will be answering questions as well, on this matter, and I am sure you will be able to provide further information, if available, on this.

Mr. HOLNESS: It is a simple question as to whether or not...

(*Sotto voce* comments)

Mr. HOLNESS: Mr. Speaker, may I restate my question to the Prime Minister?

(*Sotto voce* comment by the Speaker)

Mr. HOLNESS: Thank you. Prime Minister, did you receive a response from your Minister, and if so, what was the response?

The PRIME MINISTER: I told you I received no response.

Mr. HOLNESS: Thank you, Mr. Speaker. Mr. Speaker, the Prime Minister has said that she has given all the documentation to the Auditor General and the Contractor General.

The PRIME MINISTER: I did not say I have.

A Government MEMBER: She will…

(*Sotto voce* comment by Mr. Warmington)

Mr. HOLNESS: Mr. Speaker, my question to the Prime Minister is whether or not she will provide this House, which is an appropriate body to receive such information. Indeed, Mr. Speaker, a higher body that either the Contract General or the Auditor General and, we...

(*Sotto voce* comment)

Mr. HOLNESS: No, no, no, this body, the House of Parliament has the authority to requisition such documents from the Prime Minister, and by these questions, we have, Mr. Speaker, and the Prime Minister by her answer, has refused to deliver these documents.

Mr. PAULWELL: On a point of order, Mr. Speaker. Mr. Speaker, the question was whether or not the Prime Minister will make available the documents.

Mr. McKENZIE: You can't answer for the Prime Minister, House Leader. Let her answer herself.

(DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, entered and took his seat.)

Mr. PAULWELL: The Auditor General and the Contractor General are both commissions of this Parliament, and...

Mr. HOLNESS: Precisely… (Inaudible comments

Mr. PAULWELL: …and, Mr. Speaker, if they are engaged in investigating this matter, it is entirely inappropriate for the Parliament at this stage to… (Inaudible comments) ….those documents – entirely inappropriate.

Mr. HOLNESS: Mr. Speaker, I can cite cases, Mr. Speaker, where...

Mr. WARMINGTON: Rubbish!

Mr. HOLNESS: Mr. Speaker, when this Government was the Opposition and there was a concern about salaries being paid to consultants, it was requested…

(*Sotto voce* comment by Dr. Davies)

Mr. HOLNESS: Hold on... no, no, Mr. Speaker, it was requested, the income, it was...

Dr. DAVIES: You hide that one...

Mr. HOLNESS: ...the contract of appointment, and they were provided. We, last year, or two years ago, asked a similar request of this Government...

(*Sotto voce* comment)

Mr. HOLNESS: We asked a similar request, and it was provided.

(*Sotto voce* comments by Mr. Paulwell)

Mr. HOLNESS: Mr. Speaker, there is no way that the Parliament of Jamaica requesting these information from the Prime Minister could in any way place a danger on investigation being done by the Auditor General and the Contractor General.

Mr. WARMINGTON: Those are subservient to the Parliament.

Mr. HOLNESS: Mr. Speaker, I ask you to give a direction to this House, to the Prime Minister for such documents to be made available to the Opposition and to the public.

The SPEAKER: I think it is in order that the documents be provided.

Mr. PAULWELL: Mr. Speaker, I am trying to get clarification on the ruling that

you have just made. Which documents are you proposing that be handed over, those same documents that we have submitted to the Auditor General and the Contractor General...

The SPEAKER: Yes, yes...

Mr. PAULWELL: ...who are themselves investigating the matter?

The SPEAKER: Yes, yes. Any more questions?

Mr. HOLNESS: Mr. Speaker, just for clarity, Mr. Speaker. The Prime Minister sought to point out that it was under Jamaica Labour Party Government that a provision was made for the write-off of debt from the Development Bank of Jamaica and the NIBJ. Mr. Speaker, the history of the debt was that in 2005, the NIBJ - which is their right...

Dr. DAVIES: Is it a question or...

(Inaudible comments)

Mr. HOLNESS: I am certain you would want to hear it. Mr. Speaker, it was within their right as the State venture capital bank, almost, to invest in such an enterprise. And we on this side have no objections to investing in such enterprises.

However, Mr. Speaker, in 2008 the NIBJ, under Accounting Standards, recognize that the debt was not performing and did what was the automatic appropriate thing to do with debt is not performing. The Prime Minister, therefore, in answering the question, misled the House that the NIBJ, under the Jamaica Labour Party Government wrote off - the debt was not written-off in 2008, and I would ask the Prime Minister to explain the distinction between making a provision for a write-off *versus* a write-off. The debt actually was written off in 2013 under your Government Prime Minister; the debt was written off under your Government.

(Applause by Opposition Members)

So, Mr. Speaker, I want to make it absolutely clear that it wasn't under this Government; the Board acted in a prudential way. The write-off took place under your Government, Madam Prime Minister.

(Cross talk)

Mr. Speaker, Question 5. The Prime Minister said in her response that Mr. Lennie Little-White, or companies with which he is associated, were of other companies - among other companies that gave services to the...

Dr. DAVIES: Provided...

Mr. HOLNESS: I use the term *gave services.*

Dr. DAVIES: Provided.

Mr. HOLNESS: If the Member is comfortable with the provision of services whether on a *gratis* basis or for compensation, it must be declared in this House, and the Prime Minister has sought to hide it under other companies.

(Cross talk)

Mr. HOLNESS: This person who is a beneficiary of a government...

The SPEAKER: (Gavels) Prime Minister...

The PRIME MINISTER: I do not believe we are to use the cover and the veil of this Parliament to discredit people's reputation. I will not stand for it. I have been involved for forty years; no one can call me dishonest.

(Applause by Government Members)

I did not come here to lie. I gave the response to the questions as I have been advised on what I received.

Mr. HOLNESS: Mr. Speaker, the Prime Minister.

Mrs. NEITA-HEADLEY: Take it back.

Mr. HOLNESS: The Prime Minister in her usual 'won't' would want us to belief that in carrying out our duties, that we are trying to destroy people's reputation.

(*Sotto voce* comments)

Mr. HOLNESS: Let it be clear, Mr. Speaker, that in doing my duty, I also have a duty to protect the reputation of all involved, but at the same time to ferret out the truth, and to guide the public away from the red herrings that are being drawn over the trail on this matter. Mr. Speaker...

(*Sotto voce* comment by Dr. Davies)

Mr. WARMINGTON: Yesterday what - what happened yesterday?

Mr. HOLNESS: Mr. Speaker... Mr. Speaker...

Mr. SHAW: You gloating over your stronghold. You shouldn't gloat over it.

Mr. HOLNESS: ...in response to questions regard...

(*Sotto voce* comments)

Mr. HOLNESS: Mr. Speaker...

(*Sotto voce* comment by the Speaker)

Mr. HOLNESS: Thank you, sir. Mr. Speaker, in regards to questions about the Prime Minister's meetings with the Board, the question about whether or not you met with the NHT and whether or not you got a briefing from the NHT, you have not provided us - Mr. Speaker, through you to the Prime Minister - with what happened in that briefing. What information did you receive from the briefing, and what direction did you give to the Board when you met with them for that briefing - Question 8?

The PRIME MINISTER: Mr. Speaker, I responded to every question that was posed to me by the Leader of the Opposition. And I indicated that I had one meeting with members of the Board. And the other thing I want to say, Mr. Speaker, the NHT Act, their responsibility is to provide housing and to invest. The NHT responded by saying they felt it was a good investment. Thank you.

Mr. HOLNESS: Mr. Speaker, allow me to re-phrase my supplementary question to the Prime Minister. Having answered that she had a meeting after knowledge of the sale of the purchase of Outameni...

(*Sotto voce* comment)

Mr. HOLNESS: Right... my supplementary question is: what was the briefing that you received, and what direction did you give to the Board?

The PRIME MINISTER: Mr. Speaker, I have a personal responsibility; the fact that this matter is under investigation. I have given every information possible inside of this House, so that the investigations that are being done cannot be compromised in any way.

(Applause)

Mr. HOLNESS: Mr. Speaker, there are some gaps in the information provided. There is - the Prime Minister has not declared to us what her Minister advised her - her Minister of Tourism - regarding a...

(Inaudible comments by a Member)

Mr. HOLNESS: But the Prime Minister has not responded, Mr. Speaker, as to whether or not her Minister of Tourism responded to her as to her request.

(Inaudible comments)

Mr. HOLNESS: Mr. Speaker, the Prime Minister has not, in any way, shed any light on how such a major purchase by the NHT could be done without her knowledge. The Prime Minister has not shed any light on the direction that she has given to the Board regarding this matter. Mr. Speaker, there are many gaps in the responses of the Prime Minister.

The SPEAKER: Mr. Shaw.

Dr. DAVIES: Ask better questions.

Mr. WARMINGTON: Shut yuh mouth nuh!

Mr. CHARLES: Hold yuh breath now, hold yuh breath.

Mr. SHAW: Mr. Speaker, I'd just like to ask for clarification of the whole question, Mr. Speaker, of the reporting relationships that would have seemingly created a gap in the Prime Minister being unaware of the Outameni investment, and my first question is, whether the Honourable Prime Minister is aware that no corporate plans have been tabled in this Honourable House for the past three years in contravention of the Public Bodies Management and Accountability Act, and that were those corporate plans tabled, there would have been an obligation for the Outameni investment to be reported in the corporate plans.

Can the Prime Minister explain why there have been no corporate plans tabled in the House in contravention of the Public Bodies Management and Accountability Act?

(Cross talks)

Mr. CHARLES: Unoo giving the Prime Minister wrong advice.

The PRIME MINISTER: Mr. Speaker, I have to research this to say why not; why it wasn't done or why.

Mr. SHAW: Mr. Speaker, the Honourable Prime Minister indicates the last Annual Report for this National Housing Trust was tabled in this Honourable House in July of last year for the fiscal year 2012/2013. Under the Public Bodies Management and Accountability Act, the Annual Report and Financial Statements of Public Bodies are supposed to be tabled in Parliament within four months from the expiration of the fiscal year - the previous fiscal year.

Is the Honourable Prime Minister aware that the Annual Report and Financial Statements of the National Housing Trust for fiscal year 13/14, which should've been tabled no later than July of this year, have still not been tabled in this Honourable House?

Mr. L. BUCHANAN: Just like the report on the bridge you make.

Mr. SHAW: Mr. Speaker, Mr. Speaker...

Mr. WARMINGTON: Shut yuh mouth!

The PRIME MINISTER: I certainly will check on that. I certainly will check on that and advise you.

Mr. SHAW: Does that mean that the Honourable Prime Minister has not seen the

Draft Annual Report which should've been submitted to her as the responsible Minister, from at least July of this year; you've not seen the Report?

The SPEAKER: Mr. Warmington.

Mr. SHAW: No, no, no. No, Mr. Speaker.

The SPEAKER: You have more?

Mr. SHAW: Mr. Speaker...

The SPEAKER: Mr. Shaw, hold on.

Mr. SHAW: Yes.

The SPEAKER: You're supposed to be asking questions for clarifying.

Mr. SHAW: Yes, and the question, Mr. Speaker, the question of clarification has to do with Question Number 6, relating to any correspondence between the Board and the Executive of the NHT.

(Inaudible comments/Cross talks)

The SPEAKER: Hold on, Mr. Shaw, hold on.

Mr. SHAW: Mr. Speaker, Mr. Speaker.

The SPEAKER: Hold on.

Mr. SHAW: No, Mr. Speaker, I am simply seeking to establish Mr. Speaker, very simply this; that there are four major avenues for keeping the responsible Minister of a public body informed of events; the corporate plan, the annual report, half-yearly report and quarterly report. And I'm now asking the Honourable Prime Minister if as the responsible Minister she has not seen any half-yearly report or quarterly report in which the Outameni investment would've been mentioned?

(Cross talk)

Mr. HOLNESS: DBJ wrote off in your year, 2013!

A MEMBER: Nooo!

Mr. PRYCE: Get on with it!

Mr. SHAW: No answer?

A MEMBER: The Prime Minister answered that already.

Mr. SHAW: It's not answered already, I just asked about half-yearly report and quarterly report, which are supposed to be submitted to the Permanent Secretary and the Permanent Secretary is to provide it to the Prime Minister, and I've asked if she has seen any half-yearly or quarterly report in accordance with the Public Bodies Management and Accountability Act, Mr. Speaker!

Mr. HOLNESS: Ask it in a different way. Is the Prime Minister doing her duty as the Minister with responsibility for the NHT? That's the question. Ask her the question Audley.

MEMBERS: Noooo!

Dr. DAVIES: Yu can't be correcting the Member.

(Cross talk) (The Speaker gavels)

The PRIME MINISTER: Mr. Speaker, Mr. Speaker, I think that I'm receiving some smarting from what happened in Central Westmoreland yesterday. (Applause)

MEMBERS: Aaah!

(Inaudible comments by Mr. Holness)

The PRIME MINISTER: When I get reports I will...

Mr. L. BUCHANAN: All right Audley, talk now Audley.

(Cross talk)

The PRIME MINISTER: You know, I exercised total respect when the Leader of the Opposition was on his feet, I'm not begging inside here.

Mr. WARMINGTON: Him not disrespecting you.

Mr. CHARLES: Unoo hear? Respect her.

(Laughter/Cross talk)

Dr. DAVIES: Yuh hear dat Pearnel?

The PRIME MINISTER: I don't have to beg for respect...

Mr. PAULWELL: You earned that long time.

The PRIME MINISTER: ...I earned that long time, and the people yesterday in Central Westmoreland demonstrated that in no uncertain way.

(Applause) (Inaudible comments)

Mr. HOLNESS: Come back to this.

The PRIME MINISTER: No, no, you don't tell me what to come back to; you're not my father nor are you my boss. Understand that!

(Applause) (Cross talk)

A MEMBER: Let him put the question.

The PRIME MINISTER: Former Minister of Finance, when I get the Report I will ensure that you receive the copy and it be tabled.

A MEMBER: Okay, good enough.

(Applause)

Mr. SHAW: Mr. Speaker, I'd like to ask the Prime Minister, the previous Chairman of the National Housing Trust has indicated that the protocol that existed under his chairmanship in the previous Government, is that monthly minutes of the Board Meetings of the National Housing Trust were routinely sent and were required by the Permanent Secretary to be sent to the Permanent Secretary...

Mr. PRYCE: Same one.

Mr. SHAW: ...and the Permanent Secretary would routinely summarize important issues arising out of the minutes and provide an appropriate brief to the Prime Minister.

My question to the Prime Minister is: has she been receiving monthly briefs in relation to the operations of the National Housing Trust from the Permanent Secretary?

The PRIME MINISTER: Mr. Speaker, my information in terms of the NHT Act, they're not compelled to, and the fact is that the Accounting Officer - the Permanent Secretary received no report.

MEMBERS: What?

(Inaudible comments by Mr. Pryce)

Mr. WARMINGTON: Oh keep quiet, young man.

Mr. SHAW: Mr. Speaker, is the Honourable Prime Minister telling this Honourable House, that the Accounting Officer failed to ensure that the necessary statutory - the necessary Reports that were statutorily required to be submitted to the responsible Minister, were in fact not done?

(*Sotto voce* comments)

The PRIME MINISTER: I am advised that it's not a statutory requirement.

However, I can say to you that a letter was sent to the Housing Trust, that we are to

receive all Minutes of meetings where decisions are taken. And the Accounting Officer will be keeping a very close watch on exactly what is happening, in terms of the Minutes from the meetings.

Mr. SHAW: Mr. Speaker, I would like to direct the Honourable Prime Minister to section 3(2), section 7 and section 23 of the Public Bodies Management and Accountability Act.

Section 3(2) makes it a requirement that the Annual Report is submitted to the responsible Minister.

Section 7 makes it a requirement for the Corporate Plan to be submitted to the honourable responsible Minister.

Section 23 makes it a requirement for the half-yearly and quarterly reports to be submitted to the responsible Minister.

Having therefore, brought to the attention of the Honourable Prime Minister the relevant elements of the law that should be adhered to by the public body, would the Honourable...

(*Sotto voce* comment by Dr. Davies)

Mr. SHAW: It is a law, it is an Act. The Public Bodies Management and Accountability Act, which came about because of the public sector salary scandal under your management!

Mr. HOLNESS: So, you know dat!

(Inaudible comments/Heckling)

Mr. SHAW: Mr. Speaker, the question that I have to ask the Honourable Prime Minister, now that I have brought to her attention the violation of the Public Bodies Management and Accountability Act, which, by her word, the National Housing Trust has failed to submit corporate plans, they have failed to submit the annual report for the last fiscal year on time, and if we are to believe what we are told, they have failed to submit half-yearly and quarterly reports, would this not account, therefore, to be regarded as a reckless disregard for the law and a gross dereliction of duty for which the entire Board should be recalled to resign?

(*Sotto voce* comments)

The PRIME MINISTER: Mr. Speaker, my mom and dad brought me up to be very respectful of others, and I don't like when men in anger point their fingers at me. I resent it, I am very resentful of that. If you had asked the question as nicely as you are doing now that would have been different.

(Cross talk)

Mr. SHAW: Mr. Speaker, having regard...

(The Speaker gavels)

A MEMBER: Apologize! Apologize!

(Heckling)

Mr. SHAW: ...having regard, Mr. Speaker, having regard to the fact that the Honourable Prime Minister informed this Honourable House that she was unaware of the law that required those reports, I have now brought it painfully to the attention of the Honourable House that the law requires these reports to be tabled.

And I am now asking the Honourable Prime Minister, now that she is aware that the Reports should have been tabled and by her word were not tabled, does this not represent a gross dereliction of duty on the part of the National Housing Trust, for which they should be called upon to resign? That's my question.

(*Sotto voce* comments)

The PRIME MINISTER: Mr. Speaker, the applicable Act is the National Housing Trust Act. But, certainly, what you have brought, we have written a letter to the Board, and we will ensure that we also do another letter, in terms of the reporting.

Thank you.

Mr. SHAW: Mr. Speaker, may I bring to the Honourable Prime Minister's attention that when the Public Bodies Management and Accountability Act was passed in the House in 2001, it was meant to supersede all of the Acts that established any institution, any statutory body, any public company owned by the Government, all of them.

And Clause 27 of this Public Bodies Act, it reads as follows:

> "Notwithstanding any provision of any other law or enactment to the contrary - "

Including the Housing Trust Act.

> "...where the other law or enactment raises any inconsistency between this Act and that provision in relation to the operations of any public body, the provisions of this Act shall prevail."

Mr. Speaker, this Act stands predominant over all the other Acts establishing all public bodies.

(*Sotto voce* comments)

Mr. SHAW: No, I am responding to something that the Prime Minister just said.

(Heckling)

The Prime Minister said that it operates under the National Housing Trust Act. And I am saying that the PBMA Act supersedes the individual Acts and statutes under which public bodies have been established.

(Cross talk)

Mr. Speaker, I would like to ask the Prime Minister - the Parliament has a Public Administration and Appropriations Committee that has on several occasions over the past two years met with the National Housing Trust. And in all reports that have been brought to this Parliament, the information on Outameni has not been brought to Parliament.

Would the Honourable Prime Minister not agree that that is a willful concealment of information from this Honourable House?

(Heckling)

Mr. ATKINSON: On a point of order!

(Heckling) (The Speaker gavels)

Mr. ATKINSON: Mr. Speaker...

(Cross talk)

Mr. ATKINSON: ...section 16 of the Standing Orders places upon you the general right to interpret the rules concerning questions.

(Cross talk)

In section (d) it says:

> "A Member shall not address the House upon any question, and a question shall not be made the pretext for a debate."

It goes on to say:

> "The question shall not contain arguments, inferences, opinions, imputations, epithets, ironical expressions..."

(Inaudible comment)

(Cross talk)(Applause)

Mr. SHAW: Mr. Speaker...

The SPEAKER: No! Hold on! Hold on! Hold on!

Mr. SHAW: Mr. Speaker...

(Heckling)

The SPEAKER: The point of order is correct. You are asking an opinion of the Prime Minister, you are asking an opinion.

Mr. SHAW: No, no. I would like - I must defend myself, sir, against the nonsensical information.

(Heckling)

Mr. Speaker...

(Heckling)

Mr. Speaker, you have suggested that I am giving an opinion. I am not giving opinion, I am asking facts, reading from the law.

(Cross talk)

The SPEAKER: No, no, you are asking the Prime Minister's opinion.

(Heckling)

Mr. SHAW: Mr. Speaker...

(Heckling) (The Speaker gavels)

Mr. SHAW: ...the essence of the question to the Honourable Prime Minister, strikes to the very heart of the integrity of corporate governance.

An Opposition MEMBER: Hear! Hear!

Mr. SHAW: It has obviously broken-down, in the case of the National Housing Trust.

(Heckling)

And, if it is, Mr. Speaker, that you do not wish for us to pursue this acrid breakdown of corporate governance, then so be it!

(Opposition Members applaud)

(Cross talk/Heckling)

Mr. L. BUCHANAN: You mus' talk 'bout de bridge, one, and the bus, two!

(Cross talk)

The SPEAKER: Mr. Warmington.

Mr. WARMINGTON: Mr. Speaker...

(Heckling) (The Speaker gavels)

The SPEAKER: There is a Member on the floor!

Mr. WARMINGTON: Mr. Speaker….

(Heckling) (The Speaker gavels)

(Cross talk)

Mr. WARMINGTON: Mr. Speaker, I had ask the Prime Minister the last time she answered questions here about the purchase of Outameni, and her answer to Question 2 then, stated that the Housing Trust purchased a property known as Orange Grove. She said, in answer to Question 2, continued:

> "The NHT has not acquired the business, assets, goodwill or brand associated with Outameni Experience, save and except for the standby generator, a fuel plant and office furniture."

In her answer today she said that:

> "The National Housing Trust has purchased and informed me that the full expenditure for the purchase of the buildings, including the 300-year-old Great House and land, chattels and assets in relation to Orange Grove property, is a total of two hundred and odd million."

She went further to say:

> "The purchase comprised nine and a half - nine point one two acres of land in excess of sixteen buildings."

And she said:

"I am advised that the sale agreement for the purchase of the chattel also made public by the NHT."

So they purchased chattels, the buildings, everything. Yet, in your answer then - I asked then whether she was misleading the House or the NHT Board was misleading the country. And I asked her then to clarify, to state which was misleading, because someone was misleading someone in the country, because it was different. And since then the Board has stated that they purchased all the buildings and everything, and today she has confirmed that.

(*Sotto voce* comments)

Mr. WARMINGTON: So I would like to know if she can explain the conflict between the answers...

(*Sotto voce* comments from Mr. Crawford)

Mr. WARMINGTON: I said, she said she purchased the fuel tank and standby only, that's what she said happened.

(Heckling)

Young man, the only thing I said before...

(The Speaker gavels)

...that you are competent to speak of, are the two - what you call it – the land in Portland, so allow me to speak! Do not interrupt me! The cottage down in Portland, that's what you are competent to speak on! Allow me to speak!

(Heckling)

I am saying there are conflicts here. And I said then to the Prime Minister, that what you said was in conflict to what the Board said. The Board then said they purchased all the buildings and everything, while you said they purchased only the standby plant, the land, the fuel tank and office furniture.

I am asking today if she can clarify to me - or the conflict, explain the conflict Speaker, my simple response is, no conflict, between these two, because now she is saying they purchased sixteen buildings. So, did they purchase the buildings or just the standby plant, that's all I am asking, so she should clarify further for me what really was it.

The SPEAKER: The physical buildings are part of the property.

Mr. WARMINGTON: No, no! She said they only purchased the land, save and except for the standby plant - the standby generator, a fuel tank and the office furniture, that's what she said there to answer to Question 2 then! And they said they asked them.

(Heckling)

That's what she said then. So, I am asking today - she said they purchased all the buildings that I asked about then. So can she explain the conflict between both of her statements, then?

(Heckling)

I am still awaiting an answer from the Prime Minister to the question I asked. I am a Member of the House and I don't believe the Prime Minister can ignore a question asked by a Member of this House. The last time she ignored the question asked, and she seeks to do it today.

I am asking, Mr. Speaker, that you instruct the Prime Minister to respond to the Member from South West St. Catherine.

(*Sotto voce* comments)

The PRIME MINISTER: Mr. Speaker, my simple response is, no conflict.

Mr. WARMINGTON: Mr. Speaker, if it says here that they purchased the land, a standby generator, a fuel tank and office furniture - that's what she answered the last time.

Now she said they purchased the land, 16 buildings, chattels and all of those, and that was what was said ... I am asking for her to tell me. The last thing I said someone was misleading… Did she mislead the House or did the Board mislead the House?

Mr. ATKINSON: No!

Mr. WARMINGTON: I did not ask that Attorney General across there. I asked the Prime Minister. You can't sit in the Prime Minister's chair, so leave her alone.

(*Sotto voce* remarks by Mr. Luther Buchanan)

Mr. WARMINGTON: Shut up!

(Cross talk) (The Speaker gavels)

Mr. WARMINGTON: Look at you want to speak for the Prime Minister.

Mr. CRAWFORD: The Prime Minister is ashamed of you.

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: Mr. Speaker, observing what has transpired over the last few weeks from a particular good vantage point, the television and the radio, I came to the conclusion, as everybody would have, that this transaction has been very badly handled, no question. I don't think there is a single person in this House who would not agree with that statement.

Prime Minister, my question to you is this, would you consider, as I would advise, that you cause to take place a comprehensive review comparing the financial management of the National Housing Trust with that of private sector entities involved in a similar type of activity and report the findings to this Honourable House? Because, Mr. Speaker, you have a company with a hundred and odd billion dollars under management. I don't think anybody in Jamaica would be happy unless we find out whether or not the methods used to manage these funds are exposed to the best type of procedures when compared to those who handle the same kind of activities in the private sector, and only a comparison that is done by experts in the field and an advice given to this Honourable House as to what is the result of comparison, can we get to the root of perhaps what is the real cause of our dilemma right now.

The PRIME MINISTER: Your suggestion is certainly reasonable and something that will be looked at.

(Applause)

Mr. WARMINGTON: How come *oonu* don't clap when me ask?

(The Speaker gavels)

The SPEAKER: Mrs. Robinson.

Mrs. ROBINSON: Mr. Speaker, I ask the Honourable Minister of Tourism to answer the questions under my name, Question 26.

Mr. WARMINGTON: Mr. Speaker, she has not yet gotten a copy.

The SPEAKER: She will get a copy, man.

Mr. WARMINGTON: I demand that she gets a copy.

Mr. L. BUCHANAN: Shut your mouth!

Dr. McNEILL: Thank you, Mr. Speaker.

Part 1:

Will the Minister state whether the Ministry of Tourism Enhancement Fund or Tourism Product Development Company was approached to undertake any intervention or provide any assistance to the Outameni Experience attraction?

Answer:

The answer is yes.

Part 2:

If the answer to Part 1 is in the affirmative, will the Minister state when such approach was made and by whom and what intervention or assistance was being sought?

Answer:

There were four distinct approaches to me as outlined below:

1) A letter dated February 10, 2012 from Hon. Minister Omar Davies, M.P. in which he made reference to a letter written by former Prime Minister, Hon. Bruce Golding to the former Minister of Tourism Edmund Bartlett suggesting that he should spearhead a move to find a solution to the problem and that nothing had been done. He suggested that there is an opportunity for the new administration to act.
2) Letter from the Prime Minister, Most Honourable Portia Simpson Miller dated March 13, 2012 forwarding the letter from Dr. Davies that had been copied to her.
3) Letter dated March 20, 2012, from Mr. Edmund Bartlett, former Minister of Tourism, to me in which he made reference to a letter from former Prime Minister, Bruce Golding requesting that he coordinate with two other ministries on a programme to address the issues of Outameni. Mr. Bartlett urged that I, along with my colleagues, continue the efforts to ensure that the valuable cultural experience of Outameni be preserved.
4) Letter of April 2, 2012 from Mr. Lennie Little-Whyte with a proposal attached requesting that a joint-venture partnership be established with the government.

However, prior to my appointment as Minister of Tourism and Entertainment, there were two interventions by the Ministry of Tourism: under the previous administration in December 2008 $7,000,000 was granted by the Tourism Enhancement Fund for repairs to upgrade the night lighting and parochial road leading to Outameni Experience. The work was done through the National Works Agency.

(Cross talk) (The Speaker gavels)

(*Sotto voce* remarks by Mr. Charles)

Dr. McNEILL: Also, Mr. Speaker, under the previous administration, in May 2009, Orange Valley Holdings was a beneficiary under the Tourism Enhancement Fund/Jamaica National Small Business Loan revolving loan facility. The loan amount of

$3,000,000 was disbursed for the purpose of infrastructural upgrade, including a parking lot and restaurant construction.

Mr. VAZ: US or Jamaican?

Dr. McNEILL: Mr. Speaker, there was no substantial principal repayment was made.

(Cross talk) (The Speaker Gavels)

Dr. McNEILL: Mr. Speaker, no substantial principal repayment was made. The loan was rescheduled in 2011. Many attempts were made by Jamaica National to recover the outstanding amount and a claim was subsequently prepared for filing in the Supreme Court. With the sale of the property in March 2013, and no tangible collateral securing the loan, the outstanding delinquent balance of $2,279,998.52 was written off by the TEF Board of Directors in a decision dated October 15, 2013.

Mr. VAZ: US or Jamaican?

Mr. CHUCK: Chicken feed!

Mr. VAZ: Where Bobby is? Bobby will tell you what that is.

Dr. McNEILL:

Question:

What action was taken and response given in relation to such approach?

Answer:

Mr. Speaker, I asked my Permanent Secretary to set up a committee to review and discuss the Outameni proposal.

Between March and April of 2012 meetings and discussions were held with representatives from the Ministries of Youth and Culture, Industry and Commerce and Education as well as JAMPRO, UDC, TEC and TPDCo. On review of the available documents it was agreed that a comprehensive financial and operational analysis of the attraction was needed.

Given the involvement of the DBJ and their overall mandate to deal with public/private sector partnerships, it was referred to them for the analysis and on April 20, 2012 my Permanent Secretary wrote to the Development Bank of Jamaica requesting that the analysis be done.

In their response on May 21, 2012 the Development Bank of Jamaica outlined the financial details and their involvement with the project. They also recommended that if the Government of Jamaica wished to preserve the facility, given its value and potential as a heritage attraction, it could be acquired through a land holding entity such as the UDC and/or the National Housing Trust. It could be acquired through a land holding entity such as the UDC and/or the NHT.

At my request the Permanent Secretary forwarded a copy of the DBJ's analysis to Ministers Omar Davies and Ronald Thwaites.

A subsequent meeting was convened with the Ministers mentioned above as well as the Chairmen of the Board of Directors of the UDC and of the TEF and the Permanent Secretary. The DBJ analysis was discussed.

For completeness of record, Mr. Speaker, my Minister of State also visited Outameni and prepared a brief proposal

suggesting the purchase of the property for use as a multi-purpose entertainment and tourism facility.

The proposal was also forwarded to DBJ for their perusal. DBJ responded that based on a preliminary assessment the proposal did not fit a public/private partnership model as the Government of Jamaica would assume most if not all of the risks.

However, they went on to say that if the Ministry of Tourism and Entertainment saw this as an important asset aligned to its tourism strategy it could possibly explore its acquisition through the Tourism Enhancement Fund. Another possibility which could be explored was the acquisition of the property by the National Housing Trust as part of its land bank, given its location.

This was a recommendation analysis done by the Development Bank of Jamaica.

