JAMAICA HANSARD

Parliamentary Proceedings

of the

HONOURABLE HOUSE OF REPRESENTATIVES



Session 2015 – 2016 VOL. 41 No. 1
PART 11

May 5, 2015 – July 21, 2015
PAGES 607 – 1295

JAMAICA HANSARD



PROCEEDINGS
of the
HONOURABLE HOUSE OF REPRESENTATIVES

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TUESDAY, May 5, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:35 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. 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. 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

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

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

MR. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern

MISS JOYCE DENISE DALEY, (PNP), St. Catherine, 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. MIKAEL ASHER PHILLIPS, (PNP), Manchester, North Western

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

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern

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

MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary, Western

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

MR. RUDYARD CONRAD SPENCER, (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 Mr. Paul Buchanan.

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

ANNOUNCEMENTS

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

- The Beach Control Licensing (Amendment) Regulations 2015, under the Beach Control Act.

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 first day of May, 2015, the following Bills were passed in the Senate:

Bill shortly entitled:

"The Quarries Control (Amendment) Act, 2015",

passed with three (3) amendments for which the Honourable Senate seeks the concurrence of the Honourable House of Representatives.

AMENDMENTS

Clause 5: In paragraph (d), delete the words, "*local authority"* and substitute therefore the words, "*relevant authority"*.

In Clause A, in the proposed Section 13A, re-number the subsection (2) as subsection (3), and insert as re-numbered, the following as subsection (2): "*A transfer of a licence or interest therein referred to in subsection (1) shall not take effect unless the prescribed fee has been paid";* and (b), delete from subsection (3) as re-numbered, the words, "*on payment of the prescribed fee",* and,

Bill shortly entitled:

"The Baptist Mid-Missions in Jamaica (Incorporated) (Change of Name) Act, 2015",

passed with four (4) amendments for which the Honourable Senate seeks the concurrence of the Honourable House of Representatives; and the amendments have been printed and circulated.

Signed: Floyd E. Morris,

President of the Senate"

The SPEAKER: Minister Paulwell.

Mr. PAULWELL: Mr. Speaker, in relation to the Quarries Control (Amendment) Act, as the amendments are straightforward, I move that the Senate amendments be approved.

Put to the House and agreed to.

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Mr. Pickersgill.

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

Be it Resolved in accordance with Standing Orders 73 that the Beach Control Licensing (Amendment) Regulations, 2015, under the Beach Control Act which was laid on the table of the House on the 5th day of May be referred to the Regulations Committee of the House of Representatives for consideration and report.

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. McKENZIE: Mr. Speaker.

The SPEAKER: Mr. McKenzie.

Mr. McKENZIE: I beg to give notice that at the expiration of 21 days I will seek to get answers to questions laid in my name from the Minister of Local Government:

Question 1:

Part 1:

Could the Minister:

a) state how much has been collected for property tax yearly since 2011;
b) state the compliant rate for each year since 2011;
c) provide details of all areas of expenditure from property taxes, inclusive of administrative and promotional costs since 2011**;**
d) state the percentage of property tax that was allocated to the respective Parish Councils, Kingston & St. Andrew Corporation (KSAC) and the Portmore Municipal Council since 2011?

Part 2:

Could the Minister further state:

a) how much each Council received;
b) the basis on which the allocation was made; and,
c) how the money allocated was used?

Part 3:

Could the Minister provide a breakdown of the amount of money from property tax collected that each Parish Council received for street lights, including the basis on which the allocation was made, since 2011?

Part 5:

Could the Minister state how much money from property tax collected was allocated for garbage collection since 2011?

Question 2:

Part 1:

Could the Minister state:

a) how much money has been owing to the Jamaica Public Service Company (JPSCo) for street lights from 2011 to present;
b) how much money has been paid on the outstanding amount for the same period;
c) how many street lights are in Jamaica and how many are in working condition; and,
d) if an audit of street lights has been undertaken by the Ministry?

Part 2:

If the answer to Part 1(d) is in the affirmative, could the Minister provide the findings to the House?

Part 3:

If the answer to Part 1(d) is in the negative, could the Minister say why an audit has not been done by the Ministry?

Mr. PAULWELL: Mr. Speaker, there are some questions to be answered shortly after the presentations in the Sectoral Debate.

Mr. McKENZIE: Mr. Speaker, why do I have to wait until the conclusion of the Debate for the questions to be answered? Why we can't answer the questions now?

The SPEAKER: Mr. McKenzie, if you had been watching the proceedings... since this new start of the Sectoral Debate, we have been having the questions, or other matters, after the presentations, so that is nothing new.

Mr. McKENZIE: Is there an adjustment to the Standing Orders, Mr. Speaker? Because the Standing Orders require that the questions are taken at this time. I have been waiting too long, Mr. Speaker.

The SPEAKER: To wait one hour won't kill you, Mr. McKenzie.

Mr. McKENZIE: I intend to speak for two hours today, so I can't wait.

The SPEAKER: Yes, you intend to do a lot of things, but not necessarily so.

(*Sotto voce* comment)

Mr. McKENZIE: No, man, you need *fi* answer the question.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Bill shortly entitled:

"The DNA Evidence Act, 2015",

read a first time.

The SPEAKER: Mr. Bunting.

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

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, we continue with No. 10 on the Order of Government Business - the Sectoral Debate, and this afternoon we have four presenters, starting with the Minister of Health, the Member from Eastern St. Thomas, followed by the Member from North Western St. Andrew, who is the Opposition Spokesperson on National Security, after which we will have the Member from Kingston Western, the Spokesperson on Local Government. And finally, the Member from North West St. James, the Spokesperson on Transport, Works, *et cetera.*

SECTORAL DEBATE

The SPEAKER: Dr. Ferguson.

(Applause)

Dr. FERGUSON: Mr. Speaker, I thank the Almighty God for His continued care and protection. I am grateful to the Most Honourable Prime Minister for believing in me and supporting me through all the challenges.

Government MEMBERS: Hear, hear!

Dr. FERGUSON: I will continue to give my best to her, and to the people of Jamaica.

Mr. Speaker, I am grateful to the people of Eastern St. Thomas, without whom I would not have had the privilege of addressing this Honourable House for more than 22 consecutive years. (Applause) I will continue to serve them as long as they will have me.

Mr. Speaker, I must thank the team of constituency executive members, councillors, three of whom are here today: Mattison, our Major; Hutchinson and Bryan, along with caretaker Bailey; divisional executives, PD workers, volunteers, friends of Eastern St. Thomas, Jamaica, and New York, support staff at the Constituency Office and Parliamentary and Party colleagues.

I thank my family for being my rock; my late mother... (Applause) ...my late mother who believed in me, and was my unquestionable support.

(Applause)

I thank my fiancè, Blossom, who is in the... (Applause) ...for her understanding of life, and the life of a politician, and for standing by me through thick and thin. (Applause)

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

Mr. Speaker, this past year was a challenging one for the health sector but I received considerable support from the team at the Ministry of Health, agencies, and Regional Health Authorities.

I acknowledge the audacious leadership of my Permanent Secretary, Dr. Kevin Harvey who took the reins of the Ministry less than a year ago but has already made a positive impact. (Applause)

I want to thank former PS, Dr. Jean Dixon for her knowledge, experience and steady guidance during the first two years and eight months of my leadership.

(Applause)

A MEMBER: Hear, hear!

Dr. FERGUSON: I also thank the acting Chief Medical Officer, Dr. Marion Bullock DuCasse...

(Applause)

A MEMBER: Hear, hear!

Dr. FERGUSON: ...Directors of the Ministry, the Board of Managements, my advisors, Ambassador Marjorie Taylor who is here with us - (Inaudible) Taylor, and a support staff led by my Secretary, Valda Hutton who is the best in the world.

Mr. DALLEY: The real boss.

(Applause)

Dr. FERGUSON: Real boss.

Mr. Speaker, I want to thank all the local partners, PAHO, NGOs, especially the Heart Foundation of Jamaica, Jamaica Coalition for Tobacco Control - and I see Debbie - the Jamaica Cancer Society, the UN agencies, and members of the diaspora who, over the years, have worked with us to achieve our goals.

I also acknowledge the Governments of Argentina, Brazil, Canada, China, Cuba, Japan, Spain, the United States and Venezuela as well as the European Union for their assistance and support.

Mr. Speaker, with respect to the constituency of Eastern St. Thomas, my time allows me to mention only a few of the many projects that are in the pipeline. The Bath to Audley main road will be funded by the Sugar Transformation Programme and will begin soon. (Applause) The Harbour Head Bridge is now out to tender.

A MEMBER: Good!

Dr. FERGUSON: ...the Rudolph Elders Park, plans are well advanced. The three housing schemes at Hampton Court, Duckenfield and Stokes Hall, Phase II, far advanced.

A MEMBER: Hear, hear!

Dr. FERGUSON: The Southern Coastal Highway from Harbour View to Port Antonio will open up the length and breadth of St. Thomas. And I want, Mr. Speaker, to thank the Ministers from St. Andrew South and

North West Clarendon for the Harbour Head Bridge in Pear Tree River, and the Southern Coastal Highway which they have now placed on high priority. (Applause)

A MEMBER: Hear, hear!

Dr. FERGUSON: Mr. Speaker, no country can achieve growth and development without considerable investment in health and the health of its people. We cannot take a band-aid approach towards fixing our problems. We must take a strategic approach to health in preparing the road map for the future.

This Administration recognizes health as a developmental imperative, and so we continue to put policies and systems in place to develop and transform the health sector into one which can adequately respond to the prevailing needs.

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

Dr. FERGUSON: Mr. Speaker, Jamaica, over the years, has had a very strong record of accomplishment in Health. Despite the less than ideal per capita expenditure on Health each year, Jamaica's health outcomes are remarkable when compared in both life expectancy and quality adjusted life expectancy.

Jamaica has out-performed its regional neighbours relative to its comparative investment in Health. For example, Jamaica's health adjusted life expectancy is greater than Trinidad and Tobago and Guyana, both of which invest a greater portion of their GDP in Health.

Jamaica has an average life expectancy of 74 years, a figure that is largely impacted by motor vehicle accidents and other non-health care-related factors. Further, Mr. Speaker, in 2004 PAHO - WHO evaluated Jamaica's public health system using nine essential public health indices. Jamaica scored a remarkable 75 and ranked ninth in the world. (Applause)

PARTNERSHIP TO MOVE THE HEALTH SECTOR FORWARD

Mr. Speaker, as Minister with responsibility for Health, I am committed to work with all groups and agencies in the spirit of developing the best possible health care system for Jamaica. We are not against criticism, and we welcome suggestions that will lead to improved management of the system and better delivery of health care. However, we do not condone personal attacks on individuals without any evidence to support the claims being made and, as such, I want to take this opportunity to reconfirm Mr. Speaker my confidence and support for my Permanent Secretary in the Ministry of Health.

(Applause)

Mr. Speaker, I am aware that in a meeting yesterday with all the medical groups, including the Jamaica Medical Doctors Association, the Medical Association of Jamaica and the Association of Government Consultants, that the President of the JMDA issued a personal apology to Dr. Kevin

Harvey, Permanent Secretary, and has committed to doing so publicly today. Mr. Speaker, I want to reaffirm that I stand committed to work with all the professional groups within the health sector, and I will be meeting with the doctors and their professional groups, as well as other sectors to ensure that any plan we develop will be done with the input of those working in the sector, as well as our international partners and team such as PAHO, WHO and others.