In light of the above, a decision was taken by the Ministry of Tourism and Entertainment that no further action should be taken.

Part 3

Did the Minister advise or in any way communicate with the Prime Minister or Cabinet in relation to Outameni's request for government intervention for assistance?

Answer:

No discussions were held with the Most Honourable Prime Minister or Cabinet. However, discussions were held with the Hon. Ministers Davies and Thwaites, as was previously stated.

Part 4:

Did the Minister of any of the agencies for which he is responsible make any approach to potential investors with regard to Outameni and if so, will the Minister provide details and the outcome of such approaches?

Answer:

I did not make any approach and I did not direct anyone to make any such approach.

Question 2

Will the Minister state what level of preparation is in place for the upcoming tourist winter season?

Answer:

The first has to do Mr. Speaker - I will answer this question to the spokesperson in two parts.

The first has to do with the product and the second has to do with marketing preparation.

Mr. HENRY: Are you waiting for questions?

Dr. McNEILL: I will go through everyone and then you can ask questions.

In terms of product, in addition to our regularly scheduled ongoing all-island maintenance programme of $270 Million, an additional $27 Million is earmarked for clean-up going into the winter tourist season. This work has already started.

In terms of marketing Mr. Speaker, all indications are positive. I've just come back from the World Travel Market in London and

China International Travel Market Event in China where we had discussions with our partners, including partners from the United States and Canada.

The feedback on our forward bookings projections is very encouraging. We have marketing plan with tour operator partners in all markets. We have also done a flight of TV advertising in the United States from late October to mid-November and this was done nationally on cable as well as in spot-markets of New York, Philadelphia and Chicago.

In addition to advertising, we have embarked on a series of trade shows with travel agents starting October the 6th and running through February 2015, covering the entire United States in an effort to ensure that the more than 60,000 additional airline seats coming out of that market for the winter are filled.

Part 2:

Will the Minister state what are the growth projections in earnings and visitor arrivals?

Answer:

As previously stated we are anticipating a strong winter and early projections for next summer are also positive, Mr. Speaker. All indications are that we will continue on a path of positive growth and we are conservatively estimating an increase of 2.5% increase in stopover arrivals for the winter, considering that the Hyatt Zebra in Montego Bay and the Moon Palace, Jamaica Grande in Ocho Rios will both come back on stream for the winter and that they are both projecting good occupancies. This should positive the impact of the performance of the winter. (Applause)

Mr. Speaker, for the period January to October of 2014, we have seen a 3.1 per cent increase in stopover arrivals to Jamaica. (Applause)

Mrs. NEITA-HEADLEY: Hear! hear!

Dr. McNEILL:

And a 10.8% in increase in cruise ship arrivals to Jamaica, 10.8 per cent. And, Mr. Speaker, that has been an increase in all three ports in Jamaica. (Applause)

Mrs. NEITA-HEADLEY: Hear! hear!

Dr. McNEILL:

We therefore welcome 2.8 million total visitors up to the end of October which is a 6% increase in total arrivals over last year. Of even greater significance...

(*Sotto voce* comments by a Member)

Dr. McNEILL:

No, I am speaking of projections, I am speaking of achievements, these are the arrivals that we have already come. (Applause)

Mrs. NEITA-HEADLEY: Hear! hear!

Dr. McNEILL:

Of greater significance is that stopover arrival earnings are up 5.1 per cent and cruise passengers earnings are up 15.3 per cent. Mr. Speaker, the preliminary stop-over arrivals for November show a 6.2 per cent increase. Mr. Speaker…

Part 3:

Will the Minister state what is the state of the Russian market and how many visitors are expected this winter out of Russia?

Answer:

Mr. Speaker, we made a breakthrough with Transaero and Biblogrorus in the Russian market in 2013 and we were doing very well. However, geopolitical developments - the Ukraine and Crimea have interrupted the flow of visitors from that market. The flight was suspended in May of this year and other Caribbean territories have also suffered a similar fate. Of note, we were in discussions with Transaero at that time about starting scheduled service to Russian given the fact that Jamaica was very attractive and there was a lot of demand at that time.

Mr. Speaker, we continue to monitor the situation as that there is a clear indication of great potential from that market as demand for Jamaica is high.

Part 4:

Can the Minister indicate what is the level of cost competitiveness of the Jamaican product vis-á-vis our Caribbean partners?

Answer:

Mr. Speaker, as far as competitiveness of the Jamaican product is concern, Jamaica is very competitive. There are three other major players in the Caribbean in terms of volume arrivals with which we can be compared - Cuba, Cancun, Riviera Maya and the Dom. Rep. Jamaica is in fact priced higher in these markets by about 5 per cent, but we see that as a positive and that brand Jamaica attracts a premium. With continued growth in arrivals at current price points, we are clearly competitively priced. (Applause)

Our travel partners, Mr. Speaker, and the large tour operators have been reporting that the ADR, the Average Daily Rate in Jamaica has been on the increase and this bodes well for potential investors as the increasing ADR only serves to attract more investors to the destinations and we are seeing the fruits of that.

Mr. Speaker,

Question 2, Part 5:

Will the Minister state whether there is going to be an increase in the airport tax of US$10 per person and what implication it will have on the cost of travelling to Jamaica?

Answer:

Mr. Speaker, I would like to point out that responsibility for the regulations of rates and charges at our international airports are the remit of the Civil Aviation Authority, an independent body, although it is part of the portfolio responsibility of the Ministry of Transportation Works and Housing. I am advised that the JCAA has completed its rate review exercise and handed down its determination. The new rates will be become effective in April 1, 2015.

Thank you, Mr. Speaker.

(Applause)

Mrs. ROBINSON: Mr. Speaker, through you. I would like to ask the Minister. You spoke of two interventions by the - prior to your becoming Minister of Tourism, your appointment as Minister of Tourism that there were interventions by the Ministry of Tourism that $7 Million was granted by the Tourism

Enhancement Fund for repairs for road and light. I don't see that as anything that would be striking or that would cause any concern, because if in fact there is an attraction and repairs are carried out on those roads, I think that is in keeping with what any good administration would seek to do. So I don't have a difficulty with that, that the Tourism Enhancement Fund through the JNSLB, the Small Business Loan, loan an amount of $3 Million for upgrading works is also not anything to quarrel about, you know, it's something that happens naturally and it was an incentive that was announced and it was available and in their right they made use of that. So in giving the answers, I don't think that would - you know that is a matter that would cause any contention between any of us on this side.

So you know, while I accept those answers, the actual write-off took place in 2013, a Supreme Court action was filed and then the actual write-off took place in 2013 under your administration. You ask the Permanent Secretary to set up a committee to review and discuss the Outameni proposal. And clearly, clearly from all that we have seen now it was not an attractive acquisition for the Ministry of Tourism or its departments or agencies so you never move to acquire it. So it is very strange that indeed the Housing Trust - it is indeed strange that the Housing Trust sought to acquire it when the natural synergy and the natural fit would have been tourism because it is indeed marketed as a tourism attraction. So it begs the question, why then did the National Housing Trust clearly from all the answers you have given Minister, said that they were not interested. Why then did the Housing Trust seek to purchase the Outameni and whatever came with Outameni?

Dr. McNEILL: Mr. Speaker, I am not certain of the question. But I would say, I agree with you. The reason was, you asked a question about the interventions of the Ministry of Tourism and I wanted to make sure that as complete a response as possible was given. So hence, all information of interventions was given.

We made the point about the write-off because certain people like to talk about write-offs and the fact that when the loans were given, so I just - we just made the point. In terms of why we did it, as you said, Mr. Speaker, we had received letters including that from the former Minister who had urged us to look at it, so we looked at it. I can only speak to what decisions we arrived and the process, anything else would be an analysis.

Mrs. ROBINSON: Minister, so you indicated that a comprehensive financial analysis was done and at the end of that analysis and all the information that you had gleaned then, did you make a decision then that Outameni would not have been a wise purchase then?

Dr. McNEILL: Yes, I think there are some clarifications that is needed here. The request that came to the Ministry of Tourism was for a joint venture with the Government. So we looked at it as a joint venture hence why we went to DBJ and ask DBJ because they are in charge of public/private partnership. That joint venture partnership

indicated a value of 300 million or whatever that was the basis that we had. We looked at that as a joint venture and we determined from the Ministry's point of view and from all the information we got from DBJ that we, as a Ministry, were not going forward with a joint venture.

Mrs. ROBINSON: And you would not go a joint venture and you would not have been minded either to purchase it outright?

Dr. McNEILL: We did not go with a joint venture.

Mrs. ROBINSON: But I am asking you. Having - put aside the thought of a joint venture Minister, I am asking you then that the Ministry of Tourism, departments and agencies would not have been interested in purchasing Outameni? It is a straight yes or no answer.

Dr. MCNEILL: I can speak to what transpired and what I am saying is that there was a definitive proposal on the table for joint venture which was looked at, the analysis done by DBJ we had discussions and we decided not to go forward.

The SPEAKER: Mr. Henry.

Mr. HENRY: Thank you very much, Mr. Speaker.

Mr. Minister, though you, Mr. Speaker. Mr. Minister I would like to go very carefully with my questions. You are the keeper of the rights called Brand Jamaica, both you and the Minister of Industry and Commence. And you said that the Tourist Enhancement Fund, if I am correct was placing an investment to support a heritage which relates to Brand Jamaica. Equally I would like to ask you first if you agree with me that Outameni is a copyright interpretation of our arms 'Out of Many One,' therefore, I am surprise and would like to get the DBJ report, because all of that emphasizes the fact whether the person uses Outameni 'i' was given the rights to use that quotation from the Coat of Arms which is the only asset which they had. And in protecting Brand Jamaica you spoke to the DBJ report. Am I to understand, and since they use Outameni 'I' am I to over-stand...

Mr. CRAWFORD: That looks like a typo question.

Mr. HENRY: And please, and this is not a facetious thing like typo error, you know. Okay I am talking about - we have lost a lot of money not protecting Brand Jamaica by the registration of ownership. I think we just had a long argument this week about coffee. So, I am saying, your Development Bank and the Tourism Ministry and the Ministry of Industry in nowhere in these reports was anything mentioned of the ownership of the rights which is the only asset that could be had, and in fact you have spent Government's money supporting the asset. So I am asking because I would like a copy of the DBJ's report.

Was there any mention of, therefore, the asset call Outameni, the ownership registration where it lies, where it still lies as it is and to what extent did you and the DBJ look at asking for part ownership of that rights which would still be an asset value as I speak. And I will come back to other questions.

Dr. McNEILL: A proposal came to the Ministry to me, to look at a joint venture partnership that was what was looked at in its

entirety which included a whole package of things. I am just saying, I think what you are asking me to do is disaggregate the details of it, and I mean, I don't think that at this point, I don't know how that would be done. Well, let's put it a different way, I am not quite certain what you are asking me.

Let's put it a different way. I am not quite certain what you are asking me.

A MEMBER: Clarify.

Mr. HENRY: I believe in the purchase of Outameni that we were told, we were told that only the land was being bought and not the asset of the performing rights of Outameni which is what the whole thing is about. So if you are going into a joint venture, I use again, I use coffee as an example then, you would have to know who owns the rights for the actual created material Outameni, and then after that we have to go to who owns the performing rights, the music, what kind of issues, because what you are talking about is an asset and the only asset that is left. So all I am trying to pursue is, in your DBJ which is Development Bank, in all the areas of the asset management, was this recorded and if so, why didn't you seek to own the rights, lease the rights, have a part of the rights? And if you have not done that then the reports, I think, need to be addressed.

The SPEAKER: Mr. Henry, you tabled a question to the Minister of Finance.

Mr. HENRY: I have a series of questions to the Minister of Finance which speaks to the depth of the asset. I don't want us to like, like how we did with Air Jamaica, have the slots go away at no costs because when I said they were assets they weren't put on a balance sheet.

The SPEAKER: No, the first question asked about any intellectual property rights owned or associated with the Orange Valley Holdings.

Dr. McNEILL: It's the same question.

The SPEAKER: So I am saying, that question will be coming up -

Mr. HENRY: It only comes up here because I want to be clear. The Minister said he got DBJ to analyze and report on it.

Dr. McNEILL: Mr. Speaker, a request came to us for a proposal to do a joint venture. That was sent to DBJ for a financial analysis which was done. The details of it, at the end of it, they came back and made specific recommendations including the fact that if something like this were to be done by the Government that one of the considerations to look at is that it be done through the UDC and/or the National Housing Trust.

We looked at all the recommendations that came back from the Committee and the DBJ and the Ministry decided not to go forward. I do not know if in the discussions that took place with DBJ, if they went into all the details because I think they had not reached that stage. So I cannot answer the question with regard to the proprietary rights and so forth, and I think -

Mr. HENRY: The main thing that is to provide me with the DBJ analysis so I can know if they themselves were addressing the asset value of the intangible asset.

The SPEAKER: Okay.

House Leader.

Mr. HOLNESS: Mr. Speaker, before the House Leader I just wanted to ask the Minister of Tourism, in your response to Question 1 you noted four separate points at which you were drawn into the conversation regarding Outameni. The Minister of Transport and Works sent you a note, Mr. Dennis White himself sent you a note, the Prime Minister sent you a note and someone else sent you a note.

Dr. McNEILL: The fourth, the fourth one

Mr. HOLNESS: And the former Minister of Tourism Mr. Bartlett.

Dr. McNEILL: Former Mr. Bartlett.

Mr. HOLNESS: You responded, I would think, to all of them, why didn't you not respond to the Prime Minister?

Dr. McNEILL: I did. I made the point that the Prime Minister forwarded a letter from - hers was a cover letter forwarding a letter from Minister Thwaites.

Mr. HOLNESS: You are saying you did respond to the Prime Minister to say what you are going to do?

Dr. McNEILL: No, because she referred to Minister Davies' letter. All my discussions and correspondences were with Minister Davies and later with Minister of Education.

Mr. HOLNESS: So in all of this, including getting to the point where the DBJ which is the competent authority both for government venture capital operations, or -

Dr. McNEILL: PPPs

Mr. HOLNESS: Yes PPPs, they are the competent authority to do it, advise the Tourism Industry that this would not be feasible and the Tourism Industry which would then be the competent body to operate - well, not to operate but certainly to oversee or to provide funding for a tourist attraction, decided not do this and then you did not respond to the Prime Minister just to advise her to say, based on everything that we have gone through the advise is, "no".

Dr. McNEILL: As indicated in my response, I had no discussions with the Prime Minister.

Mr. HOLNESS: My other question to you, Minister. Do you have any idea? Because in your response you indicated you had a meeting with the DBJ, with the Ministry of Education, Ministry of Tourism, with the UDC but you had no meeting with the NHT. That was not in your response.

Dr. McNEILL: Let me just clarify your answers. I was not involved in the meetings, the meetings were led by the Permanent Secretary and to the extent that the meetings we say it's Ministries allotted the meetings. There was one meeting at which the Minister Davies and Minister Thwaites attended. I wasn't here at the time and that meeting went on with the PS and they looked at it, but no meetings were held with the NHT, to my understanding.

Mr. HOLNESS: So you would understand my curiosity and loss, because I would figure, I would want to find out from you Minister, if you could help us, how did the NHT come into this? So, the Prime Minister's directions certainly went through to you, it went to other Ministries by virtue of your Ministry bringing in the Ministry of Education, bringing in Transport, trying to

find a solution as it were, you reached a dead-end and then suddenly we discovered the NHT has it. Where did the policy direction come from to approve the purchase through the NHT? That is what's not clear.

Dr. McNEILL: I will not be -

The SPEAKER: The Minister could not answer that question. He cannot answer that question.

Mr. SAMUDA: Mr. Speaker.

Mr. Minister, with your extensive knowledge of the Tourism Industry, what is your personal opinion as to the likely -

(Heckling)

The SPEAKER: No, no, no, no! No!

(Heckling)

No, you know better than that, Mr. Samuda. After the adjournment.

Mr. SAMUDA: The likely success of the venture now?

(Heckling) (Laughter)

The SPEAKER: No, no, no! You know better than that.

Mr. PAULWELL: Mr. Speaker, if we can revert to Public Business. This afternoon we will firstly continue debate on the CCJ Bill, the Opposition has indicated that they will be participating fully next week, today we will have two presenters: The Minister of National Security and the Minister of Industry, and then Mr. Speaker we intend to do Item 2, the Minister without Portfolio in the Ministry of Finance, the Securities Amendment Act, then we will do Item 1, the Anti-doping Sport Act, and under the Reparation debate the Minister of Culture will make her contribution today. In relation to the Anti-doping, we are opening it today; we won't close it until next week.

The SPEAKER: Minister Bunting.

(Applause)

Mr. BUNTING: Mr. Speaker, it is an interesting coincidence that the debate on the three Bills to establish the Caribbean Court of Justice as Jamaica's final Appellate Court and the debate on the reparations motion are occurring contemporaneously, because both address the impact of slavery and colonialism on the societies of Jamaica and the wider Caribbean.

(*Sotto voce* comments)

Mr. BUNTING: While the Reparation's debate focuses on receiving economic compensation -

(The Speaker gavels)

Mr. Speaker, while the Reparations debate focuses on receiving economic compensation for the enslavement of the African people, the impact of these historical crimes go far beyond just economics. Professor Hilary Beckles speaks of: "*The stress profile and psychological trauma of slavery and apartheid"* which has left our Caribbean societies psychologically broken. Symptoms of this brokenness are evident in a negative identity and a feeling of inferiority still carried by many. One current manifestation is the epidemic of skin bleaching, which I recall the Member from East Portland referring to in his contribution to the reparations debate. That is a self inflicted epidemic and probably does the victim more harm in the long term than even a bout of Chik-V, which is so contemporary. But more insidious, Mr. Speaker is the legacy

of distrust and dependency. The seeds of this distrust and dependency were deliberately sewn by the plantation owners to control the slaves. Marcus Garvey stated and perhaps was popularized by Bob Marley but the original quote is from Marcus Garvey, he state:

"*We are going to emancipate ourselves from mental slavery because whilst others might free the body, none but ourselves can free the mind".*

A MEMBER: Hear, hear!

(Applause)

Mr. BUNTING: So I support the calls for reparatory justice but whilst this requires the cooperation of external governments some elements of this reparatory justice we can give to ourselves in the meantime through repatriating the symbols of our sovereignty.

(Applause)

Mr. Speaker, some will be uncomfortable with my exploration of the psychological effects of slavery on our decision-making today, however, I believe that knowledge of the past is a key to understanding the present. I therefore make no apology for drawing on the work of a celebrated historian of slavery, Kenneth Stampp, who identified five rules for making a slave in his book, '*The Peculiar Institution'*. These rules were: **One**, maintain strict discipline; **two**, instill a belief of personal inferiority; **three**, develop a sense of the Master's power; **four**, accept the Master's standard of good conduct, and **five**, develop a habit of perfect dependence.

Mr. Speaker, what is fascinating, what is fascinating is that four of these five rules have to do with the psychological indoctrination of the slave rather than the physical coercion, therefore, it is not surprising that this indoctrination is so persistent. This legacy of psychological indoctrination of divide and rule of mental slavery is still evident in our politics and governance. To illustrate this, we don't have to move beyond the fact that only once in our 52 years of Independence has an entrenched section of our Constitution been changed. This is because changing an entrenched section requires the cooperation of the Opposition with the Government, and in only one case has an opposition been able to resist the appeal of partisan political advantage and instead do what is manifestly in the interest of the Nation. I am proud to say that this side when we were in opposition created that exception -

(Applause)

- and thus facilitated the adoption of a new Charter of Rights in our Constitution.

I am proud to say that this side when we were in Opposition created that exception...

(Applause)

Mr. NEITA-HEADLEY: Hear, hear!

Mr. BUNTING: ...and thus facilitated the adoption of a new Charter of Rights in our Constitution.

Mr. HYLTON: Correct, correct.

Mr. BUNTING: Mr. Speaker, two remaining symbols of our "sovereignty", and I put here sovereignty in quotes, to illustrate how powerfully that psychological indoctrination of slavery and colonialism still affects us, namely the fact that the British Queen is still our Head of State. And secondly, that Her Majesty in Council, that is,

the Judicial Committee of the Privy Council is our final Court of Appeal. That we persist with these anachronisms confirmed that we hold on to the belief of our own inferiority.

In the case of our final Court we cling to the belief notwithstanding powerful evidence to the contrary as:

a) Judges of the highest caliber are produced locally. This was recently demonstrated...

(Applause)

Mr. L. BUCHANAN: Hear, hear. Talking up the...

Mr. BUNTING: This was recently demonstrated when one of our own, Justice Patrick Robinson, was elected to the International Court of Justice.

(Applause)

(Inaudible comment by Mr. Chuck)

Mr. BUNTING: A second piece of evidence is the high quality of the CCJ judgment and the third is the independence of the CCJ.

(Inaudible comment by Mr. Chuck)

Mr. Anthony HYLTON: Slighted man. That's your words. That's not what I'm talking about.

(Inaudible comment by Mr. Chuck)

Mr. BUNTING: But, Mr. Speaker…

Mr. Anthony HYLTON: No, no, no!

Mr. BUNTING: Tony, don't take them on.

(Inaudible comment by Mr. Chuck)

Mr. Anthony HYLTON: Gwaan wid the foolishness. I can defend myself, gwaan wid the foolishness.

Mr. BUNTING: But Mr. Speaker, the flipside to belief to our own inferiority is awe of the master's power. A recent argument of the objective of these Bills is that retaining the Privy Council as the final Court of Appeal will be a good thing for investments. This statement must be based on some obscure and baffling logic since no evidence is presented to support such an assertion. Or perhaps it's just based on awe of the master's power, awe of her Majesty in Council. The truth is that most major investment agreements include arbitration clauses which provide for the final adjudication of disputes by privately appointed arbitrators…

(Applause)

…independently of any court system.

Mr. Anthony HYLTON: Correct.

Mr. BUNTING: So this is entirely a non-issue.

Mr. Speaker, in closing let me state that these Bills are about much more than making technical adjustments to our judicial system.

Mr. L. BUCHANAN: Hear, hear!

Mr. BUNTING: Though on this measure alone it would be justified. But we're really attempting, Mr. Speaker, to achieve another milestone in the continuing process of emancipation. (Applause) The more difficult component of breaking the shackles of mental slavery and healing the associated psychological trauma...

Mr. L. BUCHANAN: This what Chuck don't want.

Mr. McKENZIE: Westmoreland. A dem want mental relief.

(Cross talk)

Mr. L. BUCHANAN: Mr. Speaker.

Mr. McKENZIE: Sid dung.

Mr. BUNTING: Our people deserve us to lead in this direction towards a national self-confidence and away from a belief in our own inferiority and a corresponding awe of our former's power.

Mr. L. BUCHANAN: Oonu tek it back quick.

Mr. BUNTING: Mr. Speaker, what a glorious day when we no longer perceive ourselves as field slave *versus* house slave, light skin *versus* dark skin, green *versus* orange...

Mrs. NEITA-HEADLEY: Yes, yes!

Mr. BUNTING: ...but instead as one united people confidently facing the future. (Applause)

Mr. L. BUCHANAN: That's right.

Mrs. NEITA-HEADLEY: Say it yesterday.

Mr. L. BUCHANAN: Andrew sey the people woulda talk and they spoke.

Mr. McKENZIE: Keep quiet.

(Inaudible comment follows)

Mr. BUNTING: Mr. Speaker, I fully support these Bills and call on all conscious parliamentarians all of us more concerned with the next generation rather than with the next election to vote for the passage of these Bills. (Applause)

Mr. L. BUCHANAN: Hear, hear!

(Cross talk)

The SPEAKER: Minister Hylton.

Mr. CHUCK: Listen, be as short as Peter.

(Cross talk)

Be as short and succinct as Peter…

Mr. Anthony HYLTON: Mr. Speaker, I rise to address this Honourable House in this much anticipated debate concerning the necessity - (To Mr. Chuck) so I'll be representing the Jamaican people here.

Mr. CHUCK: Ehh?

Mr. Anthony HYLTON: So I'll be representing the Jamaican people here - concerning the necessity for Jamaica to relinquish its right of appeal to the Judicial Committee of the Privy Council and instead establish the Caribbean Court of Justice, the CCJ, as its final court of appeal.

Mr. Speaker, the CCJ was established, as has been said here, on the 14th February, 2001 and inaugurated on the 16th April, 2005 in Port of Spain, Trinidad and Tobago. Twelve countries, Mr. Speaker, have signed the Court's founding agreement, of which only three: Barbados, Guyana and Belize have accepted the appellate jurisdiction of the Court thus far. The Jamaican Parliament, Mr. Speaker has, since 2004, sought to pass legislation in this Honourable House to establish the CCJ as the final appellate court in Jamaica. Yet, ten years later, Jamaica still has not taken the definitive step of replacing the Privy Council comprised of judges who have themselves admitted their limited knowledge or exposure to the Jamaican circumstances, and even less knowledge of our social and cultural conditions and norms, and still the debate rages.

Mr. Speaker, from the outset I declared that it is to me inconceivable that, in 2014, as a proud democratic nation that recently celebrated fifty-two years of independence, we find nothing unusual about appealing to a foreign government, and none other than our

former colonial masters, to have the final say in the interpretation of our laws and our Constitution. What message does that send to the world about our own perception of self - my colleague before me delved into that subject at some depth - our level of self-respect, independence and competence to handle our own affairs. More importantly, what message does our reticence to relinquish appeals to the Privy Council send to our children, the future generations of Caribbean Community nationals? As the Right Honourable Lord Leonard Hoffman pointed out, in a much quoted speech delivered on the occasion of the annual dinner of the Law Association of Trinidad and Tobago, in 2003, and I quote, Mr. Speaker, he said then:

> *"It is an extraordinary fact that for nearly nine years I have been a member of the final Court of Appeal for the independent Republic of Trinidad and Tobago, a confident democracy with its own culture and national values, and this is the first time that I have set foot upon the islands. No one* - and I repeat for emphasis, Mr. Speaker - *no one unaware of the historic links between the islands and the United Kingdom would believe it possible".*

Mr. Speaker, no one is questioning that the Privy Council was an institution of historical significance to this region. However, it has become too far removed from Jamaica's reality, current reality, and it is no longer appropriate that it be retained as our final Court of Appeal. Therefore, the time has come for Jamaica to exercise its political sovereignty and national self-respect by today voting to replace the Privy Council with the CCJ and to embark on the process of developing our own regional/Caribbean jurisprudence...

(Applause)

An Opposition MEMBER: Not feasible.

Mr. Anthony HYLTON: ...utilizing the expertise, creativity and sagacity of largely, but not exclusively home-grown judges.

(Cross talk)

Also, Mr. Speaker, taking a pragmatic approach, because Jamaica is already paying its allotted share of the budget of the CCJ, it makes economic and political sense that the Court be more fully utilized. Thus, it will not require additional funding beyond that which we are already obligated to pay.

Mr. Speaker, what I want to share with this House today is a unique perspective that I have been privileged to have about the CCJ. In my presentation today, Mr. Speaker, I would like to take a different approach from that of the other Members of this House so far. Mr. Speaker, I speak today from a unique perspective of having experienced the workings of the CCJ up close and in a very personal way. It is the unique perspective of a practitioner, Mr. Speaker, whose former law firm, Hylton Brown, participated in two of the earliest cases to be brought before the CCJ, one of them being the landmark case of *Shanique Myrie* v. *the Government of Barbados.*

Before I begin, I want to briefly outline the two jurisdictions of the CCJ, namely the original jurisdiction, which is governed by the Revised Treaty of Chaguaramas and the

appellate jurisdiction, which is governed by the constitutions and other relevant laws of the various Member States. Mr. Speaker, the legal authority of the original jurisdiction of the CCJ derives from both the Revised Treaty and the Agreement Establishing the Caribbean Court of Justice, the CCJ Agreement. The original jurisdiction of the CCJ, Mr. Speaker, is a critical component to ensure certainty, impartiality and permanence to the much touted CSME. Mr. Speaker, Members, under this arrangement, members cannot opt out of the original jurisdiction of the court. Therefore, Article 211 of the Revised Treaty provides that Member States, signatories to the Revised Treaty, such as Jamaica, have already given the CCJ a *"compulsory and exclusive*" jurisdiction regarding the "interpretation and application" of the Revised Treaty. The jurisdiction, Mr. Speaker, is compulsory, meaning that Member States in Article 216 of the Revised Treaty have agreed that all disputes relating to the interpretation and application of the treaty must be determined by the CCJ in its original jurisdiction. The jurisdiction, Mr. Speaker, is also exclusive, meaning that no other Court is allowed to interpret and apply the treaty.

In fact, Article 2l6(2) of the Revised Treaty requires that even if parties are not sure as to whether an issue concerns the interpretation and application of the Treaty, the matter must be referred to the CCJ for a determination.

In addition Mr. Speaker, Member States, signatories to the Revised Treaty, have already agreed to comply promptly with any judgments of the Court in Article 215 of the Revised Treaty.

Mr. Speaker, I have just dealt with the original - the authority underpinning the original jurisdiction. I now turn to the legal authority underpinning the appellate jurisdiction of the CCJ.

The legal authority of the Appellate Jurisdiction derives from the Parliament of each Member State: Article XXV of the CCJ Agreement provides that the CCJ is "a superior Court of the record" with jurisdiction conferred on it by the CCJ Agreement, or by the Constitution, or other laws of a Contracting Party.

To invoke the appellate jurisdiction of the Court then, Mr. Speaker, each Member State must make the requisite changes to its laws, whether by referendum, simple majority or two-thirds majority vote as deemed appropriate, and this, in order to bring the CCJ into operations as its final Court of Appeal.

It is in this process Mr. Speaker, that we are embarked upon, and which continues today. In my presentation, I wish to outline some aspects of the structure and the operation of the CCJ that makes this Court the appropriate final Court of Appeal for Jamaica, and to debunk some of the arguments in opposition thereto. And I'll first deal with structure of the Court which does not leave room for political interference.

Mr. Speaker, one of the main arguments made against the installation of the CCJ is that regional Courts may be susceptible to corruption and political interference. There can, however, be no question that the

mechanisms entrenched in the CCJ Agreement for the appointment of Judges are not only unique, but also aimed at ensuring the highest level of jurisprudence as well as the independence of the judiciary.

The appointment of the Judges, Mr. Speaker - of the CCJ - is isolated from the political executive. In all other international judicial tribunal, Judges are appointed by Member States, leaving open the possibility of Member States being able to exert influence over the persons that they appoint. This, Mr. Speaker, is palpably not the case with the CCJ. By virtue of Article V of the CCJ Agreement, the Judges of the CCJ, as well as key officials and employees, are appointed by the Regional, Judicial, and Legal Services Commission.

This Regional Commission, Mr. Speaker, is an independent body, established by the CCJ Agreement, comprising persons nominated by the following:

- Various regional Bar Associations,
- The Commonwealth Caribbean Bar Association, and
- A rotation of the Judicial Services Commissions of the Member States - the various Member States.

The Commission, Mr. Speaker, also includes the following:

- Representatives of civil society and distinguished jurists, nominated by the Deans of the Faculties of Law and the Chairman of the Council of Legal education. To ensure further isolation from the political executives, there are no governmental representatives on the Commission.

In addition, Mr. Speaker, the method adopted to finance the Court adds another layer of protection from political influence and should serve to allay fears of manipulation by the Governments of the Member States. And it is the following:

- The Court is financed by way of the Caribbean Court of Justice Trust Fund in which Member States agree to a level of financial contributions, and these are structured by way of loans with the Caribbean Development Bank, the CDB.