Mr. Speaker, I have already asked the chairmen of the boards of the regional health authorities to conduct a comprehensive audit of their major hospitals and health centres to determine the availability of supplies and the challenges being faced in ensuring adequate supply chain management, the results of which will be addressed through the additional resources provided for pharmaceutical and sundries in this financial year's budget.

Mr. Speaker, the taskforce established to examine the delivery of medical care, including the way our doctors practice will continue to meet and we look forward to reviewing the recommendations. We are also looking forward to the re-engagement of the JMDA in this process. In the meantime, Mr. Speaker, there will be no implementation of a shift system until we have successfully completed the work of the task force.

Mr. Speaker, this year the Government has provided a major increase in the health budget to facilitate further improvement in infrastructure and services. (Applause) This year the Ministry of Health in the recurrent budget received $7.2 Million more than the previous financial year for a total of $48 Billion up from last year's $40.8 Billion reflecting an 18 per cent increase, Mr. Speaker. Last financial year we received for capital a $1.273 Billion and for this financial year we have received a $1.725 Billion, an increase of $452 Million, a 36 per cent increase, Mr. Speaker. (Applause) Our Capital B moved from $906 Million to a $1.2 Billion, an increase of $294 Million, approximately 32 per cent increase.

(*Sotto voce* comment)

Dr. FERGUSON: Our total budget last year was $42.9 Billion as against the current financial year of $50.9 Billion, an overall increase of $8 Billion or 18.8 increase.

Mr. Speaker, I have instructed all the chairmen of the regional health authorities to ensure that the personal deductions of health workers must be made current, Mr. Speaker. Mr. Speaker, I want to repeat...

(*Sotto voce* comment)

Dr. FERGUSON: Remember you know, Audley...

(*Sotto voce* comment)

Dr. FERGUSON: Mr. Speaker, I just want to repeat, Mr. Speaker because I was crowded out by some noise. I have instructed all...

(Cross talk) (The Speaker gavels)

I have instructed all my regional chairmen, Mr. Speaker of the regional health authorities to ensure that the personal deduction of health workers must be brought current.

(Applause)

What are the achievements, Mr. Speaker? Mr. Speaker, over the last three years I have

been on a path to rebuild Jamaica's health sector and put us in a place where we can move steadily towards our development goals. In 2014/2015 we completed the Claremont Centre of Excellence at a cost of $64.3 Million; the Exchange Health Centre at a cost of $57 Million with the help of CHASE; Santa Cruz Centre of Excellence, Phase 2, $88 Million; Junction Health Centre upgrading, $10.1 Million...

(Applause)

….a brand new clinic at Golden Spring, $41.4 Million with the support of JSIF and CHASE; James Hill Health Centre, $46.8 Million; Nannyville Health Centre, Mr. Speaker, $51.5 Million, and this started in the 1970s, never had a day work. We have now completed that clinic and it is now open for business.

Mr. Speaker, this year we intend to undergo work - we plan to undergo work at Grange Hill Health centre in Westmoreland, Comprehensive Health Centre in St. Andrew, Maxfield Park Health Centre, Christian Pen in St. Catherine, Runaway Bay in St. Ann will receive brand new clinics, Buff Bay Health Centre in Portland. We will turn some attention to Buff Bay this year Member of Parliament. Design work for a new health centre in Port Maria and expansion work for the Stony Hill Health Centre will also begin. Focus will also be placed on funding options, Mr. Speaker, for a new health centre in Old Harbour, St. Catherine given the population and the disease burden in that area.

Mr. Speaker, we have also revitalized secondary care. We have started upgrading 16 hospitals at a cost of over $1.2 Billion. The St. Ann's Bay Regional, $170 Million; Port Antonio, $58.9 Million; Mandeville Regional, $166.6 Million; Percy Junior, $18.4 Million; May Pen, $67.7 Million; Black River, $13.4 Million; KPH and Victoria Jubilee, $221.2 Million - and the elevators, Mr. Speaker, that have been spoken about so much, elevator 1 is back up and running, and I think elevator 3 is now completed to be commissioned. Bustamante Hospital for Children, $195.8 Million; Bellevue, $53 Million; Princess Margaret, $60 Million; Linstead, $55.7 Million; Cornwall Regional, $51.5 Million; Falmouth, $75, started already; Noel Holmes, $45.6 Million. These are works that are ongoing and some completed.

(Applause)

This year we will undertake work at 12 secondary care facilities costing some $460 Million, Mr. Speaker. Among these facilities, Mr. Speaker, will be the further expansion of the Linstead Hospital and the Princess Margaret Hospital Accident and Emergency area. Mr. Speaker, in terms of other achievements we developed and will continue to implement the five year National Strategic and Action Plan for the Prevention and Control of Non-communicable diseases, 2013 to 2018.

Trained workers in the regional health authority who are now collecting data on cancer as part of the new islandwide cancer registry. We now have an agreement with Radiation Oncology Centre of Jamaica to provide radiation treatment to cancer patient at no cost to them. (Applause) I want to repeat this. We now have an arrangement with

Radiation Oncology Centre for radiation treatment for public patients at no cost to them, Mr. Speaker.

(Applause)

With PAHO and the Brazilian Government support we procured a high performance liquid chromatography machine for the Sickle Cell Unit of the UWI to screen pregnant women and newborns for sickle cell disease.

(Applause)

We launched the food-based dietary guidelines to improve nutrition and wellbeing and food consumption. We launched the physical activity guide and tool kit for the workplace and the physical activity daily guide for health care providers. We conducted a joint need assessment in collaboration with PAHO, WHO to identify gaps in the full implementation of the framework convention on tobacco control. We are developing an implementation and communication plan for the Public Health Tobacco Control Regulations, 2013. Jamaica received US$29,000 from the Convention Secretariat of the World Framework Convention on Tobacco Control. We engaged Dr. Come van Walbeek, internationally renowned tobacco tax specialist, to undertake an economic impact study to assess the economics of tobacco control in Jamaica.

Nineteen brand new ambulances were added to the existing fleet, the first since 2007, at a cost of $884,323. Mr. Speaker, as a result of all these strategies last year we saw 1,637,910 visits to primary health care; 707,501 outpatient visits; 1,380,779 hospital visits, Mr. Speaker. We also dispensed 2,968,227 pharmacy items and conducted 5,968,227 lab tests and 66,321 surgeries, Mr. Speaker.

Mr. Speaker, for this financial year we will focus on a sustained vector control programme, the adolescent health programme, continuing work on the National Health Information System, strengthening oral health, procuring 16 additional ambulances…

MEMBERS: Hear, hear!

Dr. FERGUSON: …developing cancer care…

(Applause)

…acquisition of the linear accelerator machines. Mr. Speaker, I want to assure you and the other Members of this Honourable House, that in almost every aspect of our work we have undertaken to ensure intersectoral collaboration.

We worked very closely with PAHO/WHO, the centres for disease control, and other health agencies. We work with the Opposition, academia, health sector groups, and associations, our internal stakeholders and the people of Jamaica, for the nine health financing consultations that were done across the country. We worked with the PSOJ, PAHO, the governments of Cuba and Canada, several health groups, NGOs including Food for the Poor and companies such as Supreme Ventures, Vincent HoSang Family Foundation, Friends of Eastern St. Thomas New York Chapter, NAJASO, Caledonia Outdoor Advertising, National Outdoor Advertising, and Tankweld for Ebola preparedness.

Mr. L. BUCHANAN: Hear, hear!

(Applause)

We hosted two inter-ministerial meetings on tobacco and a town hall meeting involving the then head of the Convention Secretariat of the FCTC, Dr. Haik Nikogosian. We worked with and sought advice and looked at some of the examples of best practice from Sunnybrook Health Sciences Centre, Sick Kids Hospital, Columbia University, and Chain of Hope, UK. We had expert consultations and meetings with WHO and PAHO and direct meetings with the Director General of WHO Dr. Margaret Chan, and Director of PAHO Dr. Carissa Etienne to discuss NCDs, UHC and FCTC.

Mr. Speaker, I am presently an alternate member of the board of the Global Fund and I have had several bilateral meetings with Executive Director Mark Dybul to discuss future funding for Jamaica and the Caribbean's HIV/STI programme. We had consultations with experts from the Inter-American Development Bank to determine the burden of illness and what to expect over the next 20 years, in Jamaica, and just last week we concluded, Mr. Speaker, a high-level dialogue on universal health coverage and universal access that included a mission team from PAHO Washington and Caricom and involve several local stakeholders.

Mr. Speaker I am not on a frolic of my own when I am making decisions, pronouncements and putting in place interventions to improve the health of the Jamaican people. I seek the services of the experts who are internationally recognized in their field to implement evidence-based interventions that will lead to long-term and sustainable development of the health sector.

Mrs. NEITA-HEADLEY: Hear, hear!

Dr. FERGUSON: Mr. Speaker, as you know, the Ministry of Health had to relocate from Oceana last year, and so we now occupy several offices. I want to apologize to our clients who may still be having difficulty contacting us. We are still in transition and not yet fully settled but the work continues. Members of the public can call us on 633-7400 or 7433.

Mr. Speaker, Chikungunya presented a major challenge for the nation, from the outbreak began in July last year. It was a difficult period for all of us and I express my deepest sympathies to those who have been affected. I know there are still persons, especially those with arthritis, sickle cell, and other NCDs who continue to experience the effects of the disease. Please feel free to be in touch with our health facilities. I am happy that we were able to control this epidemic within a reasonable timeframe in keeping with that seen in other countries. I want to make this and take this opportunity, Mr. Speaker, to stress that Jamaicans need to take personal responsibility for their health.

(Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Dr. FERGUSON: And in so doing protect themselves against vectors including mosquitoes. While the Government must lead, and I emphasize, while the Government must lead, this really requires individuals to keep their surroundings clean, especially since

mosquitoes breed mostly in and around the home, school, churches, workplaces and other location that people generally gather. Mr. Speaker, the Ministry will soon be embarking on a comprehensive programme of vector control, including a public education programme which has already started and will be intensified.

Mr. Speaker, in our efforts to reduce premature deaths from NCDs by 25 per cent by 2025, the Ministry is designing and developing a cancer care system of excellence to be located at the St. Joseph's Hospital where one of two linear accelerator will be hosted. Mr. Speaker, I am pleased to announce that Cabinet has approved the award of the contract for the LINAX and only this morning a contract was signed with variant medical systems for over US$14 Million.

(Applause)

I thank the NHF, CHASE, the Vincent HoSang Familly Foundation, the Montego Bay Association of Administrative Professionals, and the Montego Bay Chamber of Commerce for contributing to this remarkable venture, which will see cost for a full course of radiation treatment, moving from $1.8 Million in the private sector, without Government support, to zero for the most vulnerable. (Applause)

Mr. Speaker, we have significantly upgraded the physical dental plant and the quality of oral care at our four centres of excellence, which are now providing comprehensive dental care. The Ministry is collaborating with the North East Regional Dental Examination Board (NERB), and ADEX, the American Dental Examination Body to establish a national dental examination board that will ensure the highest quality in dental examination.