A study done of the financial requirements for the CCJ concluded that the sum of US$100 Million was required to sustain the Court in perpetuity. The CDB was mandated and has raised the stipulated sum on the international capital markets, which funds will be used to sustain the Court independently of Member States.

Also, Mr. Speaker, a Board of Trustees has been appointed to manage the Trust Fund. The Board of Trustees is comprised of nominees from a wide variety of regional, financial, and business organizations, including nominees from the following:

- The Vice-Chancellor of the University of the West Indies;
- The President of the Insurance Association for the Caribbean;
- The Chairman of the Association of Indigenous Banks of the Caribbean;
- The President of the Caribbean

Institute of Chartered Accountants?

- The President of the Caribbean Association of Industry and Commerce - a now defunct body, and
- The President of the Caribbean Congress of Labour.

There are no governmental representatives, Mr. Speaker, on the Board of Trustees.

Mr. Speaker, unlike other international judicial institutions, there is no requirement for the budget of the CCJ to be approved by the Member States, and thus no question arises of the Political Executive exerting influence by withholding or granting funding for project or budgetary requirements.

Mr. Speaker, it is clear therefore that the CCJ has a unique structure, created thus by CARICOM to safeguard the sovereignty of the Court and building sufficient confidence in its impartiality to effectively become the final Court of Appeal for the region.

Despite all of these built-in institutional safeguards, Mr. Speaker, Member States are embarrassingly reticent to accept the independent nature of the Court, and continue to call into question the possibility of an impartial Court, located in the Caribbean.

But Mr. Speaker, there are some clear advantages of the CCJ vis-á-vis the Privy Council. There are some very important advantages, built into the structure of the CCJ; one addresses the cost and access to the CCJ.

Mr. Speaker, the question of access to justice has been one of the major reasons spurring Jamaicans to move away from final appeals to the Privy Council. I wish to deal with three aspects of access to justice that renders the continuation of appeals to the Privy Council implausible.

First, it cannot be acceptable that I, as a Jamaican citizen, am forced to obtain a visa to visit my constitutionally mandated final Court of Appeal. To add insult to injury, Mr. Speaker, not all CSME territories have this disadvantage.

(*Sotto voce* comments)

Mr. Anthony HYLTON: And further, there is no secret that the process for obtaining such a visa is not only tedious, but also very costly and time consuming. It is also the experience of many a Jamaican citizen that there is no guarantee that a visa will be issued at the end of that process.

(*Sotto voce* comment by Mr. Chuck)

Mr. Anthony HYLTON: The result, Mr. Speaker is that there is no guarantee that a Jamaican citizen appealing to the Privy Council will be able to participate in their appeal by being present at the hearing of the matter. This, Mr. Speaker remains unacceptable and inappropriate.

(*Sotto voce* comments)

Mr. Anthony HYLTON: Second, Mr. Speaker, there is the time and experience of travelling to this institution in a country where the climate, the culture, and the people bear no resemblance for me, to my daily life and my experiences.

(*Sotto voce* comment by Mr. McKenzie)

Mr. Anthony HYLTON: Third, Mr. Speaker is the issue of costs. The fact is that only large corporation and the elite few individuals in Jamaica can afford to hire

attorneys to file and appear before the Privy Council on their behalf. This has resulted in a marked reduction in the number of cased filed from the region before the Privy Council. In criminal cases, the bulk of the appeals from the region are death penalty cases where the Legal Aid structure will allow for representation by British barristers before the Court.

It is highly likely that Jamaican litigants utilizing Legal Aid procedures will never meet, or even speak with the attorneys, and all communications are handled through intermediaries. This, Mr. Speaker, is also unacceptable.

A MEMBER: Hear, hear!

(*Sotto voce* comment by Mr. McKenzie)

Mr. Anthony HYLTON: It was, Mr. Speaker precisely to address these weaknesses of the Privy Council that the itinerant nature of the CCJ was conceived, whereby the Court can convene in any Member State to hear matters and conduct business.

Mr. McKENZIE: Except Barbados and...

(Inaudible comments)

Mr. Anthony HYLTON: Thus, in the Shanique Myrie matter, this jurisdiction of the Court was exercised quite extensively. During the preliminary proceedings, Mr. Speaker, which is proceedings leading up to trial, all witnesses and attorneys remain in their respective jurisdictions, and the Court convened by way of teleconferencing facilities, set up in the Supreme Courts of Jamaica and Barbados.

The Court also convened in Barbados ahead of the trial, with the claimant present to conduct a walkthrough of the *locus-in-quo* to gather evidence of the claimant's allegations of abuse. The availability of Judges, Mr. Speaker, to conduct this evidence-gathering exercise was critical to Miss Myrie's ability to prove her case against the Barbados Government.

I believe, Mr. Speaker, that this was the most critical aspect of proving the case against the Barbados Government, that the judges who were present, were able to, themselves, walk through the airport, read the testimony given by Miss Myrie, and tracking that evidence, came to the conclusion that she was telling the truth, and nothing but the truth.

Interestingly, Mr. Speaker, when the trial date was determined the question arose as to how the trial would be conducted. Counsel for Miss Myrie made an application to the Court requesting that the trial be conducted in the same manner as the preliminary proceedings, i.e, by video conferencing.

(*Sotto voce* comment)

Mr. Anthony HYLTON: The reason proffered by Counsel to the Court was that it would be prohibitive, in terms of the cost to travel to Trinidad and Tobago with all witnesses, including two medical experts. The Court, Mr. Speaker, happily took the view that as an itinerant Court, it had a duty to ensure access to the Court could be had by all litigants.

It therefore took the additional steps and moved the entire Court proceedings to Jamaica to hear all the witnesses in Jamaica, and similarly to Barbados, to hear the witnesses in Barbados. It then reconvened in Trinidad to hear closing arguments. That's the

power and possibilities of an itinerant Court at work.

Mr. CHARLES: If they don't turn you back at the airport.

Mr. Anthony HYLTON: Mr. Speaker, what this meant was that the applicant did not have to contemplate which witnesses he could afford to travel with to Trinidad, but could call all witnesses that it deemed necessary in the interest of justice.

Even with the difficulties that Jamaicans continue to have, Mr. Speaker, as they seek to move throughout the region, this access to the Court as displayed by the Court in the Myrie matter is still vastly improved than it has ever been and will ever be, under the regimes that exist for appeals to the Privy Council.

Also, Mr. Speaker, let us not trivialize the psychological advantages that can come from appearing in a court where you can relate to the climate, the culture of the persons, the similarity of physical attributes of the Judges, Attorneys and officials. These factors all go a far way, Mr. Speaker, in lending comfort particularly to nervous litigants seeking to litigate their rights.

I speak next, Mr. Speaker, to the IT infrastructure and the modernized approach. Mr. Speaker, the CCJ boasts very sophisticated IT infrastructure that rivals anything to be found in any court in Jamaica, and is certainly on par with that of the Privy Council.

First, I indicated before, the CCJ has designated a court in each territory, Mr. Speaker, and has equipped it with the necessary infrastructure that will permit it to have sittings by video conference in each territory. This is how the Shanique Myrie matter was conducted throughout the entire preliminary stages leading up to trial, as mentioned earlier.

Besides the financial implication of not having to travel for each sitting of the Court, the use of this infrastructure has a very important psychological advantage for both Counsel and for litigants, in that a litigant is able to acquaint - to get acquainted with the procedure of the Court, the Judges, opposing counsel, court staff all from the comfort of his or her own "home court" before facing them in the final trial of stages of a proceeding. We should not discount that advantage, Mr. Speaker; it can be decisive in very complex cases.

Also, Mr. Speaker when Counsel is on his or her feet presenting the case to the Court, he or she must present documents to the Court by electronic means, by simply placing them on a scanner at the podium. These documents presented are automatically scanned into the record of the proceedings and presented on large screens in the courtroom so that all in the courtroom, the Judges, all Counsels, the media and members of the public can read and follow all documents, pictures, *et cetera*, as Counsel speaks.

This also means that at the end of the day each - at the end of each day, all parties to the proceedings have an instantaneous and consistent documentary record of the day's proceedings; instantaneous documentary record of the day's proceedings. Mr. Speaker, within an hour at the end of each day of the

proceedings, a transcript of the proceedings is made available to Counsel and the Court; within an hour, Delroy, within an hour of each day of the Court.

Mr. CHUCK: It should be so in Jamaica. Why you don't recommend that it should be the same in Jamaica?

Mr. DALLEY: Why didn't you recommend it when you were in power?

Mr. Anthony HYLTON: Thus, Mr. Speaker, each party to the proceedings has an identical record of the evidence and arguments made each day, and this also becomes a part of the record that can be called upon in future sittings of the Court. It also limits the time for obtaining judgements, because the record of evidence on which Judges will rely extensively is almost instantaneous.

These technological advantages, Mr. Speaker add great value to the proceedings and enhanced the efficiency of the proceedings. It also should provide comfort to all citizens of the region that the justice to be dispensed by the CCJ is impartial, efficient and sound.

I will speak to the Quality of Justice.

The SPEAKER: (Gavels) The Minister's time for speaking has expired.

Mr. PAULWELL: Mr. Speaker I move that the Minister's time for speaking be extended to allow him to finish his presentation.

The SPEAKER: The question is for the Minister's time be extended sufficient for him to complete his presentation.

Put to the House and agreed to.

The SPEAKER: Minister.

Mr. CHUCK: Five minutes more.

Mr. Anthony HYLTON: Thank you - thank you colleagues for your indulgence.

It is also worth noting, Mr. Speaker that despite the cry of corruption and political influence at all levels of society in Jamaica and the region, the integrity of the local and regional judiciary continues to be relatively unscathed and free of influence from the Political Executive. There has never been any question of the quality of the Judges that exist in the region. A look at the CVs of each of the Judges as well as past and future aspirants to judicial positions show clearly that there is no intellectual deficit in the Judges of the CCJ that would cause anyone to prefer to use external Judges of the Privy Council over the regionally available Judges of the CCJ.

Mr. Speaker, the recent appointment of Justice Patrick Robinson to the International Court of Justice, the second such appointment of a Caribbean jurist to that position confirms this view. This capacity and expertise is reflected in the judgements of the Courts, which shows not only intellectual rigour, but also a knowledge and awareness of the quality of the region as well as a regional culture and historical biases. This will allow Judges to be creative in finding solutions to the regional issues that face them, because they are too vested in the result.

Again Mr. Speaker, the Right Honourable Lord Leonard Hoffman, whose speech I quoted from earlier, indeed, because of the relevance of what he has to say on this subject, and I quote:

"Although the Privy Council has done its best to serve the Caribbean and..."

I venture to think.

"...had done much to improve the administration of justice, the court's remoteness from the community had been a handicap.

We've been necessarily cautious in doing anything which might be seen as inappropriate in local conditions and although this caution might have occasionally saved us from doing the wrong thing, I am sure it has also inhibited us from doing the right thing".

Mr. Speaker, very important, we must not forget that one of the mandates of the CCJ is to develop Caribbean jurisprudence. This is not likely - this is not a likely consideration of the Privy Council. If we're serious about the development of a shared and uniformed system of community law which the European Union understands have been building and continues to build for its use and purpose, it is clear, that remaining with the Privy Council will only delay this outcome.

The simple fact, Mr. Speaker, if the Caribbean region is to face and overcome the developmental challenges posed to the region by globalization and integration, a regional court must be a part of that solution, bringing with it as it does, a prospect of a higher quality of justice stemming from the superior quality of infrastructure and sufficiency of resources, both financial and human, that is available to a regional court constituted as the CCJ currently is. Mr. Speaker, for these and other reasons I support the three Bills now before the House, that the right of appeal to the Judicial Committee of the Privy Council be removed for Jamaicans, to be replaced by the appellate jurisdiction of the CCJ as prayed for in those Bills.

I thank you.

(Applause)

Mr. PAULWELL: Mr. Speaker, I move that the debate be suspended until next week.

The SPEAKER: Is that the wish of the House?

Put to the House and agreed to.

The SPEAKER: So be it.

Mr. DALLEY: Mr. Speaker, I now move for the suspension of the Standing Orders to enable me to take the second reading of the two Bills, notices of which I gave earlier, and also for me to take them through all their concluding stages.

The SPEAKER: The question is for the suspension of the Standing Orders to allow the Minister to take the Bills, notice of which was given earlier.

Put to the House and agreed to.

Mr. DALLEY: Mr. Speaker, I also seek your permission to allow me to speak from a position, a place that is not my own?

The SPEAKER: You may proceed.

Mr. DALLEY: And I promised that I will not stay down this side very - too long, neither do I wish to be so close to the seat of the House Leader.

The Opposition Spokesman on Finance I'm sure is in the precincts of the House, and I'd like to thank him through his - the leader of Minority Business, for his cooperation. We notified him last night that we'd like to take

this Bill today; and also I'm going to stretch his cooperation a little bit further with his - in allowing us to take - not really allowing us, help us, participate with us in taking also the Transfer Tax - it has very simple amendments and I'm sure, especially the Member from North East St. Andrew, would be very, very, interesting in the Transfer Tax - the simple amendment of the Transfer Tax Act.

(Inaudible comments)

Mr. DALLEY: Oh, there he is. As I said, they're not controversial Bills, one is the amendment and the other one is a simple one and I'm seeking your cooperation in doing the Transfer Tax, which is just the exemption of the Transfer Tax and Stamp Duty in the Collective Investment Scheme; very simple amendment. But the most important one, Mr. Speaker, is the amendment that we have which we tabled last week to the Securities Bill.

Over the years the security industry practice has been developed whereby security dealers finance[d] large sums of investments in securities for short term repurchase agreements entered into with their investing clients. The security dealers give beneficial interest in the securities instead of selling or transferring such securities outright to their investing clients.

This practice in its current form posed a number of risks to security dealers and investors alike, namely legal, operational, interest rate and liquidity risks; while the retail repo have proven to be attractive product providing good returns for investors, strong margins for dealers and a financing venue for Government of Jamaica. The majority of the retail repo investors are unaware of the true nature of the risk in this product.

One of the risks posed is the legal risk faced, based on the uncertainty in how the asset underlining the repurchase agreement will be treated in the event of insolvency, in event of failure of the dealer *et cetera*, *et cetera,* given the absence of clear judicial authority on the issue - and this can really exacerbate the situation. And also, there's the lack of deposit insurance coverage for these products.

In addition, in addition, the existing legal and regulatory framework is not sufficient to address all the risks embedded in the product, raising significant financial stability concerns.

The Repo Market today, as at June this year, 2014, there were 21 security dealers in Jamaica involved in the Retail Repo business, with total funds under management of approximately Seven Hundred and Twenty-one Billion Dollars Jamaican (J$721B). The total size of the dealers Repo portfolio was approximately Four Hundred and Twenty Billion ($420B), accounting for more than half of their total funds under management.

The Retail Repo Market serves several important and inter-related purposes in the Jamaican financial market.

1. They provide a source of funding for security dealers to acquire and hold long-term securities on their books, especially GoJ debt instrument.
2. They provide an attractive opportunity for fixed-income investors - for domestic investors, also, by the

common individuals, common person. And -

3. Based on 1 and 2 above, it helps to ensure a ready and orderly market for GoJ debt and financing of the fiscal budget.

The reform that is envisaged seeks to strengthen the level of protection offered to the investor by enhancing the ring of protection around the Repo asset, and to generally enhance the regulation of securities dealers more generally over time.

The strategy is comprised of three components with different phasing periods. Over time -

1) We want to strengthen the legal framework for regulating the Repo trade, which includes the promulgation of specific regulations for the Retail Repo Market, which is Phase 1. And establishing the legal basis for the establishment of a dedicated Trust to segregate and administer custody of the Repo asset.
2) Transitioning to the new Trust Management, including new operational guidelines and system for the product of the Repo trade, Phase 2, targeted for completion by mid 2015.

And, finally –

3) Strengthening the prudential requirements for security dealers as part of a comprehensive programme to enhance the overall financial sector stability over time.

At the end of this reform period, Retail Repo investors will be even better protected in a stronger and more resilient financial sector.

The Securities Act amendment being considered today, at this time, is to complete Phase 1 and facilitate stronger regulations for the sector by the FSC, by among other things, giving the FSC the power to:

a) Promulgate and enforce specific regulations for the Repo trade; and
b) Approve and regulate a trust arrangement for the custody of the Repo asset, and regulate the way that such are treated in the unfortunate event of an insolvency of a security dealer, with a view to protecting the interest of the Repo client.

Mr. Speaker, the amendments today, in Clause 1, we propose - and not a long list of amendments - the Bill is entitled: “AN ACT to Amend the Securities Act”. Clause 1 of the Bill is the usual short provision that may be cited as the Securities (Amendment) Act, 2014. It is to be read in conjunction with the original Securities Act, as well as the December 2013 amendments that were made to that legislation.

Clause 2 of the Bill will amend the definition of the Act in order to include in it a definition for a repurchase agreement. It is to be noted that a definition of repurchase agreement is currently found in sections 76(1A) of the Act, which deals with the Commission’s regulations making powers. That is the reason for the cross-reference to be made in section 76(1A).

It is necessary, however, that this definition should have wide application to cover any instance in which this term is used in the Act. The decision was therefore taken to make reference to the definition in section 2 of the Act, and not just in section 76(1A). In doing so, it is ensured that the definition will apply wherever the term "Repurchase Agreement" is found in the Act or is in its attendant regulations. A very simple amendment.

Clause 3 repeals Clause 35 of the original Act, and replaces it with a provision which expands the categories of instruments that would be regarded as securities for the purposes of sections 36, 35(A), 44-49, and 52-53, and section 76(l)(r). These sections deal with market conduct and fraud, as well as the treatment of clients' funds. They are geared towards the protection of investors by prohibiting and protecting against market abuses and other improper acts by market players.

The instruments covered under the new provision will include instruments that were not generally regarded as securities, for the purposes of the Act, but which are to be used as underlining assets for repurchase agreements. They are Certificates of Deposits, as well as Open-Market Debt Instruments and other securities issued by the Bank of Jamaica.

An important feature of this Clause is that it will ensure that the Commission, which is the FSC, has regulatory remit in relation to those instruments, particularly when they are used for the purpose of repurchase agreement.

Clause 4, a section of - a new section, 36A will be introduced in Clause 4 into the Act, which will prohibit what are now commonly known as Retail Repo, from being offered or sold in our market, unless done in conformity with regulations made under this Act.

The prohibition relates to a repurchase agreement that does not completely and outrightly transfer the legal ownership of the underlining asset to the other party to the repurchase agreement.

The effect of this provision is to allow only Retail Repos that are transacted in accordance with the regulations to be sold. I repeat. The effect of this provision is to allow only retail Repos that are transacted in accordance with the regulations to be sold. This will enable the Commission, the FSC, to regulate the product with greater scrutiny to ensure that investors are adequately protected and to reduce any risk that the product is likely to pose to the financial systems. The regulations are being developed with input from the security industry.

Persons who ignore the prohibition will be at peril of criminal sanctions, based on section 36A(2) of the Act.

It is to be noted that the new section 36A(6) will allow for cases of the exemption from this prohibition by way of regulations, where the Commission is satisfied that the contractual and operation arrangements governing the Repurchase Agreement, comply with international best practices and adequately protect against risk that the regulations are designed to mitigate.

Protection of Asset: The new section 36A(4) will address the treatment of the assets of investors that are the subject of a repurchase agreement in the event of the insolvency of the dealer. Such assets are to be dealt with in the manner prescribed under the Securities Act and or regulations made under the Act.

The legislation will ensure that the clients or investors have recourse to their assets in the event of insolvency. The regulations will ensure that the assets are safeguarded and available for the benefit of the investor in those circumstances. This approach is recognized in the Insolvency Act that was recently passed by Parliament earlier this year, where therein is a carve-out for asset underlining a repurchase agreement.

It was deemed appropriate to complement the provision in the Insolvency Act, with a provision in the Securities Act; the carve-out which addresses one of the agreed terms of the Memorandum of Economic and Financial Policies that Jamaica signed as part of the international agreement with the - agreement with the International Monetary Fund.

Clause 5, section 76 of the Act, which gives the FSC, with the approval of the Minister, the power to make regulations, will be amended to make it clear that such regulations may govern the treatment of repurchase agreements in the event of the insolvency of the dealer.

And finally, Clause 6, Mr. Speaker will make it clear that references in the principal Act, to the Banking Act, and the Financial Institutions Act, should be construed as a reference to the Banking Services Act when the Act comes into effect, which was before a Joint Select Committee.

Mr. Speaker, I thank you very much. This is in regard to the Securities (Amendment) Act, 2014.

We had tabled last week, Mr. Speaker, the Transfer Tax (Amendment), which is right here, a Bill Entitled, "AN ACT to Amend the Transfer Tax Act". Mr. Speaker, this Honourable House will recall that the Securities Act - the Transfer Tax was tabled last week. Among those amendments being proposed is in relation specifically to the collective investment schemes.

This Honourable House is being asked to consider and approve the present Bill to amend the Transfer Tax Act, which is accompanied by an Order, making a similar amendment to the Stamp Duty Act, to provide tax exemption. And this is where I say it won't be a contradictory piece of amendment because it is actually - controversial - it is actually exempting from Stamp Duty and Transfer Tax, investment instrument, people who make investment in collective investment schemes, for example, Mutual Fund Unit Trust, and so on.

And not only that, it is also eliminating the need to carry that paper, stamped paper, to the tax office to enable you to be exempt. All of these words is just what it boils down to, to allow you not to pay Transfer Tax and Stamp Duty when you invest in a collective investment scheme.

The main aim of the amendment is to be debated today to ensure that any transaction

relating to the collective investment scheme, such as Mutual Fund, Unit Trust, *et cetera*, does not attract either Transfer Tax or Stamp Duty.

The exemption from Transfer Tax and Stamp Duty for CIS, was first introduced by way of a provision in June of this year - a Provisional Order which Ministers of Finance usually make - as part of the package of measures following on the new CIS legislation to ensure a more conducive environment for the establishment of collective investment scheme vehicles.

We are now seeking to make permanent in law these changes which provide exemption from Transfer Tax and Stamp Duty, in relation to the CIS.

As the House is aware, a CIS may be defined as any scheme in which members of the public are invited or permitted to invest money or any other property into a portfolio of assets managed as a whole by or on behalf of the operator of the scheme on agreed terms.

The Government of Jamaica has given a commitment as part of the Memorandum of Economic and Fiscal Policy in our agreement with the International Monetary Fund to formally introduce a modernized framework for the establishment and regulation of the CIS, while simultaneously encouraging a reduction over time or the size of the general repo repurchase.

The other element of the repo reform is ongoing and, in fact, we spoke about earlier in separate Bill. The comment was made against the background of a broader reform of the financial sector aimed at enhancing regulation of both the security and non-security sectors and providing for greater ability to monitor and manage systematic financial risk and pursue financial stability objectives.

The legislation which is proposed today is intended to remove the transaction taxes that would attract the trading of CIS unit of shares once again similarly to what obtains in the unit trust, unit trust which is itself a subset of the CIS.

The proposed amendments will be done to sections 17, 19 and 33 of the Transfer Tax Act and it's very simple. Statutory provision, the Bill enacted by the Queen, this is just the name, Clause 1, the Act may be cited as the Transfer Tax Amendment Act, 2014 and shall be read and construed as one with the Transfer Tax Act herein referred to as the principal Act and all amendments thereof shall come into effect on January 1, 2015.

Section 17 of the principal Act is amended. This is the exemption section of the Act and a new paragraph is being proposed to exempt from the transfer tax participating interests in a collective investment scheme.

So we are proposing that section 17(a) in subsection (1), by deleting the full-stop appearing at the end of paragraph (e) and substituting therefor a semicolon, and inserting next after paragraph (e) the following paragraph - we are going to introduce section (f) as respects registered collective schemes:

(i) In the case of investors' shares issued by a collective investment scheme company, any transfer, or agreement

for the transfer, of investors' shares in the company;

(ii) In any other case, any transfer, or agreement for the transfer, of shares, units or other participating interests in an investment scheme.

And section 17(b) by inserting 'next' after subsection (2) the following subsection for purposes of subsection (1). "Collective investment scheme" has the meaning assigned to it by section 17A(2) of the Securities Act; "collective investment scheme company" has the meaning assigned to it by section 27A(3)(sic) 27A(1) of the Companies Act and "registered collective investment scheme" meaning a collective investment scheme that is registered within the meaning of section 17A of the Securities Act.

Amendment to section 19 of the principal Act section 3, the section of the principal Act amend and inserting 'next' after subsection (2A) the following subsection. Subsection (2B)(2) shall not have effect in relation to any document effecting or evidencing a transfer that is exempt under section 17(l)(f). The aim of this amendment is to remove the requirement for the documents to be stamped - very important the Member from North East St. Andrew spoke passionately at all times about the problem in having documents stamped. What this amendment does, it removes the requirement for documents to be stamped as exemption is already provided, so you don't have to take it to stamp in order to get the relief from stamp duty, you would have to take the document for it to be stamped as per amended section 17, as previously read.

The amendment of section 19 is in respect of an exemption to rule in the Act which requires documents eligible to transfer tax collected as additional stamp duty to be stamped in any case either with a stamp denoting payment or (one) denoting exemption from the payment of tax as presently obtains.

Amendment to section 4, just editorial really and stylistic.

Section 33, Clause 4 of the principal Act is amended:

(a) In subsection (2) by deleting the word, '*subsection 2A*' and substituting therefor the words, '*subsection 2A*' and 2B;

(b) By inserting '*next*' after subsection (2)(a) the following subsection 2B, which is the provision of subsection (2), shall not have effect in relation to a transfer that is exempt under section 17(l)(f).

This amendment is similar to the amendment made in section 19 as it exempts the CIS, the collective investment schemes from the rule which provides proof; you have to provide proof that transfer tax was paid in order to have these instruments registered.
This section is therefore intended to give CIS immunity from the general rule in section that transfer of property subject to transfer tax are not registered or otherwise effected unless they are accompanied by the certificate of the Commissioner General of the TAJ indicating that the transfer tax has been paid or that no transfer tax is applicable which is exempt.

The overall aim of the three proposed

amendments to the Transfer Tax Act is to make the investment in local investment schemes an attractive alternative for investors.

Mr. Speaker, I thank the Members for their patience and I take my seat.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Thank you, Mr. Speaker.

The two amendments mentioned by the Minister are by no means controversial. And I just have brief comments to make on both. And I will start with the second one first, the collective investment scheme. I must admit I don't like the word scheme, I wish we had found another nomenclature. Maybe the Attorney General might want to consider another coinage. The word scheme has come into some kind of disrepute in our country in recent years. Because the truth is that this proposal to encourage collective investment programmes is a good one and, of course, as we know, Mr. Speaker, in mature economies the questions - the development of mutual funds is a very, very advanced and sophisticated business enterprise. And in that context therefore I welcome the decision to make this permanent in terms of the legislation and hope that it will serve as a further stimulant to encourage the promulgation of legitimate collective investment programmes, the stress being on legitimate.

And I think that it is absolutely important that the Financial Services Commission that will provide, no doubt, the regulatory framework, that their oversight will be rigorous and diligent to ensure that illegitimate schemes do not dwindle their way into time system and add insult to injury by getting tax relief while at the same time promulgating some things that are inherently illegal.

So I think that the only other thing I would want to say on the question of the broader issue of transfer taxes on stamp duties is that I - when I was Minister it's well known that we brought transfer taxes and stamp duties down rather aggressively. In order to - there be an instrument of more mobility in business and in transfer of real estate transactions. And the Minister has since last year increased transfer taxes and stamp duties by 1% in each case. And what I would like to suggest and ask that the Ministry of Finance does is to carry out a study to see whether that increase of 1% has had any negative impact on the overall mobility and value of business transactions. Because one was done for the motor vehicle duties that was increased and it was found that the 10% increase that was slapped on had negative consequences for the revenue and as a result of that the Government was obliged to, in fact, reduce the motor vehicle - role it back by 10%, the very 10% they had increase. I just ask you to take a look at that decision that was made a year ago to increase transfer taxes and stamp duties by 1% irrespectively. Because you have to look at the - you can make more money by having a higher velocity in the volume of transactions rather than in seeking to garner a larger amount of transfer taxes and stamp duties. So in that sense we support the Bill.

Mr. Speaker, in relation to the Act to amend the Securities Act, this too is welcomed because, you know, the Securities

Dealers have always been one of the sectors that we know has not fallen under adequate regulation. And I know, of course, that that was one of the concerns that we have had as Government, both the previous Government and the present Government and I know, of course, it has been a major concern to International Monetary Fund as well; so that the work, and this certainly is not the end but rather a part of the beginning of process of tighter regulations of the security dealers. And to that extent it puts in place a necessary ring of protection for those investors who are investing in repos through the Securities Dealers. And I take note that it is - therefore a trust is established for the management of funds in the event that there are insolvency issues in relation to the Securities Dealers.

So I think that is welcomed and I think that part of - you know we have to learn from our history. The truth is that when we had the financial sector collapse the issue of the protection of investors was a major issue and the Jamaica Deposit Insurance Corporation was nowhere near as well developed as it is today. And even now it is, in my own view, it still needs room for more growth, because there is a threshold of just who is being protected in terms of any further financial collapse. But we all know that ultimately because the brink fence of protection was not liberally in place that we as a country, taxpayers absorbed a debt to $140 Billion, which at that time represented some 40% of gross domestic product, a rather substantial hit that the debt profile had to accommodate within the context of a rescue.

And indeed, I end by simply saying that, you know, the Government has been quiet on the issue of the report of Commission of Enquiry into the collapse of the financial sector. The information that I have is that it requires $10 Million, $10 Million to close out that enquiry. And I think that it really is - it is necessary that the Government commits to expending that $10 Million to complete the report of the enquiry into the financial sector collapse. Even as we have seen the start yesterday and today of the new Commission of Enquiry that is taking place at the Conference Center.

I really want to commend the need for the closure of the Commission of Enquiry into the collapse of the financial sector because it is of relevance in our total experience...

A MEMBER: Hear! Hear!

Mr. SHAW: ...in our total experience of saying; here are the mistakes that were made, let's not go back there. But hopefully in the context of this amendment to the Securities Act that this certainly will be a preventative step that will avoid any catastrophic event.

Thank you very much, Mr. Speaker. (Applause)

Mr. CHARLES: Mr. Speaker.

The SPEAKER: Yes, Mr. Charles.

Mr. CHARLES: I just want to say a few words to support the presentation of the Member from North East Manchester for fear that it is believed that he is the only one who has this concern or his constituency is the only one that has the concern.

I want to make it clear that many of us, this side and that side, are people who have

suffered great, probably injustice of the time. And I believe that as he has said, the country and the parliamentarians and others will be greatly benefitted for a report that could guide us into the future. So I stand to give support to the point made by him and to appeal to the Government to accept. And our constituency, we are going to go pay for it, Mr. Speaker, the taxpayers of the country are going to pay for it. It is not the PNP or the JLP, it is the country who are going to benefit - will pay for it. And I appeal that his prayer be heard and that the Government could take into consideration, as he has said how many have been hurt, and how we can prevent this hurt in the future.

Thank you, Mr. Speaker.

Mr. DALLEY: Thank you very much, Mr. Speaker.

I would like to thank the Members, first of all the Opposition Spokesman on Finance for his comments and his support and the work that he has done on the collective investment scheme while you were sitting in up at Heroes Circle...