Mr. Speaker, Jamaica is the first country outside of the United States mainland to become a member of ADEX. This means…

(Applause)

…the first, Mr. Speaker, first. This means that some of our graduates will be able to practice in the United States, and we can begin to look at options regarding training for export.

(Applause)

Mr. Speaker, shortly I will be meeting with the Minister of Education along with the leadership of UWI and UTech to resolve some challenges that is impacting the oral health training programme, and I have already spoken to my counterpart.

Adolescence healthy: The Human Papilloma virus vaccine.

Cancer of the cervix is the second leading cancer in women in our country. With HPV genotype 16 and 18, estimated to contribute to over 60 per cent of the cases. In Jamaica the occurrence is 28 per 100,000 population with a mortality rate of 13.2 per 100,000. By vaccinating teenage girls against HPV we will decrease death and disability associated with cervical cancer in a most cost-effective and practical way.

(Applause)

We are now exploring introducing this vaccine and I will be making a further announcement shortly.

Mr. Speaker, the Child Adolescent Hospital.

A Chinese delegation was in the island for about three weeks in March and prepared an initial proposed design for the construction of the Child Adolescent Hospital in Western Jamaica.

MEMBERS: Hear, hear!

Dr. FERGUSON: I know this project is dear to the Most Honourable Prime Minister; she requested technical assistance from China and gave a commitment to building a modern state of the art facility. The hospital will result in quicker access to diagnoses and treatment for children and adolescents and most efficient use of resources. It will also be the only facility in the public space to provide service for children, zero to 18 years.

(Applause)

That is important.

GANJA (DAMGEROUS DRUGS) ACT

Mr. Speaker, ganja is topical.

Mr. Speaker, with the amendment to the Dangerous Drugs Act, we have significantly strengthened the budget of the National Council on Drug Abuse. While I laud and support opportunities that will arise through research and medical marijuana… (Applause) …I am deeply concerned about children and adolescents.

(Applause)

We have therefore increased the budget of the NCDA with a realignment of an additional $10 Million to make it $20 Million overall in terms of the increase. This sum will be used to beef up the work of the NCDA and in particular public education.

(Applause)

We will be working closely with the Ministries of Education and National Security. Mr. Speaker, I am happy to announce that we began implementing the National Health Information System and e-health strategy. The pilot project to put in place the electronic patient/administration system is being implemented in two facilities: Santa Cruz and Darliston Centres of Excellence…

Mr. L. BUCHANAN: Hear, hear!

Dr. FERGUSON: …with health record staff as the initial users since October 2014, and over 13,000 individual patient records have already been created, Mr. Speaker.

(Applause)

The ICT infrastructure to support the EPATH at both facility is also in place.

A MEMBER: And from NSTEP - (Inaudible comment)

Dr. FERGUSON: Absolute.

Mr. Speaker the EPATH represents the foundation of a national electronic health record system. Each patient will have a single electronic health record with a unique universal person identifier. So, Mr. Speaker, if you walk into Santa Cruz for care, your data will be electronically captured and if you then go to Darliston, all of your information would be readily available. (Applause)

We will eventually link all our facilities so that we can have continuity of care and easily accessible patient record for more efficient and effective service. This year we have received $30 Million from the NHF to complete implementation of Santa Cruz Centre of Excellence, Black River Hospital and St. Elizabeth Health Centre. Through

consultation with eGov Jamaica Limited and the Universal Service Fund, we commission connectivity points at 59 of 60 sites at a cost of $26 Million through NSTEP. I want to thank both Ministers for that. (Applause)

Mr. Speaker, while our network of over 300 health centres and 24 public hospitals provided good results for the population despite the less than ideal per capita spend on health, it can no longer support the needs of the health sector. We had a major shift in the population which has been redistributed with more urbanization, growth in elderly population and shifts in poverty levels as well as the burden of diseases which have all affected the health sector.

This year the Government will be taking steps to restructure health services to improve the quantum and quality of service available to Jamaicans. Through Cabinet approval, we are moving forward with the Removal of Primary Health Care Policy to help to realign the primary health care network and infrastructure to address the population shift. It is not coincidental that Old Harbour, Kingston, May Pen and Spanish Town are having overcrowding issues.

Mr. Speaker, the population growth over the last 30 years has been significant without any major increase in the provision of primary health care services. This is so because the health sector suffers from a lack of a development plan, Mr. Speaker. I am happy to announce that through the support of the Inter-American Development Bank, Jamaica completed a comprehensive review of the burden of illness to include estimates and analysis of major issues affecting health. This year we will begin the process of designing a 10-year strategic development plan for the health sector to ensure realignment with shifts in population and disease burden. (Applause)

Mr. Speaker, Universal Access and Universal Health Coverage are now the global health priorities for the post-2015 development agenda. I am happy to note that there is a closing gap between the Government and the Opposition with respect to Universal Access and Universal Health Coverage.

You will recall that the Honourable Minister - the Honourable Prime Minister began the programme to remove user fees when she started with children 0-18 years in 2007, with my friend and colleague from North Clarendon as the Minister at the time. (Applause) In her wisdom, she recognized that there would be immense challenges in the health sector if fees were removed at all facilities at the same time.

Mr. Speaker, the former Government, in April 2008, did just that and we continue to experience the challenges that arose from that decision. We know that user fees at the point of service are a barrier to access, and so we have no interest at this time to return to them.

Mr. Speaker, a seven-member mission team from PAHO/Washington and a technical expert from CARICOM were in Jamaica from April 26 to May 1, 2015 to strategically positioning the Ministry to lead the advancement of UA and UHC and to develop a roadmap towards its achievements. The team provided technical support as part of a two-day dialogue. This is significant, Mr. Speaker,

because Jamaica is the first English-speaking Caribbean country to host a conference of this kind. (Applause) As part of this, I met with colleague Ministers Labour, Social Security, Agriculture and Fisheries; Education; Justice; Finance and Planning, Minister Dailey, and the Opposition Spokesperson on Health and healthy lifestyle, to share perspective and closing the gap to achieve the UA and UHC.