(*Sotto voce* comments by Mr. Shaw)

Mr. DALLEY: Because it is a tough place. And your comments about the need to do a study to see whether or not the increase in the Stamp Duty on Transfer Tax by one percentage last year has had any serious impact on the overall doing business and other things. And it is a very good suggestion you have made and we intend to look at it, intend to look at it.

And I thank the Member from Clarendon Central also for his comments. And you never fail to mention the conclusion of the study or the enquiry in the collapse of the financial sector. And we always hear your call, and I am sure that that will come to some finality, I am sure that one day the enquiry will come to an end. With this said, Mr. Speaker, I now move that the Bills be read a second time.

The SPEAKER: The question is that the Bills be read a second time.

Motion put to the House and agreed to.

Bill entitled:

"AN ACT to Amend the Securities Act"

read a second time.

Bill entitled:

"AN ACT to Amend the Transfer Tax Act"

read a second time.

The House will now resolve itself into a Committee of the whole House to consider the Bills clause by clause.

COMMITTEE STAGE

The CHAIRMAN: We start off with the Transfer Tax.

You have any amendment?

Mr. DALLEY: No amendments for the Transfer Tax.

Clauses 1, 2, 3 and 4 put to the Committee and agreed to.

The Title and the Enacting Clause put to the Committee and agreed to.

The CHAIRMAN: The question is that I report this Bill, An Act to amend the Transfer Tax Act as having passed Committee Stage without amendment.

Motion put to the Committee and agreed to.

The CHAIRMAN: An Act to amend the Securities Act. Do you have any amendment?

Mr. DALLEY: In Section 36A 5B - 36A 5B, delete the words, '*or any regulations made under this Act*'. In the new section 36A 5B to delete the words, '*or any regulations made under this Act*'; that is the only amendment we have to the Securities Amendment.

The CHAIRMAN: So we put a full stop after insolvency?

Mr. DALLEY: Yes, you are correct.

The CHAIRMAN: Clauses 1, 2 and 3 put to the Committee and agreed to.

The amendment as outlined by the Minister to Clause 4 put to the Committee and agreed to.

Clause 4 as amended put to the Committee and agreed to.

Clause 5 and 6 put to the Committee and agreed to.

The Title and the Enacting Clause put to the Committee and agreed to.

The CHAIRMAN: The question is that I report this Bill, AN ACT to Amend the Securities Act as having passed Committee Stage with one (1) amendment.

Motion put to the Committee and agreed to.

RESUMPTION

The CHAIRMAN: I do report the Bill, AN ACT to Amend the Securities Act as having passed Committee Stage with one (1) amendment.

And I do report The Act to Amend the Transfer Tax Act as having passed Committee Stage with no amendment.

Mr. DALLEY: Mr. Speaker, I move that the Bills be read a third time.

The SPEAKER: The question is that the Bills be read a third time.

Motion put to the House and agreed to.

Bill entitled:

"AN ACT to Amend the Securities Act"

read a third time and passed.

Bill entitled:

"AN ACT to Amend the Transfer Tax Act",

read a third time and passed.

Mr. PAULWELL: Mr. Speaker, if I could just get the attention of the - there are some consequential orders resolution on the Order Paper that relate to the amendment to the Transfer Tax that we have just done, the Stamp Duty Amendment at Appendix A at items 8 and 9, I think they are simple. So, Mr. Speaker, on behalf of the Minister of Finance, I would like us to approve Amendment Stamp Duty Order No. 8, on the Order Paper and No. 9, on the Order Paper.

Motion put to the House and agreed to.

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker, the Member is not in the House from Central Clarendon, so we are going to differ the motion on Reparation until next week. There is no further business for the House today, so we will adjourn until next week Tuesday at 2:00 p.m.

The SPEAKER: The question is that the House do adjourn until next Tuesday, the 9th of December at 2:00 p.m. But we have Finance Committee for Supplementary Estimates?

Mr. PAULWELL: Mr. Speaker, the Parliament will resume at 2:00 p.m. but we will have Standing Finance Committee meeting at 10:00 a.m. on the 9th.

The SPEAKER: Thank you.

The question is that the House do adjourn until Tuesday the 9th of December at 2:00 p.m.

Motion put to the House and agreed to.

The SPEAKER: (Gavels) The House stands adjourned.

The House accordingly adjourned its sitting at 6:10 pm. until Tuesday, December 9, 2014 at 2:00 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2014 – 2015

TUESDAY, December 9, 2014

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.29 p.m.

PRESENT

THE SPEAKER

HON. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern, Speaker of the House.

MR. LLOYD BARNES SMITH, (PNP), St. James, Central, Deputy Speaker

MEMBERS OF THE CABINET

THE HONOURABLES:

HON. PHILLIP FEANNY PAULWELL, (PNP), Eastern Kingston & Port Royal, Minister of Science, Technology, Energy and Mining and Leader of the House

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, ON, (PNP), St. Andrew, South Western, Prime Minister and Minister of Defence

DR. THE HON. PETER DAVID PHILLIPS, (PNP), St. Andrew, East Central, Minister of Finance and Planning

HON. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western, Minister of Industry, Investment and Commerce

HON. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western, Minister of Local Government and Community Development

REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston, Central, Minister of Education

DR. THE HON. KENNETH WYKEHAM McNEILL, (PNP), Westmoreland, Western, Minister of Tourism and Entertainment

HON. LISA RENÉ SHANTI HANNA, (PNP), St. Ann, South Eastern, Minister of Youth and Culture

DR. THE HON. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing with responsibility for Housing

HON. EVON PATRICK CULLITON ATKINSON, QC, (PNP), Trelawny, Northern, Attorney General

MINISTERS OF STATE

HON. JULIAN JAY ROBINSON, (PNP), St. Andrew, South Eastern, Minister of State in the Ministry of Science, Technology, Energy and Mining

HON. RICHARD AZAN, (PNP), Clarendon, North Western, Minister of State in the Ministry of Transport and Works

HON. IAN DAVE HAYLES, (PNP), Hanover, Western, Minister of State in the Ministry of Agriculture and Fisheries

HON. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern, Minister of State in the Ministry of Local Government and Community Development

OTHER MEMBERS

MR. EDMUND CURTIS BARTLETT, CD, (JLP), St. James, West Central
DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central
DR. LYNVALE GEORGE BLOOMFIELD, (PNP), Portland, Eastern
MR. HUGH CARL BUCHANAN, (PNP), St. Elizabeth, South Western
MR. PAUL LENNOX BUCHANAN, (PNP), St. Andrew, West Rural
DR. DAYTON RICARDO CAMPBELL, (PNP), St. Ann, North Western
MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central
HON. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern
DR. DONALD KEITH DUNCAN, (PNP), Hanover, Eastern
MISS OLIVIA ATAVIA GRANGE, (JLP), St. Catherine, Central
DR. WINSTON LLOYD GREEN, (PNP), St. Mary, South Eastern
MR. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central
MR. WILLIAM JAMES CHARLES HUTCHINSON, CD, (JLP), St. Elizabeth, North Western
MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern
MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern
MR. MIKAEL ASHER PHILLIPS, (PNP), Manchester, North Western
MR. RAYMOND FRANKLYN PRYCE, (PNP), St. Elizabeth, North Eastern
MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern
MR. AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern
MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary, Western
MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western
MR. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western
MR. DWAYNE FRANCOIS ST. MICHAEL VAZ, (PNP), Westmoreland, Central
MR. CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western
DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central

PRAYERS

Prayers were offered by Dr. Lynvale Bloomfield

The SPEAKER: (Gavels) You may be seated.

House Leader.

Mr. PAULWELL: Mr. Speaker, I seek your leave to move for the suspension of the Standing Orders to move a motion pertaining to the meeting of this Honourable House.

The SPEAKER: Leave granted for the suspension of the Standing Orders.

Mr. PAULWELL: Mr. Speaker, I now move for the suspension of the Standing Orders to enable me to take the following motion:

Be it Resolved that this Honourable House be allowed to meet at a time other than that for which it was adjourned at its last meeting, notwithstanding Standing Order Number 8.

The SPEAKER: Those in favour of the motion.

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, I now move that the motion be approved, having just approved the suspension of the Standing Orders.

Put to the House and agreed to.

OATH OF ALLEGIANCE

(Applause)

MR. DWAYNE FRANCOIS ST. MICHAEL VAZ takes the Oath of Allegiance, shakes hands with the Speaker, the Prime Minister, as well as other Members of the House, then walks to his seat on the Government side.

(Applause)

CALL OF THE ROLL

(See Listing)

During Call of the Roll Mr. Daryl Vaz enters the Chamber.

A Government MEMBER: Daryl, see de true Vaz here!

(Heckling)

(Mr. Daryl Vaz and Mr. Dwayne Vaz embrace to thunderous applause)

Mr. Daryl VAZ: From the moment him win him was a true Vaz!

(Laughter/Applause)

(The Speaker gavels)

(Continuation of Call of the Roll)

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. PAULWELL: Mr. Speaker, we will be taking Question 25 for the Minister of Finance to answer.

Mr. SHAW: Mr. Speaker, Question Number 25 which stands in my name, I ask the Minister to respond.

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker –

Question 1:

Will the Minister provide details of the investment made by the NIBJ or DBJ to the enterprise known as Outameni Attraction Theme Park, as well as shares held (percentage of company owned) and of any loans or guarantees provided directly or through AFIs in relation to the enterprise, including information on the security provided for such loans or guarantees?

Answer:

(a) Investment in Outameni:

On March 31, 2005, the Board of Directors of the National investment Bank of Jamaica (NIBJ) approved a US Five Hundred Thousand Dollars (US$500,000.00) preference share investment in Orange Valley Holdings (OVH) Ltd. to assist with the construction of a heritage tourism attraction/theme park at Orange Grove, Trelawny. All legal

requirements of the NIBJ's investment commitment were satisfied by Orange Valley Holdings in June 2006, and the drawdown of the investment took place, giving the NIBJ 32,500,000 preference shares in Orange Valley Holdings. The details of the investment are as follows:

Instrument:

Convertible, Cumulative, Redeemable, Participating Preference Shares

Amount:

US Five Hundred Thousand Dollars (US$500,000.00)

Investment Period:

Five (5) years

Dividends:

Fixed dividend payments of 8 per cent, payable annually.

(b) Percentage Ownership of Orange Valley Holdings

Neither NIBJ nor the DBJ owned any ordinary shares in Orange Valley Holdings, therefore, effectively, the Development Bank of Jamaica did not own any percentage of the ordinary share capital of the company.

(c) With respect to loans provided through Approved Financial Institutions (AFIs) NIBJ merged with the DBJ on the 1st September, 2006. The N1BJ/DBJ made loans to Capital & Credit Merchant Bank, as an Approved Financial Institution for on-lending to Orange Valley Holdings as follows:

1) US$300,000.00 in June 2005
2) US$129,666.00 in July 2007
3) US$600,000.00 in February 2008

(DR. THE HON. FENTON RUDYARD FERGUSON, CD, (PNP), St. Thomas, Eastern, Minister of Health, entered and took his seat.)

(HON. NATALIE GAYE NEITA-HEADLEY, (PNP), St. Catherine, East Central, Minister Without Portfolio in the Office of the Prime Minister with responsibility for Sports, and Deputy Leader of the House, entered and took her seat.)

All these loans were repaid in full by Capital & Credit Merchant Bank, inclusive of interest.

(d) With respect to the Security Guarantee -

- Under DBJ's present lending policy, loans to AFIs are unsecured;
- The DBJ did not lend directly to nor provide any guarantees for or on behalf of Orange Valley Holdings.

Question 2:

Will the Minister state what is the current status of the investment, loans or guarantees?

Answer:

a) In March 2011, in keeping with the International Financial Reporting Standards (IFRS), the DBJ Board took the decision to make full provision for the investment by charging the Profit and Loss Account of the Bank and reducing the carrying value of the asset on its Balance Sheet.

In October 2013, the Board of the DBJ took the further decision to write off the investment in Orange Valley Holdings altogether, and thus remove the asset from its Balance Sheet. This was effected in November 2013.

b) All loans made to the AFI (Affiliated Financial Institutions) for the purposes of lending to Orange Valley Holdings have been repaid in full by the AFI.

c) With respect to guarantees, please see answer at 1(d).

Question 3:

Has the DBJ received any dividends on this investment or interest payment on these loans?

1) The DBJ has not received any dividend on the preference share investment in Orange Valley Holdings.

2) Please see answer at 2(b)

Question 4:

Has the DBJ provided any relief in relation to the investment loans or guarantees, and if so, will the Minister provide details of such relief.

Answer:

The answer is that the DBJ has not provided any relief in relation to the investment loans or guarantees.

Question 5:

Will the Minister state the total amount of relief that is write-off for interest and or principal provided by the DBJ to its clients over the three years and detailed such relief?

Answer:

The DBJ has over the last three years written off $1.58 Billion in principal and/or interest. The amount represents the write-off of loans and preference shares extended to clients of the DBJ. Three clients of the DBJ between 1997 and 2005, and it is at Appendix 1 which provides the details.

In relation to Morgan's Harbour loan originating in February 05, again by the - inherited by the DBJ from the NIBJ, an original balance of Fifty-nine Million Two Hundred and Twelve Thousand Seven Hundred and Twenty-six ($59,212,726). The principal face value amount written-off was $13 Million; the assets of the facility were sold for $42 Million and applied to the loan but it did not cover the entirety of the amount advanced.

With respect to J$ dollars preference shares, the original balance of $50 Million principal face value amount written-off was $50 Million interests or dividend written off was $41 Million the total amount written off was $91 Million in the preference shares.

In relation to Orange Valley Holdings, US dollars preference shares $500,000 principal face value amount written-off US$500,000 interest on dividend written - off $228,384 total written-off $728,384. Assets were sold by the principal mortgager and no further amounts were deemed recoverable.

Rose Hall Resorts US dollar loan contracted in April '97 original balance of

$3,817,512 the principal face value amount written-off was $1,817,512 the total amount written-off was $1,817 Million, no interest nor interest dividend was written-off. The total equivalent written-off was $169,168 - well the J$ dollar equivalent was $169,168,585 the assets were sold by the principal mortgager and payment of US$2 Million was applied to that loan.

With respect to US dollar preference shares extended - invested in September 1997, the original balance was $2.28 Million, principal face value $2,763,851 interest or dividend $330,754,000 total written-off $3,094,605 Million the total J$ dollar equivalent written-off was $288,360,493, the assets as I said earlier were sold and no further amounts were deemed recoverable and there was an additional US$9.9 Million preference shares which were written-off for a total J$ dollar equivalent written-off of $1,121,711 in the Rose Hall Resorts.

Question 6:

Did the DBJ make any attempt to negotiate monetary compensation in lieu of the preference shares held in exchange for the letter of no objection being sought by the NHT in order to effect the sale? And if not, why not?

Answer:

No. Further any negotiation for compensation in lieu of preference shares would have had to have been held with Capital and Credit Merchant Bank the main creditor and first mortgagee who did not require DBJ's consent prior to exercising its power of sale contained in their mortgage. There was no particular power exercised by the NHT which would have constrained the - by the DBJ which could have constrained the principal creditor.

Mr. SHAW: May I just ask the Minister and that relates in particular to the last, really to the last question. Because we are aware that the private institution pretty much got a hundred per cent coverage that is what we are advised. And I really just wondered if there was any attempt, simple question an attempt made by the DBJ in lieu of the - in view of the investment that they had made. Was there any attempt at the time of providing the no objection letter. Was there any attempt to negotiate through the NHT with the private institution to seek to get even a modest portion of the fund?

Dr. PHILLIPS: I must say I am not in the position to confirm that the principal creditor recovered 100 per cent of their - of the credit extended. In fact, that is not my understanding though I would have to check to be specific. But as I understand it that there was credit extended beyond the amounts recovered by the principal creditor. But as I said, there was no negotiation, I am advised, no negation took place with the principal creditor and indeed, there was no discussion between the DBJ and the principal creditor regarding the decision to sell the assets.

Mr. SHAW: For your information there is information at the Housing Trust which indicates that the amount paid out was

equivalent to the amount required by the bank. The wording as I understand it was that the amount paid out of $180 Million was essentially the amount that was owed to the private institution.

So my next question however, which is the second and last, I would like to know if the Minister would be the Minister with responsibility for the DBJ. Are you aware whether at the time of the issuing of the no objection letter by the DBJ to the Housing Trust whether the DBJ sought to provide any advice to the Housing Trust concerning their own experience with the investment and in consequence, as a sister agency would seek to caution the Housing Trust about this investment?

Dr. PHILLIPS: I have no information in that regard, no information in that regard. In fact what I am advised is that there was really no need for the Housing Trust to have sought and no objection letter from the NIBJ in sense since the - from the DBJ since the DBJ in effect had no power to prevent the sale, the powers of sale being exercised by the principal mortgager.

(*Sotto voce* comments by Mr. Shaw)

Dr. PHILLIPS: Well, why did the NHT seek it? I have no idea that would be a question best directed to the NHT. But it would be kind of...

Mr. SHAW: He is right beside you.

Dr. PHILLIPS: You know it is kind of like advice if you have any adult children. If they ask you - if they ask your consent in their decision to marry, you may give it or you may not, but you have no power to prevent it. So they sought it as perhaps a gesture of goodwill between the agencies.

Mr. SHAW: What if any is any assurance of residual interest that DBJ would have in the continuing project having regard to the preference shares. The preference shares that the DBJ had, do they have a continuing interest in the project as it moves along under the NHT?

Dr. PHILLIPS: Per chance, Orange Valley holdings turn a profit at some point, then the preference shares have not been given up, and there is the continuing interest in the preference shares maintained by the DBJ. But what has happened is that it is written-off investment on its balance sheet.

Mr. BARTLETT: Mr. Speaker, through you to the Minister.

The SPEAKER: Yes, Mr. Bartlett.

Mr. BARTLETT: Minister, I am looking at the appendix to the answers that you gave to the Member from North East Manchester and notice that the Rose Hall Resorts had the benefit of a write-off of somewhere in the region of about $1.6 Billion.

First question Minister, is that Rose Hall Resort the same as the owners who had an operation called the Ritz Carlton?

Dr. PHILLIPS: Yes.

Mr. BARTLETT: Would the Minister state the relationship between - ownership relationship between the DBJ and the Rose Hall Resorts?

Dr. PHILLIPS: I believe it is indicated in the Appendix that the extended loans and the extended preference shares and the invested preference shares in Rose Hall Resorts, they

were part of a consortium, the principal mortgagee exercise their powers under the mortgage, and by virtue of a negotiation between the principal mortgagee, mortgager and the DBJ, DBJ recovered US$2 Million of the money that they had extended, but they were no other assets that we were recoverable. I think it is important to note that the facility has subsequently been upgraded and is scheduled to operate as another hotel under new ownership.

Mr. BARTLETT: Minister, are you aware that the properties were sold and what was the value of the sale, and was that sale proceeds sufficient to liquidate the outstanding debts that the DBJ were carrying on this project?

Dr. PHILLIPS: I am not so aware, though if the Member has specific questions that he would like to put I would be prepared to answer them in the normal course.

Mr. BARTLETT: Firstly, if by way of the investment arrangements that both the resorts and the DBJ had, their preference share here as indicated, a billion dollars of preference shares written-off; the issue, Mr. Speaker, is how much was it that the resort got for the sale of what is commonly called the Ritz Carlton Property? And, was that sale and proceed sufficient to cover the indebtedness of the resort?

Dr. PHILLIPS: As I had indicated, if the Member has - I am not in a position to answer that question now. What happened is that in relation to the powers exercised by the principal creditor, DBJ was able after lengthy negotiations to recover US$2 Million and that is what it did. Now what were the further details, if the Member has further questions, he will have to put them in the normal course because I am not in the position to answer those questions now, I just simply don't have the information at hand?

Mr. BARTLETT: Okay, Mr. Speaker, I do understand that the Minister does not have the information available. And certainly, I think a follow-up question, Minister, will be made on this or, of course, we can get it somewhere else. (Chuckles)

(Cross talk)

The SPEAKER: Well, Mr. Bartlett...

Mr. BARTLETT: But we will make the questions available.

The SPEAKER: ...Mr. Bartlett, you could ask the Minister to provide the answer for you.

Dr. PHILLIPS: If he knows what is being asked.

Mr. BARTLETT: Beg your pardon, Minister...?

Mr. SPEAKER: Rather than wait to table a question that would be at the next sitting...

Mr. BARTLETT: Simply what we're asking is what was the sale price for the Ritz Carlton property, one and how does that square in terms of the Government's exposure which it had in the investment of that property? The $2 Million that you say has been recovered, we want to know whether that $2 Million, right, and the write-off of $1.8 Billion this is whole point - sorry, not $1.8, $1.6 Billion that was written off as stated here, we want to know whether or not the proceeds of the sale was adequate to cover this? Or was

it a case where Government was held in a position we carried the losses while the partners did not?

Dr. PHILLIPS: Mr. Speaker, this would be a matter essentially of law and the powers contained in the mortgage. Those powers gave priority to the principal creditor. The DBJ suffered a loss and the extent of the loss - the extent of the write-off is listed here. What were the other amounts that were recovered? I would have to secure that information. Suffice it to say, as a development bank the purpose, yes, is to recover monies that have been loaned and investment that have been made, which investment were made in 1997. The DBJ inherited those investments from the NIBJ in the amalgamation that took place. But I think the important point, since it is a development bank also, the important point is that the particular investment did redound to the benefit of the Jamaican people and continues to do so insofar as this particular facility continues or is operating as a hotel and, in fact is being upgraded. So yes, there was a loss suffered by the DBJ and I respect the decision of the Board taken.

The SPEAKER: Okay. Any more answers to the...?

Mr. PAULWELL: No, no!

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, I seek the leave of this Honourable House to move for the suspension of the Standing Orders to enable me to take a motion.

The SPEAKER: Is that the wish of the House.

Put to the Committee and agreed to.

The SPEAKER: Leave granted.

Mr. PAULWELL: Mr. Speaker, I now move for the Standing Orders to enable me to take a motion.

The SPEAKER: Those in favour of suspending the Standing Orders.

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, I now move for the suspension of the Standing Orders to enable me to take the following motion:

> Be it Resolved that in accordance with Standing Orders No. 8 subsection (7), this Honourable House be allowed to conduct Business other than that specified in the notice from the Clerk, acting under your direction, including Private Member's Motion.

The SPEAKER: Those in favour.

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, I now move that the motion be approved.

The SPEAKER: Those in favour of the Motion.

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, under Public Business as we await the Report from the PAAC, we will resume the debate on reparations and this afternoon we'll commence with the Minister who is in charge of [Youth and] Culture to make her presentation.

Miss HANNA: Thank you, Mr. Speaker.

Mr. Speaker, I welcome what I consider a continuation of a parliamentary debate on reparations which started in 2007 and there were conversations with at the time one of the Members, Minister Aloun Ndombet-Assamba, with interventions from the late reparations stalwart, Dudley Thompson. I also want to place on record my appreciation for the establishment of the Reparations Commission under the previous Minister, Member - at the time Minister Grange and certainly that was also inspired by the tireless advocate for reparations, the Member from Clarendon.

(Applause)

Mr. Speaker, we saw it as an administration to re-establish this Commission, because we thought it was not only important but it has immense relevance in terms of our people see ourselves going forward and to that end we re-established it under the chairmanship of Professor Verene Shepherd who really took over from someone that I not only admired but someone who did immense work at the time, Professor Barry Chevannes, the late Professor Barry Chevannes. (Applause) At the time, Mr. Speaker, there were limited funds that were given and there were about two public consultations that were held to start the report on reparations. And even though it was incomplete we felt that we needed to get some more funds, which we have done from CHASE. And that was - the report was not only complete but the $3 Million that we've now got will allow the tremendous public consultations to take place so that our public can be aware of what really and truly reparations is.

I really want to apologize for Professor Shepherd who would have wanted to be here today and is unable to be here today and to thank the current Reparations Commission, now the Reparations Committee, for the work that they have done and the report that they have been able to table.

Mr. Speaker and colleagues, the Parliament of Jamaica may be more so than any other Caribbean country or country in the commonwealth have the most profound and deepest responsibility to champion the cause of reparatory justice for its citizens of African descent in respect of chattel slavery and the transatlantic slave trade. Mr. Speaker, Jamaica was one of Britain's largest slave economies and society and Britain imported more enslaved Africans into Jamaica than any other part of this region. Jamaica became the model slave economy and was said to be Britain's premier international investment.

Mr. Speaker and the Member from North West Manchester - North East, who is still on his phone, some 1.3 million Africans were imported into Jamaica between 1655 and 1807. At Emancipation in 1834 only 300,000 of these slaves had survived. It was a demographic disaster of global magnitude that serves to explain why slavery, in addition to being a crime against humanity, is also seen as characterized as genocide. It is also true that the Sam Sharpe rebellion of 1831 more than any other single factor was the final nail driven into the slavery coffin right here in

Jamaica. It created for the people of Jamaica a very special relationship to the Emancipation Act of 1833. The people of Jamaica had spoken. They told the British Parliament either you end the evil of slavery by law or we will end it by war.

Mr. Speaker, we have a responsibility to own this history today and to act in a way consistent with its finest philosophical meaning. We have a duty today to speak about the right of oppressed people, to have their humanity recognized and to be seen as a moral being with a right to have their dignity upheld.

Mrs. NEITA-HEADLEY: Hear, hear! Hear, hear!

Miss HANNA: The right to reparatory justice for all victims of crimes against humanity has been endorsed by the United Nations and enshrined in International Law. That the African people of Jamaica experienced the worse and deepest end of the physical brutality of chattel bondage is now accepted by scholars. One only has to read the diary of Thomas Thistlewood, the sadistic Westmoreland slaver, to be transported into the imaginable hell of enslavement here in Jamaica. As we are here to say in this Parliament that these people, these descendants are not entitled to reparatory justice? Are we to deny them in this House?

CARCIOM has established, Mr. Speaker, a Commission on Reparations under the chair of Professor Hilary Beckles. The Commission has submitted a ten-point action plan that frames for us the reparatory justice claim. The ten-point plan has been accepted by CARICOM and there is a prime ministerial subcommittee that has responsibility for advising all heads of national Governments on the path forward and next steps to be considered. We're currently awaiting the recommendations of that prime ministerial subcommittee, but while we do there are number of issues that must be recognized and a few matters to be addressed.

The CARICOM Commission has adhered to the instruction of our Prime Minister, Portia Simpson Miller that the entire process of reparatory justice must be pursued consistent with the finest traditional of Caribbean and international diplomacy. The Commission has honoured this call because it accepts this approach as the only sustainable one that can win over the hearts and the minds of the cause. But Mr. Speaker, the Commission has also lined reparatory justice to development that has widened the current development discourse. There can be no denying that reparatory justice should be linked directly to matters of development in the country and region and must be attached firmly to issues of economic growth, social freedom and cultural rights.

Mrs. NEITA-HEADLEY: Hear, hear!

Miss HANNA: As we speak about reparatory justice, we must also be speaking about the financial and fiscal policy, economic strategies and international negotiations. There is no doubt that the international donor community, for example, and most multilateral agencies have narrowed their development conversations and facilities in their relations to the Caribbean in the past thirty years. The conversation about trade,

direct foreign investment and concessionary adjustments are not as facilitating now as they were then. While our scholars have written that we have we have been pushed back and defeated in some instances, they are suggesting that we have failed. There is enormous significance to be attached to these perspectives. Mr. Speaker, if we have failed then we are not entitled in their opinion to any support. If, however, we have been pushed back or down the up escalator then we have strong claim for rebalancing in the development dialogue with the support of the reparatory justice movement. The reparatory justice claim, Mr. Speaker should be a part of this development dialogue. The fact is that we have inherited from colonialism a worst case scenario from which we have started nation building. Massive poverty and illiteracy that were the norm of colonialism and no development programme of any significance followed the end of that exploitative colonial era. The great George Beckford wrote about the persistent poverty that followed us in to independence and how the plantation economy and culture, the hallmark of slavery, served as a headwind against our enemy at change and transformation.

Mr. Speaker, the late Norman Girvan wrote about the plantation syndrome and the dependency mentality that took root in our society. And the late great Rex Nettleford spoke about the inferiority complex that white supremacy sought to drive into the hearts and minds of our social majority. These scholars and gentlemen have all made their contributions and have passed the baton to the younger generation who are calling for a revisit of the theme of reparatory justice and are insisting that we guide and advance their cause. They have said correctly that for them reparatory justice is not about handouts, but about education, cultural development human rights, health care and respect for their African identity.

The Rastafari have insisted that they are the descendants of stolen people and should be provided with the facility to engage the homeland as a normal experience, and to return to that homeland if they so desire. Reparations then, Mr. Speaker, is about social and economic development. It is as much about supporting community facilities and infrastructures, as it is about healing spiritual and psychological wounds left unhealed. Jamaica, as a nation, will struggle to solidify its society, until these matters are addressed. There can be underclass that is under serving of justice, and other classes take that as its right.

Mr. Speaker and colleagues, one of the things that - certainly I am not as - I have not been here as long as the advocate - or one of the greatest advocates for reparatory justice in this House - but one of the things that has always moved me in a way that I could never explain until I started to research about reparatory justice and reparations, was why it is that our people always enjoyed, and why we have come to enjoy eating those things that the planters threw away from the other parts of the meat; and we have come, over time, to

enjoy a lot of salt, flour, and all of those things that they used to feed the slaves, that they would not eat for themselves.

And if you look at the research today, what it shows you is that, genetically - and some of the scholars have wrote about this - is the reason why the Caribbean has the kind of high blood pressure, the kind of cholesterol, and the kinds of other things is because over generations we have become accustomed to eating certain types of foods that were enshrined in us during the colonial era.

And you know, Mr. Speaker, when they speak about health care and education, they are speaking about these kinds of things. Slaves got the worst primary health care possible. They were never allowed primary health care. They were never allowed things like checking their blood pressure; they were fed a lot of salt; they were fed a lot of flour to fatten them up and to get them full. The ladies were never allowed... they were breeding machines, and so they had to have babies.

So Mr. Speaker, what the current scholars are talking about when they speak about health care education, is to now bridge that gap, is to say to those who have caused this kind of injustice, rather than give out a big pay-out, is to now give us the facilities to repair those breaches that took place before: give us the proper health care facilities; give us the proper educational facilities; give us the proper facilities that persons believe, and those scholars believe, had set us back for so many years.

And so, Mr. Speaker, the CARICOM Commission has put forward a ten-point plan. That plan now is to look at the budget for the CARICOM Secretariat. It will work on the claim to now go to the International Court, if possible, and it will do a number of other things to now get the Caribbean working together, because it makes no sense we go as single countries; you really have to go as a *bloc* if you are going to acknowledge what has happened.

But Mr. Speaker, in this Debate while I support the Motion put forward by the Member from Clarendon, I want to propose that we have a joint select parliamentary committee, where not only Members can come and present perhaps some of their own researched work, but that the public can come, scholars can come, the Rastafari Movement can come and a number of persons - and we have a particular timeline while the Reparations Committee - the National Reparations Committee, we give them the other time to have the public consultations, because that also has to continue.

So Mr. Speaker, I believe that we have demonstrated, as a Government, that we are committed to looking at reparations. It is Funded by CHASE now - we got funds from CHASE - and the Prime Minister has really lead the charge at the CARICOM Commissions level to make sure that we can continue.

So, Mr. Speaker, and colleagues, thank you, and may we continue to have the dialogue which is open and transparent in the best interest of our country.

Thank you.

(Applause)

Mr. PAULWELL: Mr. Speaker, we will suspend the Debate until later this afternoon - the continuation of this Debate, and we will therefore move for the suspension - sorry, we have - I move for the recommittal of item, Announcements, Notices of Motions Given Orally, and Reports from Committees.

The SPEAKER: The question is for the suspension of the Standing Orders to allow for recommittal of items, Reports from Committees, and Notices of Motions Given Orally, and Announcements.

Put to the House and agreed to.

ANNOUNCEMENTS

The Clerk laid the following on the Table of the House:

- **Ministry Paper No. 152**
  Cabinet Agenda Issues dated 17th November, 2014
- The Civil Service Establishment (General) Order, 2014 under The Civil Service Establishment Act
- The Casino Gaming (Annual Licence fees for Casino Gaming Licences and personal Licences) Regulations, 2014 under The Casino Gaming Act
- The Casino Gaming (Applications relating to Licences) Regulations, 2014 under The Casino Gaming Act
- **National Youth Service** (NYS) Annual Report and Audited Financial Statements for the Financial Year 2005/2006
- Jamaica Railway Corporation (JRC) Annual Report and Audited Financial Statement for the Financial Year 2012/2013
- The Deposit Insurance (Joint, Trust and Nominee Accounts) Regulations, 2014 under The Deposit Insurance Act
- Report on the Deliberations of the Public Administrations and Appropriations Committee of the House of Representatives On the First Supplementary Estimates for the Financial Year 2014 /2015 And the Estimates of Revenue and Expenditure of the Public Bodies for the year ended 2014/2015

REPORTS FROM COMMITTEES

The SPEAKER: Mr. Chuck.

Mr. CHUCK: Mr. Speaker, on behalf of the Member from East Central St. James...

A MEMBER: And Chairman of the PAAC.

Mr. CHUCK: ...and Chairman of the PAAC, I beg to lay on the Table of the House a copy of the Report of the Public Administration and Appropriations Committee of the House of Representatives on its deliberations on the First Supplementary Estimates of Expenditure for the Financial Year ending March 31, 2015 and the Estimates of Revenue and Expenditure for public bodies for the Financial Year 2014/2015.

NOTICES OF MOTIONS GIVEN ORALLY
(Recommitted)

Mr. BARTLETT: Mr. Speaker, I beg to give notice that at the next meeting of the House, I will move the following motion:

Be it Resolved that the Report of the Public Administration and Appropriations Committee of the House of Representatives on its deliberations on the First Supplementary Estimates of Expenditure for the Financial Year ending March 31, 2015, and the Estimates of Revenue and Expenditure of Public Bodies for the Financial Year 2014/2015, which was laid on the Table of the House on the 9th day of December, 2014, be approved.

The SPEAKER: Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move the following motions.

Be it Resolved that the first Supplementary Estimates of Expenditure for the Financial Year ending March 31, 2015, which was laid on the Table of the House on the 25th day of November, 2014, be referred to the Standing Finance Committee of the whole House of Representatives, consisting of all Members of the House for consideration and report;

And be it Further Resolved that the Committee, during its deliberations, take into account the recommendations contained in the Report of the Public Administration and Appropriations Committee of the House of Representatives on its deliberations on the First Supplementary Estimates of Expenditure for the Financial Year ending March 31, 2015, and the Estimates of Revenue and Expenditure of Public Bodies for the Financial Year 2014/2015 which was laid on the Table of the House on the 9th day of December 2014.

Mr. Speaker, I beg to give notice that at the next meeting of the House, I will move the following Motion relating to the Civil Service Establishment Act, Civil Service Establishment (General) Order, 2014 Resolution:

Whereas section 3(1) of the Civil Service Establishment Act hereinafter referred to as '*The Act'* provides that the Minister may, by order, constitute or abolish offices in the Public Service;

And Whereas on the 27th day of November, 2014, the Minister made the Civil Service Establishment (General) Order 2014;

And Whereas it is provided by section 3(4) of the Act that an order made under this section shall be subject to Affirmative Resolution of the House of Representatives;

Now therefore be it Resolved by this Honourable House as follows:

(1) This Resolution may be cited as the Civil Service Establishment General Order 2014 Resolution;
(2) The Civil Service Establishment (General) Order, 2014, which was laid

on the Table of the House on the 9th day of December, is affirmed.

I also beg to give notice, Mr. Speaker, of the Casino Gaming (Applications Related to Licences) Regulations, 2014;

Whereas by virtue of section 72 of the Casino Gaming Act, hereinafter referred to as '*The Act'*, the Casino Gaming Commission may make regulations with the approval of the Minister which make provisions for the form and content of applications related to licences;

And Whereas on the 28th day of November 2014 the Casino Gaming Commission with the approval of the Minister made the Casino Gaming (Applications Related to Licences) Regulation Order, 2014;

And Whereas it is desirable that the Casino Gaming (Applications Related to Licences) Regulations, 2014, be affirmed;

Now, therefore, be it Resolved by this Honourable House as follows:

1. These Regulations may be cited as the Casino Gaming (Applications relating to Licences) Regulations, 2014;
2. The Casino Gaming (Applications Related to Licences) Regulations, 2014, which were laid on the Table of the House on the 9th day of December 2014, are hereby affirmed.

Also, Mr. Speaker, in relation to the Casino Gaming (Annual Licence Fee for Casino Gaming Licences and Personal Licences) Regulations, 2014:

Whereas by virtue of section 72 of the Casino Gaming Act hereinafter referred to as the Act, the Casino Gaming Commission may make regulations with the approval of the Minister which makes provision for the payment of fees for the conduct of due diligence exercise in respect of licences, authorizations, and approvals;

And Whereas on the 28th day of November 2014, the Casino Gaming Commission, with the approval of the Minister made the Casino Gaming (Annual Licences Fees for Casino Gaming Licences and Personal Licences) Regulations, 2014;

And Whereas it is desirable that the Casino Gaming (Annual Licences Fees for Casino Gaming Licences and Personal Licences) Regulations, 2014, be affirmed.

Now, therefore Be it Resolved by this Honourable House as follows:

(1) These Regulations may be cited as the Casino Gaming (Annual Licences fees for Casino Gaming Licences and Personal Licences) Regulations, 2014;
(2) The Casino Gaming (Annual Licence Fees for Casino Gaming Licences and Personal Licences) Regulations, 2014, which were laid on the Table of the House on the 9th day of December are hereby affirmed.

Dr. PHILLIPS: Mr. Speaker, at a later stage today in relation to the first of the motions, that of which I gave notice that in relation to the First Supplementary Estimates and the deliberations of the PAAC - the suspension of the Standing Orders to enable me to take those.

Mr. PAULWELL: Mr. Speaker, we are now at Public Business and we will ask the Minister to move for the approval. So the Member from East Central St. James will now...

The SPEAKER: Mr. Bartlett.

Mr. BARTLETT: Thank you very much, Mr. Speaker.

Mr. Speaker, at an earlier point I had moved that we would adopt the Report of the PAAC on its deliberations on the First Supplementary Estimates. Mr. Speaker, the Ministry of Finance and Planning explained to us at the Committee that the rationale for the First Supplementary Estimates 2014/2015 was a $5.9 Billion shortfall in revenues and grants driven by a $6.5 Billion shortfall in tax revenue. This, Mr. Speaker, necessitated adjustments and reallocations of expenditure to achieve the primary surplus target of 7.5% of gross domestic product. This rationale, Mr. Speaker, was outlined, of course, in the GOJ's interim Fiscal Policy Paper discussed in October 2014. Subsequent to the interim FPP, a revised projection, Mr. Speaker, of the 2014/2015 revenues and grants is now set at $426.1 Billion, which is a $3.6 Billion improvement in the estimates provided in October 2014, as the Ministry of Finance and Planning now expects a recovery in revenue performance in the last half of the fiscal year.

Given these adjustments, Mr. Speaker, the revised expenditure for 2014/2015 is now $539.3 Billion, representing a net reduction of J$700 Million. Capital expenditure is expected to bear the brunt of the adjustment, declining by some 10.7% from $34.6 Billion in the original budget to $30.9 Billion in the Revised Estimates.

Capital B, Mr. Speaker, Capital B expenditure in 12 of the 15 ministries has been downwardly revised and has only increased in three ministries. The current expenditure, on the other hand, showed a modest .7% increase from $272 Billion to $274 Billion.

Your Committee, Mr. Speaker, was informed that after these adjustments and reallocations the Government of Jamaica was now current in meeting all outstanding wage claims for Financial Year 2014/2015 and that it was adhering to its commitment under the Extended Fund Facility with the International Monetary Fund to hold arrears due over 90 days to the levels as of March 31, 2013. The GOJ gave assurance that support for major social safety net programmes, Mr. Speaker, such as the Programme for the Advancement Through Health and Education, PATH, have not been reduced by the adjustment.

Mr. Speaker, there were other observations which are contained in the Report that is submitted, but those highlighted the principal areas that, no doubt, when the Standing Finance Committee comes to treat with the Report they will take cognizance of.

I thank you.

May it please you, Mr. Speaker.

Motion to adopt the Report put to the House and agreed to.

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker, as I indicated earlier, I move suspension of the Standing Orders in order for me to take the Motion, notice of which I gave earlier.

The SPEAKER: The question is for the suspension of the Standing Orders to allow the Minister to take the Motion, notice of which was given earlier.

Put to the House and agreed to.

Dr. PHILLIPS: Mr. Speaker, in keeping with standard practice I would ask that this House approves the referral of the Report just tabled and adopted by the Chairman of the PAAC to Standing Finance Committee for consideration of the Supplementary Estimates which are before us. This will enable us to consider the Supplementary Estimates and be in a position to debate those Estimates on the basis of the Report now before the Standing Finance Committee.

Put to the House and agreed to.

The SPEAKER: Report referred.

Mr. PAULWELL: Mr. Speaker, we will now suspend the sitting of the House to enable the Standing Finance Committee. So I will therefore move for the suspension of the sitting of the House for a time later today and I am proposing that we will resume at 2:00 sharp so that we can conduct the business of the Standing Finance Committee if the time allowed and Members can have their refreshment, so that we resume at 2:00 sharp this afternoon.

Put to the House and agreed to.

(The sitting of the House was suspended at 12:38 p.m.)

RESUMPTION

The House resumed at 2:20 P.M.

STATEMENTS BY MINISTERS

The SPEAKER: Minister Thwaites.

Rev. THWAITES: Mr. Speaker, thank you very much.

On Thursday of this week I will be attending the first national graduation ceremony for more than 450 participants in the Career Advancement Programme known as CAP, and I have tabled a Ministry Paper today that provides a progress report on the implementation of CAP, which has been restructured to enable greater levels of efficiencies in its administration and outcomes. New performance measures and systems have been implemented to address the weaknesses identified and the programme has been re-branded with the tagline "Change of Attitude through Performance", "Change of Attitude through Performance, same CAP.

Mr. Speaker, I want to begin by acknowledging the important role played by the former Minister of Education and the present Opposition Spokesman on Education in envisioning and implementing the CAP Programme in 2010 as a second chance for students age 16 to 18 to fulfill their career goals. We state again that the direction of the educational policy is seamless from one administration to the next and wherever differences have to be identified they are done by consensus and with respect for that which has been implemented and attempted before...

Mr. Speaker, the original concept of the programme arose from the need to create a system in which unattached youths may have

access to higher levels of skills and career training and appropriate academic knowledge to enable them to function effectively in society.

The programme involves two groups. The technical component involves students reading at the Grade 9 level or above and those with Caribbean Secondary Examination Certificates, called CSEC Certificates, who elected to pursue Technical Vocational Educational Training, TVET competencies.

Mr. Speaker, I would like to let you know that the students who fell into this technical component have in fact done very well - places like the University of Technology; the Caribbean Maritime Institute and other such institutes - have done very well under the CAP Programme.

The problem is, sir, that there is another component, the general one which involves students reading below Grade 9 who take courses enabling them to matriculate into the technical component or to pursue higher or other qualifications. And the problems, the challenges that have been faced have been several and chief among them, Mr. Speaker, have been the low levels of literacy and numeracy. Approximately 70% of each year's cohort has been unable to achieve the basic standards of literacy and numeracy.

Additionally, the streaming of students into appropriate levels and suitable programmes were frequently not achieved. Further, an average 40% of participants, for varying reasons, dropped out of the programme or attended too irregularly to benefit from it. And there have been also inadequacies, sir, on the part of many teachers in that they were unfamiliar with the Competency-Based Education and Training methodology, CBET for short. This is different, Mr. Speaker, from the ordinary process of a classroom where the teacher prepares the lesson, perhaps puts the salient points on a blackboard and the students ingest.

The Competency-Based Education and Training methodology emphasizes learning by doing, understanding and practising actual skills and is particularly - we find that boys are particularly receptive to this method of pedagogy. Some teachers were also not fully competent in the technical areas that they were asked to preside over. And truth be told, the situation was compounded by inadequately equipped workshops and laboratories in the first instance.

There have been recent initiatives to address the challenges. I stress again CAP has not been abandoned, it's not going to be abandoned, it is a necessary programme, but it must be refined in order to have greater efficiency as experience teaches us. And the restructuring of the CAP was sought to address these deficiencies through the following initiatives: first is the creation of a comprehensive programme of literacy and numeracy remediation combined with life skills development and it is being delivered to the CAP students who require the support and implemented by the Jamaican Foundation for Lifelong Learning, JFLL.

You know, Mr. Speaker, the theme of this Ministry Paper and my presentation, we must all bear in mind that this Programme is

entirely remedial. It needs to happen because we don't do it right the first time in enough instances and therefore the remedial effort at literacy and numeracy have to take - has to take place years after the skills of literacy and numeracy ought to have been attained the first time.

Teachers have been trained in the use of the CBET Methodology through a comprehensive programme targeting CAP teachers as well as a medium-to-long-term programme in all teacher-training institutions. This is new, Mr. Speaker, and it has to be because the teacher-training institutions must adapt to the needs of the students.

In the past there has been a fairly standard curriculum and process at these institutions which have assumed that what was going on there was amenable to the students who have changed drastically in terms of their aptitudes and their attitudes. Teachers must be flexible enough to respond to the needs of the students. Their outcomes after all are the ultimate and only objective of the education system.

Further, a National Lesson Plan Database was developed to allow teachers access to lesson plans/best practices so as to guide their instructions and the streaming of all students into either the Technical or General Programme based on their abilities is now in place.

The delivery of the CAP alongside the Grade 12 and 13, that's the Sixth Form cohort, Mr. Speaker, alongside the Grade 12 and 13 programmes in some schools so that students have the opportunity to select skills course and earn a Caribbean Vocational Qualification.

You know, Mr. Speaker that CVQ is a most under-rated qualification. It is the equivalent of the CSEC in the technical and vocational areas. And part of the prejudice that we in Jamaica have to overcome is the notion that technical skills are somehow inferior to academics skills. If we continue with that we blight many of our students. We must be leaders, I would suggest, in making sure that this prejudice is eliminated.

The creation of a Technical Sixth Form, which is being supported by funds from the CAP budget, and the programme is operational in 15 high schools for 1,000 students this year. (Applause)

Mr. Speaker, students with one CXC or GCE subject and those who passed the HEART Trust/NTA entry test can enter the public and private tertiary institutions to pursue the CAP courses. And CAP is also providing financial support for students who will enroll in the "school-based apprenticeship" programme. Mr. Speaker, I am so sorry my colleague in the Ministry of Investment and Commerce isn't here because he has led the impetus for the revival of the "apprenticeship programme" which was formally revitalized a week ago. And getting work experience is a tremendous impulse and positive move for students who haven't been doing very well and also a helpful add-on even to those who have been done very well but find themselves unable to progress in their profession or get a job because their qualifications do not include an experiential element. And so apprenticeship and CAP are being put together and the institutions that are

offering these opportunities are set out in the Ministry Paper, Mr. Speaker. And the number of CAP providers has increased to include 17 tertiary institutions, which is an increase from the previous five.

The re-branded programme has, since being taking place, yielded results including one, the improvements in the NVQ examination results by 5% over 2013. This is a step in the right direction and we expect this to improve, to be a (mark) of improvement; an increase in the NVQ registration of the students for continuing assessment from 17% to over 87%. This tells you, you know, Mr. Speaker that our young people want to do things with their hands, they want to learn by doing. And when you approach them in that way rather than in the traditional, frankly speaking, rather boring pedagogy they will do better. They are interested in learning provided that they can feel hope and see some results as a consequence of their efforts.

The alignment of the CAP Numeracy and Literacy Programme offered by JFLL to be delivered through the partnership of universities and colleges.

Mr. Speaker, self perception is very important when someone feels themselves beleaguered or under producing, and these measures will cause students to no longer see themselves as academically challenged but rather as part of a system that boosts their self-esteem to achieve academic excellence using the high school equivalency programme which is being offered through the tertiary system.

For the current academic year, the projection is for a little more than 6000 students to participate in CAP, up by approximately 2000 over last year. That's progress, you know, Sir, and this is the number of participants that the available sources will facilitate. And a total of $273 Million will be spent on the programme and this will be accounted for via an appropriation in aid from the HEART Trust/NTA.

Mr. Speaker, please note that CAP is just one of several initiatives with the objective to stymie the flow of young persons into the group of unattached, uncertified or maladjusted Jamaicans. Of the 42,000 students slated to exit the secondary system in 2015, we reckon that 9000 of these students will not leave the system with the required competencies, but before they exit the secondary system - we are not going to let them just leave as they have in the past and go about their business, Mr. Speaker, that can't help us, that's a recipe for social disorder, for economic depression and for personal hopelessness. Before they exit the secondary system these students will be enrolled either in the CAP as described in the High School Diploma Equivalency through the JFLL, and the Community Intervention Programmes through the HEART Trust/NHT, and at the same time HEART Trust/NHT and the JFLL will continue to provide training for those who may have taken an examination but fail it and would have to move on to another institution. And again, I want to stress the opportunity of the Apprenticeship Programme which has the support of the private sector and which is able

to absorb and offer a new element of education for many our young people.

Mr. Speaker, I close by reminding this Honourable House that it is - and I challenge each of our Members, look for the young people who are leaving school in our constituencies and make sure that they have some charted future. Don't just let them go to graduation, whatever that is, and then go home, there are opportunities which the State must provide and is providing for them to advance their training either in the area that they have specialized in at school, or in some other useful area where employment is a prospect.

Mr. Speaker, the best opportunity, the best thing that any government can offer to the people that they represent is the opportunity for a good education. Unfortunately all of this, as I say, is costing hundreds of millions and when inaugurate all of the other programmes billions of dollars is remedial in nature. There will always be need for remedial programmes, you know Mr. Speaker, but we cannot continue to hope for progress to attract investors, to increase personal and national income when we are having to do the same thing over and over again, and that is why although emphasis is being placed on this aspect of education now, Mr. Speaker, early in the new year I will be reporting to this Honourable House on our progress in early childhood education, primary numeracy and literacy and also in high school attainment, because it is from the earliest stages that we must establish the appropriate competencies and standards so that in time a programme like CAP will be reduced and eventually eliminated.

May it please you, Sir. (Applause)

The Deputy SPEAKER: Mr. Shaw.

Mr. SHAW: Thank you.

Mr. Speaker, on that very last point that the Minister has made, I would like to ask the Honourable Minister, he says that he will be coming to the House to speak on early childhood education in due course.

Minister, I have heard a very nice ad on radio, I think I have heard the Minister of Culture who is in the Leadership Chair today, I have heard the Leader of the Opposition, and your good self advertising about the need to send children to school, and what struck me is the fact that we have stated in a public advertisement, that under the Child Care and Protection Act, that it is the law that we must send our children to school from age four to 16 and I wonder, Minister, since we have a law that stipulates the age of four years old, would it not be appropriate that the law should also be amended to make sure that the Government of Jamaica takes responsibility for sending our children to public schools who cannot afford to go to private schools, than since it is the law that they must go to school from four years old, should we not amend the law to take charge of them in a public school system from four years old?

Rev. THWAITES: Mr. Speaker, Jamaica is extremely fortunate. Unlike many countries of the world with higher GDPs than ours, there is a place in school for every child at the early childhood level and at the primary level. (Applause)

We are not in the position that even President Obama of the great United States in his last State of the Union address, speaking to a recalcitrant Republican minority at the time, had to be begging for additional money for early childhood institutions so that in fact no child would be left behind. We have a place, regretfully, and the Member is helpful -

Mr. SHAW: You not financing -

Rev. THWAITES: No, no, let me tell you how. What we have done is to assume that real education started at the primary level, Grade I, when in fact all science tells us now that the early stages of life are in fact the most formative ones in terms of brain development and personality orientation.

The Early Childhood Sector, again by scientific designation, goes from age four to age eight. That's to Grade III, and indeed the Government does finance the education for the last three years, through first three grades of the primary schools.

The Member is correct in pointing out the deficiency in that aspect of the early childhood sector between four and six. Here is the plan. We have about 2,600 early childhood institutions, and the estimate is that about a thousand of those are able to stand on their own feet in the sense that they are reasonably well supported by churches, trusts, communities - private sector is excellent in this regard, Sir, and they are able to fend for themselves. We know many of them. There are, however, probably over a thousand more which have developed to meet community needs and largely, have been operated with the payment of some fee by a parent and sometimes with excellent, sometimes with indifferent services.

You know, Mr. Speaker, the Member may know but let me remind the Honourable House that only about 30 per cent of all early childhood teachers have any training at all, you know. Now, the important thing to do is to ensure that an adequate proportion of the budget is in fact devoted to early childhood and allow me to twin with it special education, because when you have a child with challenges, and we know that perhaps 20 per cent of our children have fallen somewhere around the spectrum of mild to serious disability, we need to diagnose it early and to apply therapy early because then you have the least expensive, least traumatic and most likely efficient prospect of dealing with it.

The Ministry of Education is doing the following:

Last year, we were able to merge some 200 of the early childhood institutions that were deemed to be - if I use the word "substandard" it doesn't refer to any intentionality - and we were able to merge them into infant schools attached to primary schools where the Member will be pleased to know, the Government pays the teachers, provides nutritional support and offers a unified curriculum, again largely supported by the private sector. Oh, Mr. Speaker, one cannot speak too highly of the Crayons Count Movement, at the donation of National Continental Corporation or former Senator Deika Morrison and others like that, Gleaner Company, the others. Yes, very important, and many, many of our Members of Parliament

you know, Sir, used significant portions of the sometimes maligned Constituency Development Fund to support infant education. So far, this year, I would like to inform the Member that 156 more schools have been identified for merging into infant schools and, in fact, our projection for the year is 300.

Now, there are other ways. In many cases some of the inadequate institutions are being strengthened without being merged into schools, but the importance of the potential merging into primary schools, Mr. Speaker, is the fact that we have space in many primary schools. Do you know, Mr. Speaker that we have two hundred and - I think it is 20 primary schools with less than 100 students? Do you know that the average size of a Jamaican school is 260? Because our school system has been so well developed geographically over the century and a half after slavery, more than that now, but population has shifted. Demography has played havoc with the institutions, the institutional relevance, and, therefore, the plan very - I don't want to say "simply" - the plan is to merge as many of these institutions so that we can offer qualified teachers, Nutrition Products Limited will be rolling out some 80,000 breakfast solutions for the little children by early 2015, Sir, yes. Very important because we know that for a lot of these children, 30 per cent of them, in fact, the Member may wish to know, come to school hungry every day, and another 20 per cent come intermittently hungry depending on the vagaries of family income. We've got to help to feed them. Urgent consultations need to be continued, Mr. Speaker, with the Ministry of Agriculture, because we've got to start using local produce and promote local initiatives in order to feed those children. I don't see my friend, the Member from North West St. Elizabeth here but he is to be congratulated, because instead of getting an issue of rice or flour or mackerel, Mr. Speaker, what he has done is asked for the money that those products represent and he has used that money along with his communities and his school personnel to feed the children in the basic schools. That's exactly what we want. We want more than that and that's an initiative of one of our Members or colleague Members of Parliament.

So to summarize, we need to consolidate our early childhood institutions into centres of excellence, where possible related to primary school place. How could I end without thanking an institution like Food For the Poor, Sir - (Applause) - who have - they promised us 50 infant schools in five years as an Independence gift and they have done 49 in two and a half years. (Applause) And, Mr. Speaker, they have asked for more, asked if they could do more because there is such interest by people abroad in early childhood education. If people abroad have an interest in our little children so should we.

As far as the Government changing the law and taking over the schools, this would put a burden on the fiscal accounts, on the Consolidated Fund which may not be possible at this stage. I am aware of the Member's strong feeling that funds from say the PetroCaribè Organization could be used; that

is a decision that has not yet been taken. What is a definite situation of policy is that we are on a path to improve the levels of early childhood education in terms of capacity building among teachers, nutrition and curriculum.

Thirty percent also of our students from the early childhood institution had deemed not ready for primary education every year. And it is our commitment to reduce that by 10% over the next three years until all of our children, barring those with exceptionalities which must also be treated, are ready for the ladder of primary education.

I thank the Member for his interest.

Mr. SHAW: And I thank you for your kind and patient explanation.

But, Minister, I'd like to suggest that having regard to the urgencies that you have enumerated, 30% of our children going to school hungry, only 30% of the teachers in early childhood education are trained, yet at the same time…

(Inaudible comment by a Member)

Mr. SHAW: Yes.

...yet at the same time, Minister, we have 2,000 trained teachers in the country who are unemployed. And even if they're not trained specifically in early childhood education, it seems to me that some kind of intensive retraining and reorientation to channel them into an emergency programme is something that really I would like. I think that this matter is urgent, it's an urgent matter, and I think that it's something that the Government should consider accelerating on an intensive basis.

You know, just today, just today, I've identified $3 Billion that didn't need to be spent this year; just today, $3 Billion. If we were to go through the budget we'd find that money, Minister; find that money to save those children, because as it is said, a mind is a terrible thing to waste. And I want to suggest to the Government that this is something that requires our collective effort, total consensus, no politics whatsoever, because the greatest thing that we can do for our country is to create wealth in the minds of our children. (Applause)

Rev. THWAITES: Mr. Speaker, thank you for that comment, which I must respond to.

Not only are there some 2,000 and more teachers who are unable to find jobs in the public education system, but we estimate that there are probably about 15000 to 18000 teachers who are being paid in the education system but who are under-deployed, and the effort is to have them, because of the existing regulations, the effort is - as the Member for South Trelawny is correctly concurring - the effort is to encourage them to move into the fields where we really need them. And let me state it clearly now, the areas we really need competent, committed teachers with the head and teachers with the heart, are in early childhood, special education, Math and the Sciences.

Regretfully, many people misunderstood it, but when we tailored the study leave facilities for teachers, we had to do so. Not out of any wish to curtail anyone's ambition, but

because we were getting scores of guidance counsellors, and with all respect, religious education teachers at the top of their scale every year, but we...

Do you know, Mr. Speaker, that fully half of our Math teachers in high schools have no training in Math whatever?

Miss DALEY: Hear, hear, hear!

Rev. THWAITES: They're trained in - 1706 Math teachers in high schools, Member, seven hundred plus, I think it's - forgive me, but probably 760 are at the top of their scale or near to, in guidance Counselling, Religious Education, Physical Education, Social Studies, yes teaching Math.

(Inaudible comments)

Rev. THWAITES: Not their fault, they were put there because somebody went on leave or something and they've been asked to stay there. Many of them may try their best, but clearly that is not a proper alignment of resources with professional competence. (Applause)

And also, you know, we have to acknowledge the early childhood teachers - trained ones - have been less than adequately treated. We offer them below minimum wage for many years. With the concurrence of the Ministry of Finance and the Cabinet with the Prime Minister's leadership, we increased that by 15% this year, and we're committed to doing it again next year, in order that we can get our best professionals to stay in the field.

The JEEP Programme, Mr. Speaker, has been much misunderstood, but the Ministry of Education from within its own resources last year and this year, found space for 200 JEEP teachers, all of whom, all of whom, have been placed in the early childhood sector. We wish it could be more, but we are getting there; and I'm hoping that we can have his added thrust. Mr. Speaker, the Member should know that in - previous to last year, we were looking at 3% of the education budget devoted to early childhood and special education; we have raised it to 14%. I'm glad for his concurrence because we need to raise it to 20% and more. And if he can find $3 Billion in the budget to spare, I commend his activity and would love to embrace that initiative.

The Deputy SPEAKER: House Leader.

Miss HANNA: Thank you, Mr. Speaker.

We'll now return to Public Business, and at this time we want to take the opening of the debate of the Anti-Doping Legislation lead by the Honourable Natalie Neita-Headley.

(Applause)

The Deputy SPEAKER: Mrs. Neita-Headley.

(Inaudible comments)

Mrs. NEITA-HEADLEY: Mr. Speaker, I place before this Honourable House of Representatives for consideration and passage, a Bill entitled the Anti-Doping in Sport Act 2014, which hereafter I will refer to as the Bill. Mr. Speaker, this Bill seeks to repeal the Anti-Doping in Sport Act of 2008, and make new provisions for anti-doping in sport in order to align Jamaica's Anti-Doping Legislation with the Revised World Anti-Doping Code and International Standards, which will come in force in January 1, 2015. The Bill is intended to facilitate Jamaica's compliance with the Code. This Honourable

House is, therefore, being asked to give consideration to this Bill and enact it into law.

Mr. Speaker, before I proceed, I want to take this opportunity and crave your indulgence for just two seconds, to express on behalf of the Most Honourable Prime Minister, Portia Simpson Miller, and the Members of this Honourable House on both sides, and the people of Jamaica, our profound congratulations to Alia Atkinson, Olympian and World Champion too. (Applause)

Mr. Speaker, on Saturday December 6, Miss Atkinson won the gold medal at the 12th FINA World Championship in Qatar.

MEMBERS: Very good.

Mrs. NEITA-HEADLEY: Miss Atkinson's performance at 102.36 seconds in the 100 metres breaststroke equals the world record and established a new meet record. (Applause) Mr. Speaker, our Alia captured this title as a strong Jamaican woman and the first of African descent to have accomplished this fete in 40 years. (Applause)

Mr. Speaker, on behalf of a grateful nation today, we salute Alia Atkinson on her outstanding achievement as a Jamaican swimmer who has been persistent and determined and has achieved.

(Applause)

Miss HANNA: Hear, hear!

Mrs. NEITA-HEADLEY: Mr. Speaker, I shall now give this Honourable House a synopsis of the background to this Bill. The WADA Code was first adopted in 2003 and took effect in 2004. The Code is the guiding document that provides for the harmonization of anti-doping policies, rules and regulations within sports and organizations and among public authorities.

At the Third World Conference which was held in March 2007 in Madrid Spain, a Revised Code was adopted; this became effective in January 1, 2009. Mr. Speaker, Governments around the world agreed to apply to the force of international law, to the issue of anti-doping in sport and to provide the legal framework for the WADA Code by adopting the UNESCO International Convention against doping in sport in 2005.

The Convention addresses doping by athletes in sport, the consequences of their health, the principle of fair play, the elimination of cheating and the future of sport. Jamaica was the first country in Latin America and the Caribbean to ratify the International Convention against doping in sport. In recognition of the importance of establishing a framework for anti-doping in Jamaica, an anti-doping in sport policy was adopted by the Government in May 2005.