Mr. Speaker, the Government is committed to playing its part to provide the support and foundation needed to improve the health of the population. We have shown that we are thinking globally and acting locally, because the future is now. Mr. Speaker, we are building on the foundation that we created over the past few years and have continued to deliver on our promises.

We have doubled, Mr. Speaker, the pharmaceutical budget to $8 Billion this financial year - solid foundation. (Applause) We have significantly increased our health promotion and prevention budget from $20 Million last year to $271 Million this year - solid foundation.

(Applause)

We have increased our equipment maintenance from $80 Million last year to over $500 Million this year - solid foundation. We established four Primary Care Centre of Excellence - solid foundation; improved access to primary health care services - solid foundation. We started implementing the Electronic Patient Administration System - solid foundation. (Applause) We improved the IT infrastructure in several facilities - solid foundation. We have a world-class immunization programme - solid foundation. (Applause) We have improved oral health services in our Centres of Excellence - solid foundation. We revitalized Secondary Care by spending over $1.5 Billion in the first three years - solid foundation. We are establishing a child and adolescent hospital in Western Jamaica - solid foundation. (Applause) After decades of work, we will now have a policy for the renewal of primary health care - solid foundation. (Applause) We are designing a 10-year development plan for the health sector - solid foundation. (Applause) We brought in 19 ambulances in the first instance, first in 2007; another 16 will come this year. (Applause) We have signed a contract for US$14 Million to buy two state-of-the-art Linear Accelerator machines to move the cost of radiation treatment to zero for the most vulnerable - solid foundation. (Applause) We are moving towards universal access and universal coverage for all Jamaicans, Mr. Speaker - solid foundation. (Applause)

Mr. Speaker, my esteemed colleagues, this Administration will continue to build on the solid foundation that we have laid for the health sector to secure the future of this country and to make health a major player in the growth and development agenda of our country.

Mr. Speaker, I thank you.

(Applause and standing ovation)

The SPEAKER: (Gavels) Mr. Smith.

Mr. SHAW: Go get rid of the flies out of Spanish Town Hospital. Stop using the Ebola mask. Give the doctors gowns and aprons.

The SPEAKER: Minister Ferguson.

Mr. SHAW: ...need no protection.

Dr. FERGUSON: Him neva even send a text to the IMF. Him neva even send a text to the IMF, not even a text message, not even a text message and WhatsApp.

The SPEAKER: Minister Ferguson, your time has expired. Mr. Smith.

Mr. D. SMITH: Mr. Speaker, I would like first of all to thank the people of North West St. Andrew who continue to shower me with support to allow me to be in this House in excess of three decades. I would also like, Mr. Speaker, to thank my support team, my two councillors, veteran Councillor Vernon McLeod and the younger Councillor Dwayne Smith. Mr. Speaker, also my Councillor/Caretaker Andrew Harris. I continue to express appreciation, Mr. Speaker, to my constituency secretary who is also in excess of 30 years working with me. We have an army of political workers who are very skilled and very successful and I would like to say thanks to them. To my portfolio team in particular, the Deputy Spokesperson, Pearnel Charles Jnr. - I know that might drive a fear into your heart here, other support staff, including my CPOs. Of course, Mr. Speaker, my family, my wife is not here today, but my wife in excess of 46 years. (Applause) I would like to thank my parliamentary colleagues and, of course, the Leader of the Opposition, thank him very much for the opportunity to continue to speak in the Deputy Portfolio, (Applause) and of course, Mr. Speaker, the Almighty who has allowed me to be back here in reasonably good health.

I welcome the opportunity, Mr. Speaker, to participate in another Sectoral Debate. After more than three decades in this Parliament one would believe that it would be a mere formality speaking in this Debate, but it is such an important annual event that even a veteran Member like me take pride in participating. However, Mr. Speaker, I am forced to remind the Members, through you, of the changes which have been made to the format, most importantly the time limit and the need not to disrupt Members who need to maximize the limited time available to them.

Mr. Speaker, as Leader of Opposition Business in the House I would like to start by addressing some parliamentary issues. Mr. Speaker, I fully support the decision to put time limit on presentations and I did not expect this to be seamless, so I understand the teething pains and I hope that by next year we can iron out these kinks.

Mr. Speaker, I don't know if you are familiar with the recently published World Economic Forum Report which ranked our Parliament at number 86 or in the bottom half of 183 countries rated in terms of effectiveness of their law-making institutions.

Mr. Speaker, the WEP Global Information Technology Report 2015 which rates countries, from one to seven, in terms of their effectiveness of the parliamentary institutions, scored Jamaica at 3.4, which is less than 30% of the highest possible score of seven. I can't say how accurate this ranking is...

Mr. PARCHMENT: Dat deh Maths nuh right.

Mr. PICKERSGILL: It's wrong!

MEMBERS: Dat nuh right!

Mr. D. SMITH: ...but the fact is that it was supposed to be a reputable survey and the report is generally accepted, internationally.

I don't think any of us would reasonably dispute that in light of this, it is reasonably inconceivable how the present Government would have taken such a ridiculous decision as to discontinue the programme of expansion of Gordon House which has started under the previous administration.

Mr. PICKERSGILL: It never start!

Mr. D. SMITH: You stop the progress; ignore the properties required under the expansion programme, and to say, 'no more money will be spent on the facilities until you are ready to construct a new Parliament. But, Mr. Speaker, when are you going to construct the new Parliament? I know that won't happen any time soon, because the Government does not have the courage to make an announcement like that between now and the next general election. But, in the meantime, what you are doing is only making the dream of a new parliament building more elusive because the Members and the staff in this House cannot work properly in these conditions and the public has become very apprehensive.