Consistent with Jamaica's ratification of the UNESCO Convention, the Anti-Doping in Sport Act was passed on July 31st 2008, and Jamaica Anti-Doping Commission - JADCO - was established as the agency responsible for regulating and controlling all matters relating to doping in sport. The Anti-Doping Act also provided for the establishment of Jamaica Anti-Doping Disciplinary Panel, Jamaica Anti-Doping Appeals Tribunal and Therapeutic Youth Exemption Committee. The JADCO rules detailing the guidelines for the implementation of the Code were also issued in 2008.

Mr. Speaker, this Honourable House will recall that in 2013, Jamaica for the first time saw an increased number of adverse analytical findings being reported. We subsequently saw widespread discussion around our anti-doping programme. Focus was placed on JADCO at that time. In light of these concerns, we determined to conduct a review and invited a warder team to visit Jamaica to review the operations of JADCO.

Following this review, we decided, among other things, to conduct a review of the 2008 Anti-Doping in Sport Act in order to clarify the roles, responsibilities and functions of the Commissioners of JADCO's Management team. Further, it was noted that a new WADA Code would be coming into effect on January 1, 2015, and therefore a review of the Act was timely, in order to bring our legislation in alignment with the revised 2015 WADA Code.

Mr. Speaker, a consultant was retained to assist the Office of the Prime Minister to review the Act. The review recommended a number of changes. In light of the extent of the proposed amendments, the Cabinet approved the issuance of drafting instructions for the repeal of the Anti-Doping in Sport Act 2008, and the enactment of a new Anti-Doping in Sport Act, 2014.

The new legislation was consequently drafted by the Office of the Chief Parliamentary Counsel in collaboration with representatives of the Office of the Prime Minister, to consult and engage the review of the legislation, and Jamaica Anti-Doping Commission. The Bill was circulated to key stakeholders and two consultation sessions were held. The final Draft Bill was benefitted from the comments and feedbacks received from the various Ministries, Departments and Agencies, the National Council on Sport and the Jamaica Olympic Association.

On November 19, 2014, the Bill was presented to the Legislation Committee for consideration and was recommended for introduction to the Houses of Parliament. The Bill was subsequently considered by the Cabinet on November 25, 2014, and Cabinet gave its approval and blessing for the Bill to be tabled in the House of Parliament.

Mr. Speaker, Jamaica has never wavered from its commitment to fair play and preserving integrity in sport. The Review this year, has just allowed us to focus greater attention on how we deliver our message and how we put additional framework in place to ensure that the message is delivered clearly.

(HON. PETER MURCOTT BUNTING, (PNP), Manchester, Central, Minister of National Security, entered and took his seat.)

Mr. Speaker, I will now summarize by clause, this Bill.

Clause 1. This clause provides that the Act may be cited as the Anti-Doping in Sport Act, and states that it shall come into operation January 1, 2015.

Clause 2 provides definition of the terms referred to in the Act. These definitions are consistent with the definitions set out in the revised WADA Code. Terms defined in the WADA Codes that are not used in the Act will

be defined in the Revised Anti-Doping Rules.

Mr. Speaker, I wish to advise this House that I will be proposing amendments to this Clause to expand four definitions and add two new ones out of this Committee Stage.

Mr. Speaker, **Clause 3** sets out the main objectives of the Act. These objects state that the Act claims to protect the rights of the athletes, ensures harmonization, a coordinated and effective anti-doping programme, make new provisions for the prevention and control of doping in sport, and establish the Jamaica Anti-Doping Commission as an independent body charged with the responsibility by implementing the WADA Code and the International Standards in Jamaica.

Mr. Speaker, **Clause 4.** This Clause specifies the categories of persons who fall within the scope of the Act. It sets out all the persons and entities to whom the Act will apply, including JADCO, National Federations and Associations, Athletes and their Support Personnel, and any other person over whom the World Anti-Doping Code - as it may be amended from time to time - International Standards or the Anti- Doping Rules give jurisdiction to JADCO.

Athletes who are present in Jamaica, whether to train, compete or for other purposes, are therefore, also subject to the jurisdiction of this Act. Mr. Speaker, I will be proposing amendments to this clause also, during the Committee Stage.

Clause 5 speaks to the establishment of the Jamaica Anti-Doping Commission, and that JADCO will be a body corporate, having a legal identity of its own, consistent with section 28 of the Interpretation of the Act. Its constitution and procedures are set out in the Second Schedule to this Bill. The Commission is a successor to JADCO. The Financial Audit and Administration Act and the Public Bodies Management and Accountability Act will apply to the financial operations of JADCO.

Clause 6 subsections (1) and (2), sets out the functions of JADCO as being any function necessary to facilitate the control and prevention of doping in sport, and requires JADCO to act independently, impartially, fairly and always in the public interests. There are also provisions requiring the development of appropriate procedures to reflect the need of the athletes who are minors, persons with disabilities or other special concerns of athletes, and to protect athletes' rights to privacy.

Clause 7 speaks to the establishment of the Board of Directors, and refers to the Constitution and procedures of the Board, which are set out in the Second Schedule of the Act.

Clause 8, Mr. Speaker, speaks to the functions of the Board as being responsible for the policy, the strategic direction and the governance of JADCO, and specifies the functions of the Board.

Clause 9 speaks to where the Minister may give directions to the Board and makes those provisions applicable.

Clause 10 -

- Speaks to the appointment of officers and other employees, and makes provisions for the Board to appoint and employ an Executive Director;

- Makes provisions for the Executive Director to appoint and employ officers and employees for JADCO;
- Requires that the remuneration of JADCO employees be in keeping with that approved by the Minister with responsibility for the Public Service;
- Allows the Governor-General to approve the appointment of officers employed to the Government to JADCO, and to treat their service to the Government as continuing; and
- Requires the Executive Director to consult with the Board in order to establish the qualifications for various offices within JADCO, respectively.

Clause 11 speaks to pensions, gratuities and other requiring benefits.

Clause 12 speaks to the functions of the Executive Director, and sets out his roles and responsibilities for the day-to-day administration and management of JADCO, and details the Executive Director's responsibilities for planning, supervising and coordinating the activities of the Commission.

Clause 13 speaks to delegation. It allows the Executive Director to make revocable delegations specific responsibilities.

Clause 14 subsections (1) and (2), establishes the Independent Anti-Doping Disciplinary Panel and the Constitution and procedures of the Disciplinary Panel which are set out in the Third Schedule.

Clause 15 speaks to and sets out the functions of the Independent Anti-Doping Disciplinary Panel and indicate which entities may overrule a decision of the Independent Anti-Doping Disciplinary Panel. Mr. Speaker, I will be proposing another amendment to this Clause in the Committee Stage.

Clause 16 speaks - makes provision for the Independent Anti-Doping Disciplinary Panel to make rules to regulate its own proceedings, and to publish these rules in the *Gazette.*

Mr. Speaker, **Clause 17** speaks to the establishment of the Appeal Tribunal and the Constitution, and procedures of the Anti-Doping Appeal Tribunal which are set out in the Fourth Schedule.

Mr. Speaker, **Clause 18** subsections (1) and (2), indicates that any of the specified persons aggrieved by the decision of the Independent Anti-Doping Disciplinary Panel, may appeal to the Anti- Doping Appeal Tribunal in the prescribed manner.

Subsection (3) indicates that the decisions of the Anti-Doping Appeal Tribunal may not be overruled except by the Court of Arbitration for Sport or the Supreme Court. I will also be proposing amendments to this Clause during the Committee Stage.

Clause 19 Mr. Speaker makes provision for the Anti-Doping Appeal Tribunal to make rules and to regulate its own proceedings and publish these rules in the *Gazette.*

Clause 20 speaks to all persons governed by the Act to treat matters and documentation relating to JADCO, the Anti- Doping Rules or any other regulations made under the Act, as secret and confidential.

Subsections (5) and (6) make it an offence for the persons identified in subsections (1), (2), (3) and (4), to disclose or attempt to

disclose confidential information, except where required by law, or pursuant to a Court Order, and allow for fines of up to One Million Dollars ($1M) to be imposed on persons who commit an offence under subsection (5).

Subsection (7) allows JADCO or its duly authorized official officers to disclose confidential information to any Anti-Doping organization.

Clause 21 subsection (1), provides protection from civil or criminal action, suit, professional sanction or other proceedings for any person who in good faith discloses information or submits documentation to JADCO, which is requested by JADCO, which is in the protection of persons exercising functions under this Act.

Subsection (2) provides protection from suit or other proceedings for any officer, employee or agent of JADCO, or for any member of the Independent Anti-Doping Disciplinary Panel and the Anti-Doping Appeal Tribunal, who, in good faith made an omission or carried out an act in the execution of his or her duties.

Clause 22 speaks to the regulations. Subsections (1) and (2) make provisions for the development of appropriate regulations and permits the regulations to provide for a fine of up to One Million Dollars ($1M) on summary conviction in a Resident Magistrate's Court, for breaches under the regulations.

Clause 23 subsections (1) and (2), speaks to the Anti-Doping Rules, and empowers the Commission to make Anti-Doping Rules to facilitate the implementation of the Act for and for the Anti-Doping Rules to be published in the *Gazette* and made available for inspection on the Internet.

Mr. Speaker, **Clause 24** makes provision for the Minister to amend or vary the monetary penalties prescribed by the Act, or amend any of the Schedules of the Act, subject to affirmative resolution.

Clause 25 speaks to the repeals in the Anti-Doping in Sport Act of 2008.

Clause 26 defines and clarifies certain terms used in the Act.

Clause 27 speaks to transitional provisions and the general provisions for the vesting of all rights, responsibilities and privileges of the former Commission in the current Commission.

Transitional provisions and permanent staff are also spoken to in **Clause 28**.

Clause 29 refers to traditional provisions for contract officers.

In **Clause 30**, this Clause provides for the continuation of any legal, administrative or disciplinary proceedings, or any claims pending under the former Commission to be continued or be enforced by the current Commission.

The First Schedule, Mr. Speaker, the Jamaica Anti-Doping Commission, sets out the Constitution and procedures of JADCO, the financial position provisions, accounts and reports.

The Second Schedule sets out the Constitution of the Board and procedures of the Board.

The Third Schedule speaks to the Independent Anti-Doping Disciplinary Panel.

Section 45, Mr. Speaker, the Third Schedule, sets out the Constitution and procedures of the Disciplinary Panel.

In the Fourth Schedule - which is the final Schedule - the Fourth Schedule sets out the Constitution and procedures of the Anti-Doping Appeal Tribunal.

Mr. Speaker, at this time I commend this Bill to this Honourable House for its approval.

(Applause)

The Deputy SPEAKER: Before we continue, Members of this Honourable House, I just want us to acknowledge the presence of students from the Montego Bay High School for girls, who are in the Gallery. (Applause) And, we also have with us a former Minister of Housing and Construction, O.D. Ramtallie. (Applause)

Miss Grange.

Miss GRANGE: Thank you, Mr. Speaker.

First, I would like to extend from this side our congratulations to Alia Atkinson. And to just say that she is a prime example of perseverance, persistency and determination, and she continues to grow from strength to strength and to make us, as Jamaicans, very proud.

(Applause)

(*Sotto voce* comments)

Miss GRANGE: Well, she has learnt well.

(Laughter)

Now, Mr. Speaker, the repeal of the 2008 Anti-Doping in Sport Act is not a controversial one. In 2008 when this Bill was introduced - it was introduced in Parliament by me, as the Minister of Sports - it was at a time on the eve of Jamaica getting set to compete and to create a thrilling historic chapter in the annals of Jamaican sporting history at the Olympics in Beijing, China. And to this day we are still very proud of the achievements at that time.

So the Bill, Mr. Speaker, came out of a real bi-partisan effort. Because work had started before I took over, as Minister, and when I took over with a task force, we were able in record time to get the Bill finalized and passed in Parliament. In fact, I had the team working day and night over a weekend. We just cleared my office and they said, we are not leaving here until we are finished; brought in Chinese food and we were able to pull it off so that we could have the legislation passed before the Beijing Olympics.

So today, it is no different, Mr. Speaker. We have to support the repeal of 2008 and the passing of the 2014 legislation as we have to be compliant with the WADA Code which becomes effective January 1.

The use of drugs to enhance performance is considered unethical, Mr. Speaker. There are concerns about the health risk of performance enhancing drugs, the equality of opportunity for athletes and the exemplary effect of drug free sport for the public. There are even those, Mr. Speaker, who insist that it is no different from the use of new materials in the designing of sports suits and equipment which can also aid performance give competitors an unfair advantage. Using performance enhancing drugs goes against the spirit of sport. I am happy that the present

Administration has continued the policy ensuring that we maintain a level and fair competitive environment.

As a country with a proud method of achievements in medals, lots of medals in track and field, we must articulate loud and clear that we support the banning of the use of performance enhancing drugs and that there must be very, very strict rules and penalties for people who are caught using them.

Over the years, different sporting bodies, Mr. Speaker, have evolved differently, in the struggle against doping some, such as athletics and cycling are becoming increasingly vigilant against doping. However, we must note that there has been criticism that certain sports such as football, soccer and baseball are not doing enough about the issue. And we have our own concerns locally, but we have sensitized our sporting bodies enough locally that I am hoping that in those areas of football and other such sports that we will be able to become compliant as quickly as possible.

A very publicized steroid related disqualification at an Olympic Games was the case of Canadian sprinter Ben Johnson who won the men's 100 meters at the 1988 Olympics, but tested positive and had his gold medal taken away and awarded to runner up Carl Lewis who himself had tested positive for banned substances prior to the Olympics, but had not been banned due to a lack of consistency in the application of the rules. At that time, Mr. Speaker, National Olympic Committees had leeway, to determine whether a specific athlete met the criteria to be banned from Olympic competitions.

Now what has caught my interest since then is this. While at the 1988 Summer Olympics ten athletes, including Ben Johnson, were tested positive for banned substances. At the next Summer Olympic at Barcelona in 1992, the number fell to five and by Atlanta in 1996 only two persons were tested positive. Now I don't know what happened during that period and after, but by the year 2000, 13 athletes tested positive, including the American female runner Marion Jones who was stripped of five medals including three gold medals. And Mr. Speaker, by 2004 some 33 athletes tested positive.

Now in 2008 in Beijing it fell to 18, and, then in 2012 in the London Olympics, it fell to 15. But what this is suggesting is that after that scare that followed Ben Johnson's positive testing in 1988, positives are re-grown to a totally unacceptable high.

Mr. Speaker, it could be that after 1988, athletes felt that new masking drugs had become available to cover the use of banned substances and it became popular again, or it could be that in light of the amount of money that became available from success on the track circuit athletes believe that it is worth the gamble. So, has the system progressed? Here in Jamaica, we have had the Anti-Doping Code introduced in 2003, revised in 2007 and became effective in 2009, and today we have the 2015, revised WADA Code which becomes effective on January 1, 2015 and Jamaica has now got to step up, and repeal the 2008 Anti-Doping in Sports Act and replace it with new legislation so that we will be compliant.

Mr. Speaker, I wish to highlight one area in particular. In the amendments of this - of the 2008 legislation or the introduction of the 2014 Anti-Doping Act. I welcome the provision of the Bill which disqualifies persons who may have a conflict of interest in terms of their association with organizations which directly or indirectly, influences the development or promotion of sports in Jamaica.

Mr. Speaker, I am speaking from past experiences, in fact, I had to seek the advice of WADA when I was the Minister because there were perceived conflict of interest, and in fact, had to ask the previous Board to resign. But no sooner than the Administration changed members of that Board was reappointed, and we all know what happened with the unfortunate period of mishaps and controversy which to an extent tainted Jamaica and our athletes.

So Mr. Speaker, we have to ensure that it does not happen again. We have to ensure that we are on the same page regardless of political divide. And that whatever we do, we are doing it in the interest of Jamaica and not become caught up with personalities or politics.

I also welcome the decision to add guardians as a group of persons who are required to be educated about doping in sports. As I am myself a guardian of a young athlete who is doing extremely well and who will one day, have to ensure that that athlete is compliant and ensure that that athlete is dope free.

Mr. Speaker, I welcome the new Anti-Doping Act. The Bill came out of real bi-partisan effort and today it is no different. We are at one in our efforts and it is imperative that we do everything in our power to ensure that the integrity of our Jamaican athletes is always beyond question. (Applause)

And so, I appreciate the urgency in passing this legislation today. We were given pride of place, Mr. Speaker, in Berlin when we launched our Public Education Programme there and we launched our music video in front of hundreds of media personalities, press people, we were given that opportunity to launch our campaign there. And I want to use this opportunity to say to the Minister, that locally we need to intensify our Public Education Campaign and to ensure that it is not just the athletes we are protecting, not just those associated with the athletes, but also the public because there are issues and concerns even in the arena, in the stadium, when we have our sporting activities.

And so today, Mr. Speaker, I support this Act, I ask that we intensify Public Education Programme, and I ask that we ensure that we never again have the experience of the controversy we had previously in relation to our Anti-Doping Legislation and the implementation and administration of this Act.

Thank you, Mr. Speaker.

(Applause)

Mrs. NEITA-HEADLEY: Thank you, Mr. Speaker. I believe the Opposition has - we are not speaking to doping in sport, we are speaking to anti-doping in sport.

I am very thankful, Mr. Speaker, for the contribution being made by the Opposition Spokesperson on Sport, who obviously had

indicated that there is no controversy as it relates to this Bill, and that we are in total agreement that Jamaica is unwavering in its support and commitment to preserving the integrity in sport. I just wanted to assure her and the Jamaican public, that the Bill speaks specifically to how it is that we will constitute not just this time but forever, the commissioners who will be eligible to be a commissioner. What role they need to play in an independent JADCO. It speaks clearly to removing the conflict of interest or any perception that there might be any conflict of interest by ensuring that the individuals who are determined that they would want to serve that there is going to be a voluntary declaration of the fact that they have no other interest except in ensuring the preservation of the integrity of the sport.

Having made that self declaration, if that person is to be found out later to have some other interest or some other involvement - direct involvement in sport then that person would be automatically disqualified from sitting on the Board. So it is very clear.

So with all that said, Mr. Speaker, I believe that we are as one, our athletes are to be protected we are ensuring that our clean athletes are protected. Jamaicans I believe are at a place where it might have been disadvantaged in the past for having been the clean athletes. We want to ensure that we protect our clean athletes. And for those who think that there is no other way to get ahead except to cheat that as Jamaicans we are not going to be tolerant of it and that we are putting all of what is necessary in place to avoid this or prevent this from happening in the future.

I now ask that the Bill be approved and be read a second time.

The SPEAKER: The question is that the Bill be read a second time.

Motion put to the House and agreed to.

Bill entitled:

"An Act to Repeal the Anti-Doping in Sport Act 2008 and make new provisions for the prevention and control of doping in sport and for connected matters".

read a second time.

The SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

The CHAIRMAN: I put Clause 1.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 2.

Mrs. NEITA-HEADLEY: Mr. Speaker, Clause 2 there is a renumbering of the section as subsection (1) of the section.

The CHAIRMAN: There are five (5) amendments in all?

Mrs. NEITA-HEADLEY: Yes, there are. Subsection (1) as renumbered:

a) delete the definition of '*athlete*' and substitute therefor the following:
"Athlete" means, subject to subsections (2), (3), (4) and (5), a Person who competes in sport as an International-Level Athlete or as a National-Level Athlete;

b) delete the definition of - the consequences of the - *"Consequences of Anti-Doping Rule Violation" or "Consequences"* and substitute therefor the following:

"Consequences of Anti-Doping Rule Violation" or "Consequences" means one or more of the following consequences resulting from an Athlete's or other Person's violation of an Anti-Doping Rule.

Mr. CHUCK: It's circulated, you know.

Mrs. NEITA-HEADLEY: So we can take it as circulated?

Mr. CHUCK: Yes.

Mrs. NEITA-HEADLEY: That's fine?

(Cross talk)

The amendments have been circulated, Mr. Speaker.

Miss HANNA: Yes, they have.

The CHAIRMAN: I put the five amendments.

Put to the Committee and agreed to.

Mr. SHAW: What, you're not reading them out! What!

The CHAIRMAN: She read them. (Laughter) We're taking them as circulated, Member Shaw.

A MEMBER: Don't answer him, don't answer him.

The CHAIRMAN: Mischief maker, eeh. (Laughter) Let me do it again, I'm not sure they responded. I put the five amendments.

Put to the Committee and agreed to.

The CHAIRMAN: I put the Clause as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put the First Schedule - okay, I put Clause 3. Are there amendments for this as well?

Mrs. NEITA-HEADLEY: Next amendment is at Clause 4, Mr. Speaker.

The CHAIRMAN: We're at Clause 3.

Mrs. NEITA-HEADLEY: Clause 3 has no amendments.

The CHAIRMAN: No amendments. I put Clause 3.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 4.

Mrs. NEITA-HEADLEY: Clause 4 has two (2) amendments.

The CHAIRMAN: Okay. What are they?

Mrs. NEITA-HEADLEY: One amendment, sorry.

The CHAIRMAN: One amendment or two?

Mrs. NEITA-HEADLEY: One, one.

The CHAIRMAN: So what is it?

Mrs. NEITA-HEADLEY: It's the renumbering and to insert...

The CHAIRMAN: The renumber, okay.

Mrs. NEITA-HEADLEY: "Persons in falling within the scope..."

The CHAIRMAN: I put the amendment to Clause 4.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 4 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clauses 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14.

Clauses 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 put to the Committee and agreed to.

I think Clause 15 has an amendment?

Mrs. NEITA-HEADLEY: Just to delete the word, *"other"*.

The CHAIRMAN: Delete the word, *"other"*. I put the amendment to Clause 15.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 15 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put Cause 16 and I think there are...

Mrs. NEITA-HEADLEY: There is one amendment.

The CHAIRMAN: Just one amendment, okay. I put the amendment to Clause 16.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 16 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 17.

Put to the Committee and agreed to.

The CHAIRMAN: Clause 17 has amendments? No?

Mrs. NEITA-HEADLEY: Eighteen.

The CHAIRMAN: Eighteen, sorry. There is an amendment to Clause 18, Minister?

Mrs. NEITA-HEADLEY: Yes.

The CHAIRMAN: Just one? All right. I put the amendment to Clause 18.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 18 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 19.

Mrs. NEITA-HEADLEY: One amendment - insert immediately after the word, *"Act"* the words, *"and the Code"*.

The CHAIRMAN: I put the amendment to Clause 19.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 19 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 20, 21 and 22.

Clauses 20, 21 and 22 put to the Committee and agreed to.

The CHAIRMAN: Twenty-three has some amendments, Minister?

Mrs. NEITA-HEADELY: Yes, one amendment.

The CHAIRMAN: One amendment. I put Clause - sorry, there are how many amendments? There are three (3) amendments.

Mrs. NEITA-HEADLEY: One, two, three.

The CHAIRMAN: Yes, there are three (3) amendments. I put the three (3) amendments to Clause 23.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 23 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clauses 24, 25, 26, 27, 28, 29 and 30.

Clauses 24, 25, 26, 27, 28, 29 and 30 put to the Committee and agreed to.

The CHAIRMAN: I put the First Schedule.

Put to the Committee and agreed to.

The CHAIRMAN: I put the Second Schedule.

Put to the Committee and agreed to.

The CHAIRMAN: I put the Third Schedule.

Put to the Committee and agreed to.

The CHAIRMAN: I put the Title and Enacting Clause.

Put to the Committee and agreed to.

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage with seventeen (17) amendments.

Put to the Committee and agreed to.

RESUMPTION

The Deputy SPEAKER: I do report the Bill as having passed Committee Stage with seventeen (17) amendments.

Mrs. NEITA-HEADLEY: Mr. Speaker, I now request that the Bill be read a third time.

The Deputy SPEAKER: The question is that the Bill be read a third time.

Bill entitled:

"An Act to Repeal the Anti-Doping in Sport Act, 2008 and make the make new provisions for the prevention and control of doping in sport; and for connected matters",

read a third time and passed.

(Applause)

Mr. PAULWELL: Mr. Speaker, I move for the suspension of the House to allow the Standing Finance Committee to resume.

The SPEAKER: The question is that we suspend the sitting of the House in order to accommodate the sitting of the Standing Finance Committee.

Put to the House and agreed to.

The House suspended its sitting at 3:39 p.m. to allow the Standing Finance Committee to sit.

The House resumed its sitting at 3:42 p.m.

The Deputy SPEAKER: (Gavels) The House will now resume its sitting.

Mr. PAULWELL: Mr. Speaker, I move for the recommittal of item, Bills Brought from the Senate - sorry, Announcements and then Bills Brought from the Senate. Mr. Speaker, I also move that - right, I am moving that the following items be recommitted: Announcements, Bills Brought from the Senate, Report from Committees and Notice of Motions Given Orally.

The Deputy SPEAKER: The matters outlined by the House Leader, Announcements.

ANNOUNCEMENTS
(Recommitted)

The Clerk also laid on the Table of the House, a copy of the following:

- **Ministry Paper No. 153**
  Progress Report on the Career Advancement Programme (CAP)
- **Ministry Paper No. 154**
  Cabinet Agenda Issues dated 13 October, 2014

BILLS BROUGHT FROM THE HONOURABLE SENATE
(Recommitted)

The Clerk read the following message from the President of the Senate:

"To the Honourable House of Representatives:

I have the Honour to advise the House of Representatives that on the 5th day of

December 2014, a Bill entitled, "An Act to Amend the Representation of the People Act" was passed in the Senate with six amendments, for which the Honourable Senate desires the concurrence of this Honourable House (and the amendments have been circulated). I also have the honour to advise the Honourable House that a Bill entitled, "The Power of Faith Ministries Incorporated and Vesting Act, 2013", was passed without amendment.

Signed: Floyd E. Morris
President of the Senate".

Mr. PAULWELL: Mr. Speaker, in relation to the amendments brought from the Senate these were really straight forward amendments to the Bill; nothing really of substance. So I am, therefore, moving that the amendments be approved here.

The Deputy SPEAKER: The question is that the amendments be approved.

Put to the House and agreed to.

REPORTS FROM COMMITTEES
(Recommitted)

Dr. PHILLIPS: We have before us, Mr. Speaker, the Reports from the Standing Finance Committee, which were recently adopted. I move that the House adopt this Report of the deliberations of the Standing Finance Committee. Mr. Speaker, I beg to lay on the Table of the House a copy of the Report of the Standing Finance Committee on its deliberations on the First Supplementary Estimates of Expenditure for the financial year ending March 31st, 2015 and the Estimates of Revenue and Expenditure of Public Bodies for the financial year 2014/15. I move that this –

NOTICES OF MOTIONS GIVEN ORALLY
(Recommitted)

Mr. Speaker, I beg to give notice that at the next meeting of the House I will move the following motion:

Be it Resolved that the Report of the Standing Finance Committee of the whole House of Representatives consisting of all Members of the House on the First Supplementary Estimates of Expenditure for the financial year ending March 31st, 2015 and the Estimates of Revenue and Expenditure of Public Bodies for the financial year, which was laid on the Table of the House on the 9th day of December, 2014, be adopted.

I further beg to give notice that at a later stage today I will move suspension of the Standing Orders to enable me to take this motion.

Mr. PAULWELL: Mr. Speaker, we now revert to Public Business and the Minister of Finance will deal with that item, notice of which he has just given.

The Deputy SPEAKER: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker, I move suspension of the Standing Orders to enable me to take the motion, notice of which I gave earlier.

The Deputy SPEAKER: The question is that there be a suspension of the Standing Orders to allow for the recommittal of notices

as given - that the Minister to take the item of Notices, which was taken earlier.

Put to the House and agreed to.

Dr. PHILLIPS: Mr. Speaker, we have before us the First Supplementary Estimates for 2014/2015 which were tabled on November 25th. This early tabling is in keeping with the new Permanent Binding Budget Calendar entrenched in the Fiscal Administration and Audit Act (Amendment) approved by this House this past March.

The Permanent Budget Calendar has changed the Government's Budget Cycle and calls for the Budget to be Tabled and approved by both Houses of Parliament before the end of the financial year. Tabling the First Supplementary Estimates at this point in the financial year is therefore necessary if the legal timetable for the approval of the Budget is to be achieved. This is a new process, both for the Government and for the Parliament as we seek to improve the Budget process.

And I will say, Mr. Speaker, that in anticipation of our deliberations early next year on the Budget that this is going to involve, if it is to work ideally, more than just a simple change of dates. It is really going to involve - if we are to get the optimum results - a change in the approach of both sides of the House, not just to the organization of the debates, but also to our approach to the deliberations.

For example, for the first time next February, we are going to have the Estimates of Revenue, and the Estimates of Expenditure presented at the same time. We can either approach the discussions in our usual fashion with division, or which has, in many respects contributed to where we are in relation to the debt, and other things, over many, many decades, or we can begin to change the way in which we search for collective solutions to important national problems and issues.

This is just a start, and no doubt the change won't come overnight, but I really want to take the opportunity to alert us to the fact that it is going to require more than just a shuffling of the timetable, but a change in the whole approach, in the willingness to find common ground in the spirit of compromise, and the sharpness of the Debate. We are not resiling from the need for a sharp debate, but at the same time we are going to be stretched to find common cause to the important issue of our nation's economic development.

The House will recall that in the presentation of the 2014/2015 Interim Fiscal Policy Paper in October, 2014, I advised that adjustments will be made to the Central Government Budget before the end of the year to bring expenditure in line with the revised revenue outturn based upon the lower than programmed revenue performance for the first half of the fiscal year.

Revenue is expected to decline by $1.7 Billion or 0.4 per cent of GDP for the fiscal year, and this is primarily due to the reduction in GCT rates, the reduction in the effect rate of corporate taxation, and the increase in income tax threshold.

The First Supplementary Estimates presented here, reflect overall revised expenditure of $539.3 Billion, representing a net reduction of .14 per cent in the approved

Budget, or $739 Million against the original approved Estimates of $540 Billion.

The net reduction, which as I said is less than one per cent, was chiefly the result of, first of all, total non debt expenditure being revised downwards, to $304 Billion, a net reduction of $1.76 Billion, relative to the original Estimates; $2 Billion in recurrent and $3.7 Billion on capital, while Public Debt Service reflects revised Estimates of $234.5 Billion, an increase of $1.02 Billion, as a result of the increase in principal repayment $2.8 Billion due primarily to the buy-back of NHT bonds and expected reductions in interest payments.

These Supplementary Estimates generally reflect transfers from the Contingency Provisions under the Ministry of Finance and Planning, to meet programmed expenditures. A re-allocation of expenditure to meet critical new commitments, and an alignment of ministries, departments and agencies' budget with the projected out-turns of revenue and expenditure, based on the actual performance of the revenues, and of the ministries, departments and agencies for the first six months of the financial year.

Mr. Speaker, let me look first at the transfers from the Contingency Provisions. A total of $14.4 Billion has been transferred from the Contingency Provision under the Ministry of Finance and Planning to meet programmed commitments which include salary and salary-related commitments which represented some $11.4 Billion; electricity arrears to be settled, of $1.4 Billion; $1 Billion for drugs and medical supplies, and GCT on Government purchases amounting to some $300 Million.

An undisbursed balance of $3.1 Billion remains under the Contingency; $3 Billion of which relates to estimated GCT purchases for the second half of the financial year, and $100 Million to meet outstanding wage settlements. Spending from the Contingency Provision has been reduced by approximately $2.7 Billion to reflect the revised projection for GCT on Government purchases for the financial year.

As far as additional expenditure is concerned, Mr. Speaker, we have made accommodation for additional expenditure in some critical areas. There was an emergency drought response which required an additional $106 Million; clean-up activities, and for the National Solid Waste Management Authority, and repair of garbage trucks caused the transfer of an additional $161 Million; maintenance of roadways, $360 Million; settlement of outstanding arrears from government departments to the National Water Commission from $215 Million; outstanding bills from MDAs to Tax Administration of Jamaica, $137 Million; and approximately $2.8 Billion in additional support to the JUTC, to meet statutory payments, taxes and custom duties due, to Tax Administration of Jamaica, and the Jamaica Customs.

Of this, approximately $2.6 Billion is associated with the importation of buses and spare parts; import duties $231.1 Million, Special Consumption Tax $1.1 Billion, and General Consumption Tax, $1.3 Billion, payable to the Jamaica Customs Agency. The

$2.8 Billion will be transferred by the Accountant General on behalf of the JUTC, directly to TAJ and the Jamaica Customs.

The National Health Emergency Response Programme dealing with the Chikungunya outbreak, and the preparations to prevent an Ebola encounter required some $500 Million in additional support. This is financed by special distributions to the Consolidated Fund by five self-financing Bodies: National Health Fund, $300 Million; Tourism Enhancement Fund, $100 Million; Chase Fund, $50 Million; and the PetroCaribè Development Fund, $50 Million.

Adjustments to the Capital Budget overall capital expenditure reflect a net reduction of $3.7 Billion, due to the alignment of primary expenditure of the Revised Revenue Forecast for the financial year and lower than programmed implementation of some projects during the first half of the financial year.

For some projects the reduction results from significant implementation delays during the first half of the financial year, resulting in expenditure being less than expected. This was the case, for example, in some elements in the Major Infrastructure Development Project, the Rural Road Rehabilitation Project, the construction of the JDF barracks, and the rehabilitation of the Hagley Park Road office complex for the Ministry of Justice.

The adjustments to other projects, such as the Fiscal Administration Management Programme under the Ministry of Finance and Planning will result in expenditure for the fourth quarter being deferred to the new financial year.

As mentioned earlier, Public Debt Service for fiscal year 2014/2015 reflects revised Estimates of $234.4 Billion against the original approved Budget of $233.4 Billion. This represents an increase of approximately $1.02 Billion resulting from net savings of $1.6 Billion realized from interest cost being offset by net increase in principal payments of $2.08 Billion.

This adjustment includes the cost of US$800 Million bond raised by the Government in July this year. The increase in principal payments results from a liability management exercise undertaken earlier in the financial year, and indeed, speaks to the point of the abilities that the Government was able to achieve by virtue of having this additional resource available for liability management exercise, ultimately saving some interest costs.

At the end of October, 2014, the total debt, including Bank of Jamaica, Central Government, net PetroCaribè debt, external guarantee debt, and domestic guarantees, stood at J$2.1 Trillion.

It is important for me to state that the Government's re-entry into the bond market earlier this year was a very important event as it provided us with an improved international liquidity position, improved the reserve adequacy level, increased investor confidence, improved outlook by rating agencies and most importantly, provided Jamaica with the opportunity to lower its average interest payments, pay down debt, and provide the space necessary in the domestic economy for private sector credit to rebound.

Mr. Speaker, I have highlighted the adjustments reflected in the First Supplementary Estimates which represents a net reduction of $739 Million or .14 per cent of the Budget as against the original approved Estimates. Our obligation is to be fiscally responsible, and this obligation has not - let me emphasize, Mr. Speaker - has not prevented us from honouring all our commitments. (Applause)

A MEMBER: Hear, hear!

Dr. PHILLIPS: This Government has kept its commitment to the public sector workers to meet the wage settlements that were agreed to by the previous Administration.

Mrs. NEITA-HEADLEY: Yes, yes!

Dr. PHILLIPS: The first tranche of a seven per cent wage settlement has been paid. The final tranche of the teachers' reclassification is being paid. The second of three tranches of the health sector re-classification has been transferred to the Ministry of Health to be paid before the end of the financial year.

The one-off $25,000 payment to public sector workers, as agreed with the public sector unions under the 2012-2015 Heads of Agreement, has been made. The longstanding realignment of salaries for firefighters and correctional officers has been settled and $707 Million has been included in the Supplementary Estimates for disbursement with their salaries this month. Settlement has been reached with the judiciary and additional amounts are being paid.

The Government has also, Mr. Speaker, kept its commitment to protect social programmes. The budget of $8.1 Billion for PATH cash grants and the PATH School Feeding Programme has been preserved. The 15% increase in cash grants, which was approved in April, was paid out in October. The increase in October is in addition to the 15% paid out in the previous fiscal year, which brings the total increase in PATH cash grants since April 2013 to 30%. (Applause) We have also met our commitment under the JEEP Programme employing some 40,000 Jamaicans in that programme.

Mr. Speaker, regarding the matter of Government arrears, we do have arrears but we have kept our commitment to control the growth in domestic arrears to under 90 days. We have not had any increase in the total amount of arrears over 90 days. And our intention is clear to remove these arrears over time.

There is no doubt that the Economic Reform Programme has been and is a difficult one and oftentimes it has been a painful process. Difficulties have arisen for various reasons. Sometimes amounts to be paid by some ministries, departments and agencies have been subject to audit to ensure that we pay only for services or for goods that have been delivered. Sometimes the audits have taken longer than expected. Sometimes ministries, departments and agencies, trying to meet their obligations in what is a very tight fiscal environment have not paid over monies owed on time, and at other times non-payment

has resulted simply from the extent of the fiscal constraints which have been faced.

The overall point is that the effort to reduce the debt and maintain fiscal prudence, that is to say to ensure that subsequent generations are not saddled with this debt and are not finding their growth prospects impeded, as we have found ours, not only now, but in the past, we will have to make the adjustments in order to reduce the level of debt. Not because we are - the sense of falling over the precipice into fiscal oblivion is not immediate now, and people have forgotten what it was when reserves were disappearing by the minute, and people have forgotten when we couldn't raise a dime in capital markets, it doesn't mean danger is passed. We have to maintain fiscal prudence.

It is not possible for people to say spend more, raise no taxes and at the same time don't increase the debt; that does not compute. We have to maintain...

Mr. SMITH: That's in your text?

Dr. PHILLIPS: We have to maintain - You don't worry about my text, you worry about that *Gleaner* headline. (Laughter) You don't worry about my text.

Mr. SMITH: Which one?

Dr. PHILLIPS: You don't worry about my text.

It is not possible, Mr. Speaker. We can't have our cake and eat it. We have to recognize that the programme is difficult but it is necessary, and we are doing it while maintaining our commitments to the best of our ability that have been given to the workers, to social expenditure and to the (immediate) and to the growth prospects of this country. (Applause)

Notwithstanding the overall reduction in capital spending, the Government has been strategic in providing for additional expenditure where the impact will be most significant. An additional $415 Million has been provided for poverty reduction projects being implemented by JSIF: $157 Million under the Ministry of Agriculture to continue infrastructural development at Yallahs, Spring Plain and New Forest Agro-Parks, which have proven to be a success in boosting agricultural production; (Applause) $213 Million more for community project in health and education; refurbishing of health centres and early childhood institutions in sugar-dependent areas in Trelawny, Westmoreland and Clarendon under the Sugar Transformation Programme.

The Government of Jamaica continues to take all necessary steps to ensure that the country maintains the solid foundation established, remains fiscally responsible and is set firmly on a path to continued and, indeed, increased economic growth. We continue, Mr. Speaker, to see positive signs under the Economic Reform Programme.

Jamaica has successfully completed five IMF reviews and we are confident that the sixth review will also be completed successfully when the IMF Board meets later this month.

Our NIR reserves are now at $2 Billion. Inflation is under control, 12-month inflation of 8.2% at the end of October, and is within the expected 7% to 9% range for the fiscal

year. Unemployment is down from 16% to 13%. The economy, while affected by the recent drought, is growing. We continue to see improvements in our balance of payments. Our competitiveness has improved, so too has our ranking for the doing-business environment, both having been assessed by internationally recognized institutions... (Applause)

Mr. L. BUCHANAN: Hear, hear!

Dr. PHILLIPS: ...the international capital markets, the rating agencies and, indeed, Jamaicans in the Diaspora and those in businesses at home have noticed and acknowledge our progress.

Mr. NEITA-HEADLEY: Yes, yes!

Dr. PHILLIPS: While going forward we intend to build on the growth momentum already underway. While evident in published quarterly outturn, it is also more visible, more and more visible, especially in tourism. You can't get a room in a hotel in Jamaica now, so filled are the planes coming in with tourists. And I think the Minister of Tourism and...

(*Sotto voce* remarks by Mr. Warmington)

Dr. PHILLIPS: Where is the dread?

An Opposition MEMBER: Fashion dread!

Mrs. NEITA-HEADLEY: Fashion or not, the dread.

Mr. CHUCK: Up there.

(Motioning to a gentleman wearing dreadlocks hairstyle in the Gallery)

Dr. PHILLIPS: Congratulations, Minister. (Applause)

The BPO sectors are growing. Agriculture has returned to significant levels of growth after the drought. And I think we must note the progress in other social areas as well. All of us can feel proud about the results of our students in CSEC results in the Caribbean, where Jamaica has got the best results. (Applause) And we should note the steady progress being made by the security forces and the Minister of National Security in reducing the rates of violent crime and crime generally in the country. (Applause) At the same time, we have continued to sustain the quality of our infrastructure...

Mr. McKENZIE: *Dat nuh* have a *ting* to do with Bunting.

Mr. CHUCK: You need some more money.

Dr. PHILLIPS: Mr. Speaker, the decline in oil prices is likely to further support the economy and not only lower transportation and energy cost, but also improve the balance of payments and lower inflation, both of which are advantageous.

Mr. Speaker, we will debate this further as we - or as again, but there are hopeful signs in relation to the bauxite industry, more of which - there are hopeful signs in that regard. I should say that we have managed to sustain and improve our bus services and to maintain our infrastructure.

Mrs. NEITA-HEADLEY: Yes.

Dr. PHILLIPS: You know, there has been a debate...

Mrs. NEITA-HEADLEY: Hear, hear!

Dr. PHILLIPS: Bus fare increases caused a gathering, but in addition to the monies raised, through the bus fare increases, we have seen a substantial improvement in the

operations of the JUTC and a reduction of the...

Mr. McKENZIE: *Dat* the man *dem* a *tief* off the parts.

Dr. PHILLIPS: The reason why we put an extra $3 Billion of subsidy is because we figure that it is essential for any civilized country to have a properly functioning, decent bus service.

Mr. BARTLETT: GCT for the poor!

Dr. PHILLIPS: We will never return to days, we will never return to the days when you hear the cry of 'no schoolers', when our children and our women were abused, and we are going to continue the improvement on the transport. (Applause)

Mr. McKENZIE: It was started by us.

(*Sotto voce* remarks by Mr. Shaw)

Mr. McKENZIE: Everything oonu *tek oonu* run *wid*, run *wid* Ebola too *nuh.*

Dr. PHILLIPS: Mr. Speaker, I move that we accept the Report of the Standing Finance Committee and approve the Estimates.

(Applause)

The Deputy SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, the Honourable Minister has given his presentation and if you were to listen and believe everything he has said then we would all feel that we have died and gone to heaven. Yes, because everything seems so wonderful. Everything seems so wonderful, Mr. Speaker. But the truth is that while we boast about achieving our primary surplus targets and our other macroeconomic targets, the question that we must all ask, are we prioritizing the budgetary process in a sufficient way to ensure that critical social services that affect the everyday life of people of any and every category, ordinary people, poor people...

(*Sotto voce* remarks by Opposition Member)

Mr. SHAW: What is it about late minority, the inarticulate majority. No matter the classification, Mr. Speaker, the Government has a duty and a responsibility to make sure that critical social services are not compromised.

And while I have complained about the parlous state of funding for certain essential services like the fire services and public cleansing - and I acknowledge that there has been some accommodation in this Estimates for public cleansing and for a much more modest amount for the fire services.

We complain about the absence of money for maintenance of schools, which is a major problem. That's a silent problem, the children are not complaining but the conditions in a lot of our schools across the country leave a lot to be desired, and there are other areas of the many other areas of neglect emerging, Mr. Speaker, which are victims of the tight budgetary situation that exists today. Some of them are disturbing and reveals an administration that has apparently abandoned its very conscience on the altar of IMF dictate.

(Applause)

I am reliably informed, Mr. Speaker, I am reliably informed that many patients in our public hospitals including the Kingston Public Hospital and the University of the West Indies, who are in need of surgery including emergency surgery, their families are now required to purchase the materials needed

because the hospitals do not have them in stock and available. These include critical surgical equipment and drugs as well. One e-mail, Mr. Speaker that I recently saw, tells the story, the neglect, insensitivity and lack of caring that is now the order of the day in our country. The e-mail said, "A man who fell from a precipice is now at the Kingston Public Hospital in dire need of particular medical materials in order for surgery to be done". Emergency surgery.

Dr. DAVIES: Who sent the e-mail? Who sent the e-mail? Bring it, no.

Mr. SHAW: The procedure - the only chance for him to be able to walk again and continue to earn a living is currently postponed indefinitely. The surgery which is urgent is postponed, Mr. Speaker, indefinitely. They need $160,000. Poor people taking the fall from passing the IMF test again.

The National Health Fund drug windows at our hospitals, now routinely, Mr. Speaker, run out of basic drugs and patients now have to take prescriptions to higher priced private institutions. I met an old time friend in Mandeville over the weekend, name, Tony Goffe. The time I saw him before six months ago his eyes, both eyes were fully functional. Met him on the weekend, he has lost sight in one eye and he told me that a special oil is required at the Mona Eye Clinic, a silicone based oil.

(Heckling)

It's not a joke business, you know, it's no joke, this is people's sight. A silicone based oil, a special expensive oil, Mr. Speaker, to save eyesight that is used to correct detached retinas. There are three to four hundred people that are on a waiting list for operations to save their sight but the surgery requires this special oil and neither the clinic nor the patients can afford to purchase the oil. The operation has to be done expeditiously within a certain timeframe or the patients will lose their sight. Mr. Speaker, budgetary constraints. We can't buy some special oil to facilitate surgery from which the technology exist here, and people are imminently about to lose their sight.

Over at our national laboratory system, for testing, including the Blood Bank and some departments in the National Public Health Laboratory, there are quiet whisperings that they are short of some critical reagents needed to test blood. Some tests just cannot be done because the proper materials are not available. They are short of gloves; they are short of gauze; they are short of bleach; they are short of clean lab coats and the microbiology department is closed leaving samples untested and discarded as a result.

Dr. DAVIES: Which hospital?

Mr. WARMINGTON: All the hospitals.

Mr. SHAW: It's the National Laboratory system, testing system.

Mr. WARMINGTON: They don't understand.

Dr. BAUGH: National Public Health Laboratory.

Mr. SHAW: Yes, Public Health Laboratory. These are the places, Mr. Speaker, that test blood, and the Government says, "We are on Ebola watch." God help us.

A MEMBER: Amen.

Mr. SHAW: Over on the Bureau of Standards. We are failing the test of public safety by failing the test of standards compliance. A very detailed report is in today's *Gleaner* newspaper, and Mr. Speaker, I am calling on the Auditor General of Jamaica to carry out an immediate performance audit of the Bureau of Standards of Jamaica, and I consider this necessary and urgent because it appears manifestly clear that the standards compliance fees collected by the Bureau of Standards at our ports of entry are not being used for the purposes for which they were intended. The Bureau reportedly is short of inspectors to adequately monitor the main areas of food, standards compliance and weights and measures, thereby leaving the health and welfare of Jamaicans potentially exposed to the importation and the sale of dangerous and unapproved product as well as victims of unfair trade practices in the marketplace.

One report, the report that I saw today reported that a stove untested exploded; that a fan also caught fire. These are things that are clear and present danger to public safety, and of immediate concern Mr. Speaker is the fact that the nonmetallic laboratory - Minister you are here - the nonmetallic laboratory at the Bureau of Standards has been out of service for over two years now. What do they test at that laboratory? Such materials as textiles, matches, pails, batteries, plastic products, shoes and toys for our children. These are therefore not now being routinely tested any more.

Mr. Speaker, the Minister of Education a while ago spoke about and reminded us that our children, it is now commonly understood globally that our children in their early years from two to six years old, that is when the brain is fully developed and they are able to maximize their full potential in life if they get that early childhood education that is needed.

(*Sotto voce* comments by Mr. James Robertson)

Mr. SHAW: But yet the Minister has admitted that only 30 per cent of the teachers in our early childhood system have the training to teach our children. He has admitted that the vast majority of the children - that the Government despite having a law - we have a law - imagine this, Mr. Speaker. We have a law that says every child shall be sent to school from four years old. Under the Childcare Protection Act.

Mr. PARCHMENT: But it's getting better than 2011.

Mr. SHAW: From four years old.

(Heckling)

Yet Government only takes over responsibility for our children at six years old. So we have a law that says you must send them to school but we don't have a system that accommodates and takes care of them in those first two years from four to six. And this is happening when we have 2000 teachers who are trained but not working.

A MEMBER: Unemployed.

Mr. SHAW: Unemployed, and we have another 1,700 teachers that are underemployed and need to be redeployed. This is the background against which we are passing tests

while we pass our little children who opportunities are passing them by the day.

Not surprisingly. The long awaited report of the Jamaica Survey of Living Conditions has shown that poverty is increasing. No doubt, when the report for 2013 comes out it will show even further increases in poverty, Mr. Speaker, with the aggressive devaluation of the exchange rate during that period. Everywhere poor people turn in our country "macca a jook we". Mr. Speaker, things fall apart. The centre cannot hold. Meanwhile, the Government continues to operate in less than transparent circumstances. Just look at how we have had to pull teeth to get information. Pull teeth to get information about various happenings in the country that have budgetary implications. In fact, just today, after we have asked questions not just about the write-off of Outameni but we asked the Minister if there were any other write-offs by the Development Bank of Jamaica in the past three years, and we were advised that a hotel, that a hotel in Montego Bay received a write-off of close to $1.6 Billion write-off, and that information, Mr. Speaker, what concerns me is that write-off took place but it wasn't reported to the country. I am not aware that it was reported to the country.

A MEMBER: But it was done.

(*Sotto voce* comments)

Mr. SHAW: But the write-off took place, and, Mr. Speaker, you know, Mr. Speaker we are very glum about these things, you know, but that write-off of $1.6 Billion plus what it is costing this country, because the Minister of Finance decided that he was going to the capital market for $500 Million, and because he find he could get another $300 Million he decided to take it although he did not need it until nine months later to settle a debt.

I want to remind the Honourable Minister that when I was Minister of Finance I went into the capital market for US$400 Million; my staff advised me on the morning of the issue that the subscription was $1.1 Million of orders. One point One Billion Dollars at 7.95 per cent. That's what I raised it from.

(Inaudible comment by a Member)

Mr. SHAW: No, no, he has raised it lower. But it was the first time that has broken the 8 per cent barrier. That the country had broken the 8 per cent barrier. And staff came to me and said, "We can get more because we have debt coming up, what is your decision, Minister?" I said, "Take what we went into the market to get. Leave it at the same $400 Million."

This Minister decided to take $300 Million more nine months before it is needed to retire another debt. And what is the consequence for us? One point Five Billion Dollars ($1.5B) it will cost us to service the debt on that instrument for nine months.

A MEMBER: Wow!

Mr. SHAW: You know what $1.5 Billion could do for the fire services? Could do for equipment for the eye clinic?

Mr. CHUCK: I could use some of that.

Mr. SHAW: Could do for the laboratories that are in need of reagents and other equipment? Could do for the Bureau of

Standards to have adequate number of inspectors to have guaranteed public safety for the country?

Dr. WHEATLEY: Yuh could a fix the bridge.

Mr. SHAW: Mr. Speaker...

A MEMBER: Yuh get yuh bridge fixed.

Mr. SHAW: ...the Minister is happy that he has raised the money, but remember, there are always consequences and the people of Jamaica are suffering the consequences of some of these decisions that are being taken.

Mr. D. SMITH: Buy some cars for the police.

Mr. SHAW: Mr. Speaker, I want to - and the Minister of Energy is here, because I want to put forward a concern related to the Petrojam pricing mechanism. The state-owned oil company Petrojam recently stated in a publication:

> "Movements in our prices have generally been in keeping with movements in these reference prices."

That is the US Gulf Coast reference prices.

My concern is that when the price of oil, Mr. Speaker, rises on the international market, the upward price adjustment in Jamaica is more or less instantaneous.

Mr. MAIR: Correct.

Mr. SHAW: But when the price falls, as it has done rather precipitously over the past several months, the corresponding reduction is not quite as rapid and instantaneous. So when the price rises, our price rise with a gallop, and when the price on international market falls it's like a snail, it's like a snail moving down.

Mr. PAULWELL: Fast.

Mr. SHAW: You say it's moving fast? All right, a glad you said that, let's look at the evidence, let's look at the numbers and then you can confirm with me afterward, whether you really think it's moving fast.

(Inaudible comments by Mr. Warmington)

Mr. SHAW: Mr. Speaker, let us examine the downward movement of oil prices since July of this year. And I pick July of this year because that's about when the aggressive movements started, and there has been a relative level of stability in the exchange rate. Because as we know, you caan compare apples for apples in a situation where the exchange rate have been moving aggressively, if you want to be fair.

Dr. DAVIES: Right.

Mr. SHAW: So since July...

Dr. DAVIES: And you want to be fair?

Mr. SHAW: I'm always fair.

(Laughter)

Dr. DAVIES: I'm willing to believe anything.

Mr. SHAW: ...since July, Mr. Speaker, we've seen a rapid decline, sharp decline in the price of oil on the global market, within a context of relative stability in the exchange rate in Jamaica. So all things being equal we should be mirroring the global trend in how prices move. But let's look at what has happened. US prices - and that is the US Gulf Reference Price, Minister that is used by Petrojam - fell from $97.76 per barrel by the end of July of this year, to $66.86 per barrel by December 4, 2014, a fall of 31.7%.

Dr. DAVIES: Audley, yuh know better than that.

Mr. SHAW: Thirty-one point seven per cent.

Dr. DAVIES: Don't do that Audley, you know better than that.

Mr. SHAW: However, Mr. Speaker, over this period Petrojam fuel prices have only fallen by 14.34% for your basic 87 Octane.

Dr. DAVIES: What about the US prices?

A MEMBER: Gulf Reference.

Mr. SHAW: A coming to that, I just gave you the Gulf Reference Price, yuh not listening to mi speech?

MEMBERS: No!

(Laughter/Cross talk)

Mr. SHAW: Mr. Speaker, equally, at the JPS where fuel accounts for 60% of our light bills, I calculate that at 33% reduction in fuel should lead to a 20% reduction of the overall JPS bill, yet we are promised a 10% reduction. But I'm not blaming JPS, because it's Petrojam that's supplying JPS with the fuel.

The question to be asked, Mr. Speaker, why isn't Petrojam passing on the savings to us on a faster basis, are they building windfall profits for disbursement to the Consolidated Fund at our expense? (Applause) We must bear in mind, Mr. Speaker that an expeditious pass through in lower prices will lead to lower transportation cost, lower food prices and act as a stimulus to economic growth. Nobody can object to that or deny that.

But here is the other thing, Minister, you asked for additional evidence. By comparison in the United States over the same period, Mr. Speaker, pump prices have fallen by 27.7% from US$3.68 per gallon to US$2.66 per gallon, and in some regions as low as under $2.00 per gallon. So in the US over the same period they can decline an average by 27%, 28%, but we in Jamaica can only decline by 14.2%. Why is that so? Why is that so? We are just as in need of benefitting from the global reduction in oil prices as anybody in America or anywhere else. So I leave that for you, Minister, to take a more keen interest in this matter, because it has to do with our welfare in this country. (Applause)

Now, Mr. Speaker, I turn briefly...

Dr. DAVIES: You promised?

Mr. SHAW: ...to the outstanding issue of Outameni and the National Housing Trust.

Dr. WHEATLEY: Out of money!

A MEMBER: Man sidung wid dat man.

Mr. DALLEY: Stop chatting foolishness!

Dr. WHEATLEY: Out of money!

Mr. DALLEY: I'm tired of it.

(Cross talk)

Mr. SHAW: As you know, Mr. Speaker, in the recent interventions... You could a tired all yuh want that's your business.

Mr. DALLEY: Pure foolishness!

Mr. SHAW: Stay on yuh telephone!

Mr. WARMINGTON: Where you come from?

Mr. SHAW: Stay on yuh blackberry, gwaan! Yuh not stopping me in this House.

(*Sotto voce* remarks)

Mr. SHAW: Mr. Speaker...

Mr. ROBERTSON: Is Candy Crush yuh playing or Bejeweled?

Mr. SHAW: Mr. Speaker, in this debate on the Supplementary Estimate, I'm taking the opportunity to deal with some issues on this

because in question and answer as you know, is not a debate, so we have to avail ourselves of the opportunity to expose issues in accordance with the rules of Parliament.

Mr. D. SMITH: Rightly so.

Mr. WARMINGTON: Hear! Hear!

Mr. SHAW: The purchase by the National Housing Trust of the Outameni project has revealed a shocking disregard for good governance - good corporate governance...

Mr. WARMINGTON: Hear! Hear! Hear!

Mr. SHAW: ...and a serious breakdown in the checks and balances that are supposed to be secured by way of the NHT Act and the Public Bodies Management and Accountability Act...

Mr. L. BUCHANAN: Audley, yuh don't have the authority to speak to it.

Dr. WARMINGTON: Shut yuh mouth over there!

Mr. SHAW: ...when accompanied by strict adherence to the reporting structures by the accounting and accountable officers and ultimately by the responsible Minister.

Mr. L. BUCHANAN: Yuh did that when yuh import di bus.

Mr. WARMINGTON: What you're talking about over there?

Dr. WHEATLEY: Shut yuh mouth!

Mr. SHAW: Mr. Speaker, it has already been shown that the National Housing Trust is in flagrant breach of the Public Bodies Management and Accountability Act, with respect to the timely submission of reports.

Mr. L. BUCHANAN: What report yuh submitted?

Mr. SHAW: They've failed to submit to Parliament the 2013/14 Annual Report within the stipulated timeframe of four months after the end of the financial year.

Mr. WARMINGTON: Yuh need to set a better example in Parliament.

Mr. SHAW: They've failed to present Corporate Plan to this Parliament, Mr. Speaker and at a sitting of the Public Appropriations Committee, it was actually admitted by the Accounting Officer, that half-yearly and quarterly reports were not being submitted to the responsible Minister on a timely basis. So corporate plans, annual reports, half-yearly reports, quarterly reports all of which are part of the system of accountability and checks and balances apparently, Mr. Speaker, broke down at the National Housing Trust.

Mr. WARMINGTON: Hear! Hear!

Mr. SHAW: But, Mr. Speaker, new information has now emerged, which cast more shadows over the decision to purchase the Outameni property.

Mr. WARMINGTON: Talk yuh talk!

Mr. SHAW: The first is the apparent absence, Mr. Speaker, of a report of the Technical Committee of the National Housing Trust Board, recommending the project to the Board. And the second is the real reason for a decision that was taken in haste for reasons other than what has so far been publicly stated, either in this House or publicly stated in press conferences issued by the Chairman of the National Housing Trust.

Mr. WARMINGTON: Hear! Hear!

Mr. SHAW: Mr. Speaker, it appears that there has been no formal report. Mr. Speaker, I want to say this, it appears that there has been no formal report of the Technical Committee prior to the decision of the NHT Board in December 2012, to purchase Outameni.

Mr. MAIR: Yes.

Mr. WARMINGTON: Shame!

Mr. SHAW: Mr. Speaker, there is no reference to the purchase of Outameni in the unconfirmed Minutes of the Technical Committee, at its meeting in November 15, 2012, or the decisions of the Technical Committee meeting held on November 15, 2012**.**

Mr. WARMINGTON: Scandalous!

Mr. SHAW: This was the only meeting, Mr. Speaker, of the Technical Committee held between the time of the upper letter in early November, and the Board's decision in December of 2012. Both - I repeat, the unconfirmed minutes and the list of decisions taken in those minutes of the Technical meeting, there's no mention about Outameni. No mention of Outameni at the Technical Committee meeting, Mr. Speaker.

Mr. WARMINGTON: Deception of the highest order!

Mr. SHAW: The mention of the Technical Committee's recommendation subsequently in a Board submission by the Managing Director on November 28 is therefore perplexing, as this Report cannot be found!

Mr. WARMINGTON: Deception in the highest order!

Mr. SHAW: In fact, Mr. Speaker, curiously, the only formal recorded statement of the Technical Committee appears to be a February 14, 2013 assessment of the suitability of the Outameni property, which concluded as follows. I quote from that Report of the Technical Committee, February 14, 2013.

Dr. DAVIES: Yuh get the wrong date?

Mr. SHAW: It says:

"The property does not appear..."

This is the Technical Committee yuh nuh.

The SPEAKER: (Gavels) The Member's time for speaking has expired.

Mr. PAULWELL: Mr. Speaker, I move that the Member's time for speaking be extended sufficient to allow him to complete his presentation.

Mr. WARMINGTON: Thank yuh, yuh have more sense than dem.

The Deputy SPEAKER: The question is that the Member's time for speaking be extended sufficient for him to complete his presentation.

Put to the House and agreed to.

Mr. SHAW: Thank you, Mr. Speaker, and thank the Honourable Members.

Mr. Speaker, I quote from the only Report that has been seen about the Outameni project, and it was published - it was in the records 14th of February, 2013. Here is what it reads:

> *"The property does not appear to facilitate the NHT's mandate for affordable housing solutions and is more suited for recreational, heritage-type facility, based on the following factors:*

- *High development costs to convert the property from its existing usage to residential;*
- *The relatively small acreage to be developed;*
- *Not being able to viably spread the overall development-related costs; and*
- *The potential historic heritage and environmental consent of the surrounding area."*

These observations were made after the horse had bolted through the gate on February 14, 2013, long after the December 4, 2012 Board decision to purchase the property.

Mr. Speaker, the plot thickens. The Chairman and management of the NHT Board must therefore explain in the absence of a review of the Technical Committee of the Outameni proposal at its meeting on February 15, how it arrived at the following recommendation, which was reported by the Managing Director in a submission to the Board on the 28th day of November, 2012. I read - this is the Managing Director's submission to the Board now, Mr. Speaker.

The Managing Director says:

"The Technical Committee of the Board recommends the following to the Board for its approval."

This is what is not in the Minutes, you know, of the previous month, right.

"That the NHT settles the outstanding balances at CCNB on behalf of Orange Valley Holdings Limited, and which are estimated to be valued at approximately S180M, and in exchange for which the assets owned by Orange Valley Holdings Limited, and as detailed in the October 4, 2011 Appraisal Report, conducted by David Delisser and Associates Ltd., and valued at $311,163,800 and which are free and clear of all liens which will be transferred to the NHT."

(*Sotto voce* comments)

Mr. SHAW: No, three hundred and eleven. Yes, that's what I said. Three hundred and eleven - thank you very much.

Mr. Speaker, the question that I have to ask, why was this recommendation not in the Minutes of the Technical Committee Meeting of November 15? That's the question.

A Government MEMBER: Everything wrong. Everything wrong.