Mr. CHARLES: Hear! Hear!

Mr. D. SMITH: Mr. Speaker, as to remain confined within this building, originally constructed for the Kingston and St. Andrew Corporation, we're unable to meet either our local or international commitments as of 21 Century Parliament, and waiting until this Government finds it appropriate to build a new parliament is extremely difficult.

As long as our committees cannot find the space to meet, as long as the staff are unable to perform effectively and as long as a disabled member of a society cannot even access the building, it is evident that we are failing the people who we've been elected to serve.

(Applause)

A MEMBER: Hear! Hear! Hear! Hear!

Mr. D. SMITH: Mr. Speaker, the primary responsibility of any Government anywhere in the world is to protect the life and property of all its citizens.

(Applause)

A MEMBER: Hear! Hear!

Mr. D. SMITH: Mr. Speaker, in January the Minister of National Security in an alarming statement to this House, assured the country that there was no need to be unduly alarmed about the rising murder rates. It would certainly have been a timely assurance after his search for divine intervention, if it was justifiable. The fact is that it wasn't justifiable, and that more than two months later, we are experiencing a murder rate of over three per day. No government, no minister, no country can be comfortable with a murder rate of three per day. Three murders per day add up to over a thousand murders per year. If that's the rate the Minister is indeed comfortable with, then we are in deep trouble.

A MEMBER: Dem quiet!

Mr. D. SMITH: Mr. Speaker, I'm going to take some time to give the figures. As we speak, the murders up to yesterday for the

year, 386 murders compared to a corresponding period last year when there was the 16% decline of 332. Interestingly, the increase as we speak is a 16% above last year; remember we celebrated a 16% lower than the previous year.

Some divisions of note that are extremely problematic, Mr. Speaker are St. Andrew North, up by 37% - and I'm talking about murders over last year.

Mr. CHARLES: What!

Mr. D. SMITH: St. Catherine North, 54%; St. James, 62%.

Mr. CHARLES: What!

Mr. D. SMITH: Mr. Speaker, Westmoreland, 71%. I used percentages because the Minister likes using percentages.

Mr. CHARLES: Yes.

Mr. D. SMITH: St. Mary, 100%.

Mr. PARCHMENT: Tell me about St. Elizabeth.

Mr. D. SMITH: Clarendon 50%; St. Thomas, 150%, and I could give you St. Elizabeth if I had the time.

Mr. PARCHMENT: You don't have the time because it's down.

Mr. D. SMITH: This is a fact, and when the PNP, as the Leader of the Opposition said in this presentation, it is a fact that when the PNP is in power, crime in this country is out of control.

A MEMBER: Not so!

MEMBERS: Rubbish! Rubbish!

(Cross talk)

Mr. D. SMITH: I repeat. Last week when the Minister spoke...

(Cross talk)

Mr. D. SMITH: ...last week when the Minister spoke, he gave us a sort of restricted analysis...

A MEMBER: Yes, that is true.

Mr. D. SMITH: ...in his own interest. Well I'm going to give you more details, give you some work to do. I've gone back from February 1980 to April 2015, and the average per year, if JLP *versus* PNP, JLP 887, Peoples National Party 1,145. We are better at crime management. (Applause)

Mr. Speaker, I have taken note of the transfer of Senior Superintendent Steve McGregor from West Kingston to St. James which has the highest murder rate in the country. I know that a lot of people's hope for peace and security in that parish rests on his success. However, I hope that the JCF is not returning to those times when it depends heavily on brand name crime-fighters with reputation given precedence over scientific study and response to crime. (Applause) We cannot return to where gunmen and police shoot it out in our streets, like in the wild old days. We must be very careful, because under those type of situation people will get themselves hurt, what is called collateral damage.

In the meantime, Mr. Speaker, I have taken note of statements made over the week-end by Assistant Commissioner of Police, George Quallo, about a new teenage gang phenomenon which has been established in sections of West Kingston. According to the report, the ACP said that this gang includes children aged 13 to 17, who are being recruited and sent out to rob and return with

the proceeds. ACP Quallo did not pinpoint the operational area for this gang, and he did not respond to the rumours that the current killings in the areas bordering Central and West Kingston are intra-party conflicts between gangs showing allegiance to one party over the other.

Mr. Speaker, I want the Minister to bear in mind that when he accuses parents of failing to control their children, he should bear in mind that the majority of these boys are already fatherless and at-risk, with mothers who are saddled with growing up their children a lot more than they can handle. As politicians, we are caught between a rock and a hard place, because if we suggest using public resources to assist these parents, we would be accused of using public funds to support careless and irresponsible parents. But, if we don't, we know that the lure of quick and easy money is not only attractive to the children, but also to the parents, themselves.

Mr. Speaker, I too am very concerned about the violence being perpetrated against our children, and which is also being perpetrated by them, in some cases. When children under 18 years of age are turning to gangsterism in the way that the police have suggested is happening in downtown Kingston, then we are going to end up with more and more of them below the age of 18 being killed, as well. It is a vicious cycle, and I am sure it is giving the Minister migraine headaches. But he must fulfill his responsibility as Minister of National Security to serve and protect all Jamaicans.

We notice that it is not only a question of boys between 13 and 17 years old turning to crime and violence, but girls are also turning to prostitution, becoming victims of trafficking in persons and various types of lewd activities in order to attract attention and to make a living. Mr. Speaker, I have no doubt that a lot of this is the result of the increasingly high levels of unemployment affecting their parents and the lack of opportunities and the loss of hope which has resulted from the austerity that is being heaped on the people under the current Extended Fund Facility agreement with the International Monetary Fund.