Mr. SHAW: Why wasn't this recommendation in the Minutes of the Technical Committee Meeting of November 15, 2012? Two weeks before the Board made its decision. Was this a hastily put together recommendation, contrived by the Chairman of the Technical Committee, without reference to the other members? That's the question. That is one issue, Mr. Speaker.

I turn to a second issue, and this is now the issue that will give us the reason why there was such an indecent haste - such an indecent haste to approve this project.

The second issue that cast a shadow over the purchase of the Outameni property, is that there was an unholy haste to make a decision only one month after the offer was made, and obviously, without adequate due diligence...

Mr. WARMINGTON: Talk yu talk! Continue, sir.

Mr. SHAW: ...when the subsequent assessment of the Technical Committee - following February - is taken into account.

Mr. WARMINGTON: Hear! Hear! Talk yu talk!

Mr. SHAW: It does appear that the real reason for the purchase, Mr. Speaker, in haste - it can be gleaned from the Board Submission from the Managing Director on the 28th of November, 2012 - here is what the Managing Director had to say. Listen to me carefully, Mr. Speaker, because you are going find out the real reason why there was such a haste to approve this project.

I quote:

"The offer of the property at a price well below the market value was so as to raise sufficient funds to settle outstanding amounts on loan facilities, which are in default with CCMB."

Continue now. This is the Managing Director in a Board Submission talking to the Board now, and saying why the matter is urgent. I continue:

"An urgency was created because of a Provisionary Order by the Court, to sell the home of the guarantor for the loan."

Mr. WARMINGTON: What!

Mr. SHAW:

"And the final Order was expected to be handed down on November 20, 2012, if Orange Valley Holdings Limited failed to settle the debt."

So, now you see the urgency.

Mr. WARMINGTON: Yeeess! Yeeess!

Mr. SHAW: Court Order that the guarantor's house would have to be sold, because the property itself could not be sold. It had failed on several auctions, couldn't be sold. So the Court issued a Provisionary Order to go for the assets of the owner.

Mr. WARMINGTON: Thank you! Thank you!

Mr. SHAW: That was the urgency that is put in a Board Submission in the management of the National Trust Fund, contributors' money that becomes the persuasive reason to make a decision like that.

Here is another section of what the Managing Director said, Mr. Speaker. I quote:

"The NHT, by letter dated November 19, 2012, informed JMMB..."

Now, understand this, JMMB was the other institution that took over CCMB, so this is the context of JMMB.

"...that the NHT, by letter dated November 19, 2012, informed JMMB of the Technical Committee's consideration regarding the purchase of the outstanding debt, which they advised was subject to the Board's approval."

I continue.

"JMMB kindly consented to delay acting on the Order until such time as the NHT Board had met to consider the purchase of the outstanding debts. And they agreed to await NHT's confirmation which they expected *on or about December 4, 2012."*

(*Sotto voce* comments)

Mr. SHAW: So, on both of these quotations from the Managing Director of the NHT to the Board, they were saying on Count 1, that the Court had ordered that the guarantor's asset must be seized.

Count 2, them say de Bank say they are kindly consenting to delay acting on the Court Order. There are now the persuasive bases for Trust Fund, acting on behalf of the contributors, to make a decision, not the integrity of the project, Mr. Speaker. This had nothing to do with whether the transaction was a good deal for the Housing Trust and its contributors. It was a hurriedly put-together bail-out plan, plain and simple! That is what it was, Mr. Speaker.

Mr. WARMINGTON: PNP protect PNP! I am learning something today!

Dr. DAVIES: For the first time!

(Laughter)

Mr. SHAW: Mr. Speaker...

Mr. CHUCK: The Board must resign!

(*Sotto voce* comments)

Mr. SHAW: Mr. Speaker, I am coming down, don't worry.

I am extremely concerned that coming after the first fiscal year in which an unprecedented amount of money has been removed by the Government from the National Housing Trust, Eleven point Four Billion Dollars ($11.4B)...

Mr. WARMINGTON: Feeding tree! Feeding tree!

Mr. SHAW: ...that we are yet to see the formal tabling of the Annual Report and Financial Statements in the House. As I have stated, under the PBMA Act, it should have been done from July.

Dr. PHILLIPS: This year?

Mr. SHAW: Of this year.

Dr. PHILLIPS: This year?

Mr. SHAW: Yes.

And Mr. Speaker, where is the Report? And why is it that after the financial statements were presented to the Board of the National Housing Trust in May of this year, May of this year, two months before it was due to be tabled in Parliament, why is it we have not seen this Report yet tabled?

The Prime Minister needs to remind the Housing Trust Board that under the PBMA Act, it is liable - the Board is liable to be fined in a Court of Law, if the Attorney General plans and takes that proper advice so to do...

Mr. ATKINSON: Have you?

Mr. SHAW: ...that the sum of - it is the - no, from the Public Bodies Management and Accountability Act. Read it!

Mr. WARMINGTON: He doesn't understand what that means!

Mr. SHAW: And what it says is that if you fail to follow the rules, that a Court can fine you the sum of One Million Dollars ($1M) for failure to furnish the Report on time. Go and read the Act!

Mr. WARMINGTON: Tell him to read it! Him don't appreciate... (Inaudible) He doesn't know what it contains!

Mr. SHAW: But, Mr. Speaker, we must look at the information that is available.

Mr. Speaker, the total assets at the National Housing Trust at the end of March of this year was Two Hundred and Six point Three Billion Dollars ($206.3B). When the illiquid long-term mortgage assets representing 81 per cent of NHTs total assets are deducted, the NHT, Mr. Speaker has only Forty Billion Dollars ($40B) in remaining assets. Yet, the Ministry of Finance - after you

take out the illiquid assets, you know – that's the Mortgage Portfolio - out of the Two Hundred and Six Billion Dollars ($206B), there is Forty Billion Dollars ($40B) in remaining assets.

Yet the Ministry of Finance, supported by the JMF, plans to raid the Housing Trust by Forty-five point Six Billion Dollars ($45.6B) over four years. That is more than the remaining assets that are liquid, you know, right - Eleven point Four Billion ($11.4B) of which has already been paid out in the last fiscal year.

Dr. DAVIES: Money come in each year.

Mr. SHAW: Money come in each year. Yeah, man, that sound like a Socialist strategy! (Laughter) As long as little money a come in you can take it out, nuh so?

(Heckling)

Well, you going have it again till it pains you, okay. The integrity of the National Housing Trust is at stake, and we going talk about it.

Mr. WARMINGTON: Yes, talk!

Dr. DAVIES: Not today, though! Not today!

Mr. SHAW: Mr. Speaker - oh, you think so?

(Heckling)

Dr. DAVIES: Not today!

Mr. SHAW: Mr. Speaker, in fact, in order for the National - a just opening the debate today, okay. (Laughter) In order for the National Housing Trust Mr. Speaker to pay the Eleven point Four Billion ($11.4B) to the Government last year, for them to pay the Government last year, the Minister of Finance required the National Housing Trust to sell off one-third of its investment securities, Seven point Three Billion Dollars ($7.3B) worth which stood at Twenty-one point Seven Billion Dollars ($21.7B) in March 2012, three months after they took over. We left it at Twenty-one point Seven Billion Dollars ($21.7B), and it's now down - investment securities, you know, an asset, is now down to Fourteen point Eight Billion Dollars ($14.8B). This had to be done because the NHT was unable to secure enough cash from its current operating cash flow to pay that Eleven point Four Billion Dollars ($11.4B) last year.

(*Sotto voce* comments)

Dr. WHEATLEY: They are milking Housing Trust!

Mr. SHAW: And, Mr. Speaker, that was only the first year of the drawdown.

Mr. WARMINGTON: They are milking blood from the mawga cow!

Mr. SHAW: What is alarming, Mr. Speaker is that in this proposed drawdown of Forty-five point Six Billion Dollars ($45.6B) over four years, that it's not only more than the Forty Billion Dollars ($40B) in liquid assets now at the NHT, but it will cause a further severe depletion of its cashflow assets, preventing the company from properly discharging its mandate to its contributors.

(*Sotto voce* comments)

Mr. SHAW: Mr. Speaker, to add insult to injury, after 38 years of treating non-re fundable employers' contributions as a capital injection, the NHT has now decided to change the accounting policy to record non-refundable employers' contributions as income rather than as capital. You were there

for 14 years, you never allowed that. I have to commend you.

Dr. DAVIES: What?

Mr. SHAW: You. Mr. Speaker, this is clearly no more than an accounting devise to justify this unprecedented raid on the National Housing Trust resources, just a device, accounting device. This major change resulted in the following; the restatement of $78.9 Billion of employees' contributions from all prior years through March 31, 2013 retroactive, and a restatement of $10.7 Billion of 2014 employers' contribution and the impact, Mr. Speaker, of the above two retroactive accounting policy changes on the financial statement is that you have an $11.1 Billion inflated net profit for the year 2013/2014, a $10.6 Billion inflated cash-flow provided by operating activities in the statement of cashflows. And does this mean that the government now, Mr. Speaker, has opened by this mechanism, the Government opens the way to tax the $11 Billion of non-refundable employer's contribution last year and also to tax the retroactive amount of non-refundable employer's contribution of $78.9 Billion since the start of the Housing Trust. This is the way to justify the drawdown of the $45 Billion. This was previously non-taxable, Mr. Speaker, and dedicated to housing solutions. In other words, this has been the employer's non-taxable equity participation in the delivery of houses to employees. But now this Government has said, it was not the capital anymore, it must not be an equity injection anymore, it must be income, it must be revenue subject to taxation.

Mr. Speaker, in fact, of the remaining $40 Billion in assets, net liquid assets only represents $22.2 Billion. And when current liabilities are taken into account only $1 Billion of net liquid assets remain.

Mr. Speaker, based on this analysis, the NHT is in a much depleted cash-flow position, because its cash liquid reserves have been depleted by the Ministry of Finance with the first withdrawal, the NHT is totally dependent now as you said a while ago, on future employers and employees contributions, not on its accumulated reserves because we are breaking down the accumulated reserves to fulfill its mission of providing housing to its contributions and no doubt to continue providing more money to the Minister over the next three years. It means that when we come here next year the remaining $14 Billion of securities investment will be further depleted, will be further depleted and compromise the mission of providing housing to its contributors. The continued subsidy to the Ministry of Finance has placed the NHT in financial liquidity crunch and any future subsidy will totally wipe out their much depleted cash reserves. Mr. Speaker, we are already hearing, that there are many NHT projects that have not been implemented, they are on hold in some way, shape or form, this is a scandalous and bare-face raid on the funds held in trust for housing solutions for contributors.

(*Sotto voce* comments by Dr. Davies)

Mr. WARMINGTON: Robbery with aggravation.

Mr. SHAW: Go find out, you are the

Minister with responsibility for housing, you go and find out.

Dr. DAVIES: He is just making that up.

Mr. WARMINGTON: No he is not.

Mr. SHAW: Mr. Speaker, you know, I was kind to you a while ago be careful, I was kind to you a while ago.

Mr. Speaker, finally, I want to just say before I sit down, that in addition to this drawdown of $45.6 Million, we have the continued non-payment by the Government of taxation recoverable for withholding taxes deducted at the source by the Government on NHT interest and investment income $5.6 Million, and we have the employees contribution withheld by Government but not over - paid over to the NHT statutory deductions. The Minister admitted today that the figure is $15.5 Billion. So when you add up this total rate figure - now add the $45.6 to the $5.6 Billion, in taxes deducted at source, to the $15.5 Billion, of employees, contribution which by the way should really be listed on the accounts as an asset. It is an accounts receivable, from the Government, and it should be listed in the accounts of the National Housing Trust as an asset, but it not so listed, it is ignored, it is left in a loose arrangement. But when you add that $15.5 Billion the total, Mr. Speaker, the total, is $66.7 Billion of subsidies that the National Housing Trust is giving to the Government of Jamaica.

So yes, Minister, you passed the IMF test on the backs of people who are hunting for housing in Jamaica and can't get the housing solutions. But you pass the IMF test, $67 Billion, is the aggregate amount of money that is being taken from the National Housing Trust and severely hampers its ability to fulfill its mission to provide housing to its contributors.

There is no disclosure of the Outameni transaction in the annual report or the half-yearly report or the quarterly report. Why is there such a concealment of information on Outameni in these reports.

And finally, there is no disclosure by the auditor in the audit report of the non-compliance and violation of the PBMA Act in terms of the legal and regulatory requirements of the National Housing Trust, its Board of Directors and the senior management.

Mr. Speaker, what I have outlined to date, if the Government was not convinced yesterday that the entire board of the National Housing Trust should resign; this information is incriminating and it strikes at the very heart of the integrity of the management of that institution they should resign.

(Applause)

The Deputy SPEAKER: Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker, let me remind the House that we are here debating the First Supplementary Estimates and the Report, the Report of the Standing Finance Committee. That is the matter, 95 per cent of what was said by the Opposition Spokesman on Finance, extended beyond the realm of the Report of the Standing Finance Committee on the Supplementary Estimates. And so, I shall confine myself on that, my response to that portion of his remarks that had direct relevance to what was being discussed.

You know, Mr. Speaker, the first point I would make. Much was made about the various areas of the budget that in fact required more money, problems with schools, the problems with the Fire Services, NSWMA and indeed, the difficulties in the health system. That there have been difficulties nobody has denied, that there have been personal tragedies, I don't think we deny it and they certainly didn't start this month, and they certainly never began in January 2012. And what we are aiming to do is to find a way of putting ourselves in a position where such strategies don't occur. But we have to do it in a way that is real and we have to do it in a way that does not rely on burdening the public accounts, the budget with expenses that cannot be sustained overtime.

Anybody can jump up and the Member is adept and engages in populace excess as to everything that would need more money. But just so the record declare, these supplementary estimates include an additional $5.5 Billion for the health sector; compensation, 7 per cent one off, and health sector reclassification money, $1 Billion for additional drug provisions, additional amounts for personnel deductions and an additional amount for electricity, water and utility.

Mr. Speaker, I think it also need to be noted that in addition, as the Member acknowledged, we have put additional amounts for the utilities, fire services, schools, *et cetera.* Now, obviously, we would, there is need for even more, obviously, we would like to provide more. Obviously the problems that existed when the Member opposite had responsibility for the budget, and when he was blindly prepared to abandon his commitment under the programme and destroy Jamaica's reputation as well as the programme... (Applause) ...let me say here, we are not prepared to do. (Applause)

Mr. SHAW: Foolishness you are talking about nonsense, you did that.

A MEMBER: Short memory.

Dr. PHILLIPS: Mr. Speaker, let me say, in relation to - he made some comments in relation to the Ritz Carlton write-off, for Rose Hall Developments, and what was the - well it is Rose Hall Development, Ritz Carlton were operators of a hotel there.

Let me simply say Mr. Speaker, I have in my hand a copy of a press release dated August 15, 2013 by - from the Development Bank of Jamaica in which the facts of this particular transaction were set out. It is not true, nor is it appropriate for the Member to say that there was no disclosure of this transaction to the country; it is not true, simply not true.

And again, it is…

Mr. SHAW: What was that?

(Cross talk)

Dr. PHILLIPS: …the disclosure of the impairment provisions that were made in relation to the investments in the Ritz Carlton facility. It says:

"The Government investment of…." and I'm quoting here what was said by Mr. Reynolds.

Mr. SHAW: What are you reading from?

Dr. PHILLIPS: I'm reading from the press release issued in August 2013 - 15th.

Mr. SHAW: Published?

Dr. PHILLIPS: It was published, yes.

Mr. SHAW: What proof you have of it?

(Cross talk)

A press release is not proof of publication.

Dr. PHILLIPS: No, well, it is proof of -

Mr. SHAW: Not proof of publication.

Dr. PHILLIPS: It is proof, it is proof -

Mr. SHAW: Not proof of publication.

Dr. PHILLIPS: Well, I don't know what you mean by publication. This itself is proof that the DBJ published it. That's what they did. They published it. Now, if you mean publication in a newspaper we can find the proof. I'm sure it was there. If you mean it was in their annual report, it would have been there. It was public information and the Member if he was in keeping...

A Government MEMBER: Withdraw it!

A MEMBER: Shut your mouth... withdraw.

(Cross talk)

Dr. PHILLIPS: The Member...

Mr. SHAW: Bring proof of publication.

Dr. PHILLIPS: The Member, were he in position of and moved by conscience would withdraw, but then what can we expect.

(Cross talk)

What can we expect?

Mr. BARTLETT: Point of order, Mr. Speaker.

Mr. SHAW: Bring the proof of publication.

Dr. PHILLIPS: Mr. Speaker...

Mr. BARTLETT: Point of order, Mr. Speaker. Mr. Speaker....

The Deputy SPEAKER: (Gavels) Dr. Phillips, there's a point of order.

Mr. BARTLETT: ...point of order.

I think that the Minister needs to, Mr. Speaker, speak to the fact of the write-off which the Member spoke about, and whether the write-off took place after the sale of the asset...

(Inaudible comment by Mrs. Neita-Headley)

The Deputy SPEAKER: Mr. Bartlett...

Mr. BARTLETT: ...for which DBJ was a partner. That is the point to be responded to, Mr. Speaker.

The Deputy SPEAKER: ...Mr. Bartlett, what is the point of order?

(Cross talk)

No, I'm speaking to Mr. Bartlett.

Mr. BARTLETT: Whether or not the write-off took place after the sale of the asset or was the write-off to facilitate the sale of the asset to the current buyers and what was the share that the Government got from the sale?

(Cross talk)

A Government MEMBER: That's not a point of order.

The Deputy SPEAKER: Continue, Dr. Phillips.

(Cross talk)

Dr. PHILLIPS: Mr. Speaker, let me say also definitively that the *Daily Gleaner* of August 16, the day following this, made full publication of this Report.

(Inaudible comment by Mr. Warmington)

Mr. BARTLETT: So, Mr. Speaker, the point simply is this, the point simply is this...

(The Deputy Speaker Gavels)

...the point simply is this, there are enough issues for us to debate, genuinely debate, and, indeed, the question was raised and answered to earlier. The point that was being made is not the point that is coming from down there.

A Government MEMBER: Questions.

Dr. PHILLIPS: The point that was being made was that it was done without disclosure. It is patently false. Not true.

A Government MEMBER: Withdraw!

Mrs. NEITA-HEADLEY: Not true, not true.

Mr. WARMINGTON: Withdraw what?

(Cross talk)

I am a graduate of Harvard Business School and you *caan* even pass through the gate. You *caan* even pass though the gate. That's where I was educated so don't...

(Inaudible comment follows)

Dr. PHILLIPS: Now, Mr. Speaker, there was a further issue that was raised -

A Government MEMBER: Where *yuh* get your degree?

Mr. WARMINGTON: You *caan* even pass through the gate. You can't pass through the gate of....

A Government MEMBER: Stop your tracing, *nuh* man! Trace too much.

(Inaudible comment by Mr. Warmington)

Mr. PARCHMENT: How much you pay for the degree?

(Inaudible comment by Mr. Warmington)

The Deputy SPEAKER: (Gavels) (To Mr. Warmington) Okay, Member, desist from.... Stop it...

A Government MEMBER: Stop it man!

Mr. WARMINGTON: Direct your rule book across there....

Mrs. NEITA-HEADLEY: Hey!

Dr. PHILLIPS: I think the Member wants to speak. I will yield. (Takes his seat)

Mr. WARMINGTON: I've already spoken.

Dr. PHILLIPS: Oh, okay.

(Cross talk)

Mr. BARTLETT: The Member has taken his seat, Mr. Speaker, can't be recognized.

The Deputy SPEAKER: Dr. Phillips.

Dr. PHILLIPS: No, I didn't say I was ending. I said I would yield.

(Cross talk)

Mrs. NEITA-HEADLEY: Shush! Chat too much. Chat too much man.

Dr. PHILLIPS: Mr. Speaker, the question was raised and I spoke to it in my opening about the $800 Million Bond. Let me say it again, the first point to be made is that whatever decision the Opposition Spokesman made in his time the circumstances certainly were different. For one thing the judgement of all in the market place is that the instability that is likely to occur, and which certainly exist now, as a consequence of the changes that in policy heralded by the U.S. Federal Reserve was likely to put upward pressure on interest rates in a period when we were likely to need additional resources.

Secondly, and everyone has raised it, was the question of the sustainability of our oil purchase arrangements and what would happen in relation to Jamaica's ability to sustain itself in the marketplace should there be any adjustment arising from that. As a

consequence, we had a very sharp upward movement trajectory for our accumulation of international reserves and one thing that this additional resource did was to give us a cushion should there be any impairment in our oil purchase arrangements with Venezuela. The Venezuelans have assured us, but anyone sensibly protecting a country...

Mrs. NEITA-HEADLEY: Yes.

Dr. PHILLIPS: ...would need to make provision so we not destitute and reliant on others in the circumstances. (Applause)

Secondly, the Member himself in discussing the oil, the pass-through issues with Petrojam spoke about the relative stability of the exchange rate. One contributing factor to this relative stability in the exchange rate arrangements is because of the ability of the Bank of Jamaica to respond by having in its possession this $800 Billion and the resources there available. (Applause)

(Cross talk)

Mr. Speaker, we mentioned earlier today that the rating agencies and the ratings upgrade that Jamaica received and, indeed, it was specifically mentioned by some of the rating agencies was directly attributable to the fact that Jamaica had the resources in place to settle not just one debt payment need, but two and three without resorting to an unstable marketplace.

Mr. BUNTING: Remember Audley not accustomed to settling any payment...

Mr. WARMINGTON: Oh, be quiet...

(Cross talk)

Dr. PHILLIPS: And, of course, Mr. Speaker, the direct impact on business confidence and on the inflows of foreign direct investment consequent on that which I must say are now running double what they were in the previous - in 2010/11 and in 2012/13.

So Mr. Speaker, these are direct consequences with a cost. And finally, finally, the benefit which we have received by being able to reduce our debt even more sharply through liability management activities which allowed us to purchase and retire debt and also save on the interest charges, which are reflected in these Supplementary Estimates are a direct consequence of having these resources available. So Mr. President, I don't know what he did when, but we do know, we don't resile from it because it was a necessary action to take. (Applause)

Mrs. NEITA-HEADLEY: Hear! Hear! Hear! Hear!

Dr. PHILLIPS: Mr. Speaker, I will venture into only one comment that he made in relation to NHT and that is simply to say:

(1) There is no plan intentions, scheme, contrivance or anything to take any taxes on account of the accounting adjustments that has been made. I say so definitively.

(2) The budget that was passed and the commitment given to the people of Jamaica to the NHT and to the international community was that there would be a minimum available resource of $20 Billion annually over the period of the Extended Fund Facility of the construction of houses for contributors. That has been kept.

That will be kept and is certainly not something that was kept secret.

Mr. Speaker, as I said earlier, we don't glorify in the failure to meet commitment. There maybe those who think - who think it is good to make them and to walk away from them like the previous administration. When we make commitments, we meet them.

A Government MEMBER: That's right. (Applause)

Dr. PHILLIPS: This budget and the 7½ per cent primary surplus is not easy. It has involved sacrifice by people right across the country in all categories. Yet even as we have done that, we have sought to meet our obligations. We have sought to meet obligations to public sector workers and pay the reclassification for teachers and health workers and pay the one-off $25,000 agreed with the public sector unions.

A Government MEMBER: That's right.

Dr. PHILLIPS: We didn't walk away and we didn't tell anybody take it or leave it, having agreed and then walked away from it. It's not the habit on this side.

Mr. Andrè HYLTON: Warmie, you quite.

(Inaudible comment by Mr. Warmington)

Dr. PHILLIPS: Mr. Speaker, we have kept our commitment in relation to the path beneficiaries to provide 15 per cent increase each year. We met last year. We met it again this year. We have kept our commitment to raise the income threshold. We kept the commitment in this programme, the first of its kind to maintain a minimum level of expenditure for social programme and we have honoured our word. We didn't make it and then walk away from it. And in doing all of that, we have managed to start growth, to keep our inflation numbers in control, to secure a reduction in the rates of reduction. Mr. Speaker, this Supplementary Estimates is in keeping with the commitments by Government of Jamaica to the people of Jamaica and to our international partners.

I thank you. (Applause)

Mr. L. BUCHANAN: Hear! Hear! Thank you too.

(Cross talk)

Dr. PHILLIPS: Mr. Speaker, I move that the Report of the Standing Finance Committee be approved.

The Deputy SPEAKER: The question is that the Report of the Standing Finance Committee of the whole House be approved.

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, as I move for the adjournment of the Parliament, and as we are now at the end of our Session for the calendar year, I want to provide a very brief update to this Honourable House, regarding our performance since the beginning of this legislative period in April of 2014.

As usual, Mr. Speaker, the House has been very active with robust participation from both Government and Opposition Members, leading to the passage of 24 Bills... (Applause)

Mrs. NEITA-HEADLEY: Yes, yes...

Mr. PAULWELL: ...and 23 Orders of Resolutions, and the approval of eight Committee Reports and four Private Members' Motions, as well as the Motion

opposing the United States Embargo against Cuba.

Mr. Speaker, in order to ensure that this Honourable House, and by extension the nation, was kept informed about the affairs of Government, and our response to issues of national importance, 18 Ministerial Statements were made between April and December of this year.

Matters covered included, among other things:

- Changes to the tax regime,
- Student's performance in the Grade Six Achievement Test,
- Measures to regulate the tertiary education sector,
- Privatization of the Kingston Container Terminal,
- The severe water shortage that affected the island during the year,
- Preparedness for the Ebola Virus, and
- National security and foreign trade issues.

As further evidence of willingness of this administration to provide access to information and to promote transparency, 25 questions were answered during the period. This represents a significant increase over the corresponding period last year, when only seven questions were asked and the answers given to three of them.

This year's questions dealt with a range of issues, some of them more controversial than others. Among those that had the potential to generate conflict were four questions relating to the purchase by the National Housing Trust of property at Orange Grove. All of these were ably handled by the Most Honourable Prime Minister, the Minister of Tourism, and the Minister of Finance, respectively.

(*Sotto voce* comment by Mr. Shaw)

Mr. PAULWELL: Ably... ably...

Mr. SHAW: (Laughs) Repeat it louder.

Mr. PAULWELL: Mr. Speaker, I turn now to the conduct of business in this Honourable House. This is our 46 sitting since the start of the legislative period.

Average attendance among Members was 49 persons which is an average of 76 per cent of the total membership. There were 10 Members who missed five sittings or less. Among these was the Member for St. Andrew Eastern, who was absent only five times - I want to commend you - the Minister without Portfolio for Responsibility for housing who missed only four sittings; yourself, Mr. Speaker - oh, sorry, the Speaker is not here, but the Speaker, along with your Deputy...

(*Sotto voce* comment by Mr. Shaw)

Mr. PAULWELL: ...the Leader of Opposition Business who missed only four - sorry, the Member from St. Andrew North Eastern, and the Member from St. Ann North Eastern, all of whom were absent only three times, so commendation to you; the Member from Clarendon North Central who was present for all but two sittings; the Attorney General who was absent only once...

A MEMBER: Only once...

Mr. SHAW: What about me?

Mr. PAULWELL: ...and the Member from Manchester, North Western who

maintained a perfect record is not here now. (Applause)

(*Sotto voce* comments/Laughter)

Mr. WARMINGTON: Hold on, that is not accurate.

Mr. PAULWELL: Mr. Speaker, 219 debate contributions were made in this Honourable House with 63 per cent of them coming from Government Members.

Mr. WARMINGTON: I have been absent once.

Mr. PAULWELL: ...and the remaining 37 per cent from Opposition Members.

Mr. Speaker, since April of this year, this House has passed a total of 22 Bills, 12 of which have gone on to be passed in the Senate, and received the Assent of the GG.

Of particular interest to the public is the Disabilities Act which was passed this year... (Applause) ...which will help to safeguard the rights of persons with disabilities, and enable them to participate more fully...

(*Sotto voce* comment by Mr. Warmington)

A MEMBER: Quiet.

Mr. PAULWELL: ...in public life, with fewer impediments in terms of physical infrastructure and greater accommodation in the work environment, and in respect of housing.

Mr. WARMINGTON: Shut *yuh* mouth; I was absent once.

Mr. PAULWELL: Mr. Speaker, the highly anticipated - I will double-check, and if it is so, I will make sure that it is corrected. This is not from me. (Displaying a document)

Mr. WARMINGTON: You need to consult with the Clerk before you make these statements.

Mr. PAULWELL: The highly anticipated - could you be quiet... The highly Employment Flexible Work Arrangement Bill was also completed.

In addition, Mr. Speaker, new legislation in respect of insolvency, which seeks to stimulate private enterprise...

(Applause)

...while ensuring probity and responsibility on the part of business owners, was put in place.

Furthermore, Mr. Speaker, many persons welcomed the passage of the Criminal Records (Rehabilitation of Offenders) Bill which will help to free some of our citizens who have committed a single minor offence from the social and economic impediment of a criminal record.

In addition to the Bills passed by the Honourable House, Mr. Speaker, 23 Orders and Resolutions were approved; the majority of these related to financial matters, such as the collection of taxes, levies and customs tariffs.

So Mr. Speaker, in closing, I would like to thank all our Members for their contribution to the proceedings in this Honourable House. For the most part, the business of Parliament continues to benefit from an amicable working relationship between Government and Opposition, notwithstanding the vigour, and enthusiasm, and exuberance which the Opposition sometimes brings to its role in keeping the Government accountable.

Mr. Speaker, I would like to express, on behalf of all the Members, our gratitude to the Clerk and - the Clerks of the Table, for

skillfully guiding our proceedings, and to the entire staff of this Parliament for their support.

I look forward to continuing collaboration in the New Year, and wish for all, a happy and prosperous season. (Applause)

Mr. D. SMITH: Mr. Speaker...

The Deputy SPEAKER: Yes, Mr. Smith.

Mr. D. SMITH: Thank you, Mr. Speaker.

Mr. Speaker, I have listened carefully to the House Leader trying his utmost to embellish the performance of the House this year. We recall last calendar year, we spoke to 40 pieces of Legislation being passed in this House, and my own research suggests, not 24 as stated by the House Leader, but 15 pieces of Legislation passed this calendar year *versus* 40 last year.

But nonetheless, the Opposition is happy to have participated in all of these deliberations. We are holding our own as an Opposition, and we are happy to continue working with the Government in the interest of better governance for our country, Jamaica.

Mr. Speaker, this is the time of year, Christmas, for caring and sharing, and I am sure that it is going to be the theme for all Members of this House to care and share for less fortunate individuals in their respective constituencies.

I would like to say Merry Christmas to everybody. We are talking about the Clerk and those Members of her team. We speak about the security, the auxiliary members of staff, the members of the media, and everyone that assisted in any form, to make the Parliament operational during the year.

The Speaker, in his absence, and the Deputy Speaker, thank you all.

Have a Merry Christmas.

The Deputy SPEAKER: Mr. House Leader, on behalf of the Speaker and myself as Deputy, I want to thank everyone for your cooperation throughout the year, and we look forward next year to an even more vigorous productive Parliament.

May I extend to you therefore all that is best for the festive season and that you will remain safe, healthy and Chik-V-free until we meet next year.

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker, I move for the adjournment of the Parliament for a date to be fixed.

The Deputy SPEAKER: The question is that the Honourable House adjourns to a date to be fixed.

Put to the House and agreed to.

The Deputy SPEAKER: (Gavels) This Honourable House now stands adjourned.

The Honourable House accordingly adjourned at 5:44 p.m.