Mr. Speaker, the Government loves to boast that it is doing the right thing by following a course of austerity, of demanding more and more sacrifices from the people, despite obvious signs that the people have already passed their limit. They have passed the tax limit, and they have passed the limit in which they can continue to survive the endless pain, quietly.

A MEMBER: Hear, hear!

Mr. D. SMITH: Mr. Speaker this is a major issue and I've noticed that in your speech - that's the Minister - in your speech last week you showed that you recognize that it was a challenge, not only for your Ministry, but other Ministries, as well including Education, Health, Labour and Social Security.

Mr. Speaker, I don't think that the Minister was being fair to us, when he invited the Opposition to sincerely unite for change in the interest of the country. I will quote the

Minister from his speech last week in the Sectoral Debate:

> *"To say to the Leader of the Opposition that our recent walk in Monymusk, Clarendon, where together we sympathized with the families of the victims in the wake of that tragic incident, is an example worth repeating*."

Mr. Speaker I was totally taken by surprise to hear him utter these words. I could not have said it any better, Minister, I only wished you had said that when you were the Opposition's spokesman on National Security. However, the Minister conveniently ignored the fact that the first offer the current Leader of the Opposition made to the current Prime Minister, when he assumed the Office of Prime Minister in October, 2011, was to suggest that they walk together through the so-called garrison communities, as a symbolic gesture to show that they are at one on fighting crime and violence in the communities.

But the Minister did not stop there either, he went on to say:

> *"We need to demonstrate a more enlightened politics, to set an example in this area and to reinforce the culture of lawfulness into society*."

You know what came to mind at the time, Minister, was to look how far down the road these issues could've been, if we had only said that to our current Prime Minister before she rejected the idea in 2011. (Applause)

(Inaudible comment by Mr. Pickersgill)

Mr. D. SMITH: What is it you're asking about? What are you asking about?

(Inaudible comments)

Mr. McKENZIE: Come senior citizen sidung man. Senior citizen relax.

(Cross talk)

Mr. PICKERSGILL: You a senior citizen.

Mr. D. SMITH: Mr. Speaker, I now look at international threat. Mr. Speaker, the recent visit to Jamaica by the President of the United States, Barack Obama, has raised a couple of security issues, which I would also like to address. First let me express my pride in the effective co-operation of our security forces with the President's security personnel, which ensured an incident-free visit. I have always felt confident that the ability of our security personnel to match those from anywhere else in the world, when given adequate resources and experienced leadership.

However, Mr. Speaker, we must admit that our national security threat has now been extended way beyond our borders, based on the threat of ISIS, as it is sometimes called, is not to be ignored. I recall that when it was first suggested that our youth could be drawn into this violent circle, the minister dismissed it as frivolous. And I say Mr. Minister to you that is a most unfortunate, ridiculous and irresponsible response you gave at the time.

I hope that events since then have changed his position and I hope that in the very near future he will be able to bring to Parliament statements updating us as to what are the steps been taken in this direction.

I hope that the Minister does not ignore the threat because it is such a real possibility and a danger to our youth who could easily be lured into terrorism.

VISION 20/30:

I also urge the Minister to bear in mind that we also have a national development plan Vision 2030, which is the roadmap for making Jamaica the place of choice to live, work, raise families and do business. We only have 15 years to go to that target date and national security must be the foundation on which we hope to achieve that goal if we are not able to bring murder figures under control.

We will not be able to attract the kind of investment that we need to reach the level of growth that we want. But I have been noticing a lack of reference to Vision 2030 in almost all of the contributions made by the Government so far including that on national security it raises a concern in my mind as to whether the Government has lost faith in this national development plan and the projects necessary to help us to make that deadline.

Mr. Speaker, I welcome the announcement made by the Minister last week re e-diaries to police stations quite positive, very positive to replace the old paper diaries. And I am happy that the Minister has seen fit to introduce them in two parishes in Manchester and Clarendon which should give us good indication as to how effective that project can be. I also appreciate the upgrading of the telecommunication automotive palm and fingerprint system as well as the unit for change smart phone application which could go a long way in assisting the police to respond to emergencies as quickly as possible. These are useful resources in containing crime, which if properly applied, could greatly improve the reporting and investigatory aspect of policing. You know, the Minister spoke last week about zinc fences giving the impression that it is new, it is not new it has being around for a very long time. In fact, in 2007 the then current Prime Minister, I think introduced it in my own constituency with the then PNP candidate which, of course, was beaten out of sight.

New technology, Mr. Speaker, we have heard nothing about the major pieces of anti-crime technology which the previous Government as well as the current Government has seen as critical resources for the police. The shot spotter, body cameras and the expansion of CCTV; we have heard nothing about increased mobility for the police force, which as we speak, it is about 45 percent of what it ought to be.

MOCA, Mr. Speaker, I also took note of the Minister's grand announcement that between January 2014 and March 2015, the Major Organized Crime And Anticorruption Agency, MOCA, arrested, 668 persons, 29 have been convicted.

Another concern I have, Mr. Speaker, is that while MOCA currently operate as a joint staff agency with JCF members and civilian staffers, Cabinet now wants it to become a statutory body independent of the Jamaica Constabulary Force which means that MOCA will not fall under the Commission of Police, this is something that the Opposition cannot and will not support. (Applause) We don't want any agency of that nature reporting to the Political Directorate.

I have serious concerns - operations, I have serious concerns about such powerful

policing as I said before. The decriminalizing of ganja. Mr. Speaker, I have been watching with consultation the latest social project being pursued by the Government, decriminalization of ganja. We support the idea that too many of our young people have opportunities to transform their lives being dashed by smoking ganja spliff or walking around with the stick of weed. Who would have thought that the Government - but in doing so, we never saw that even to our wildest imagination the possibility of such mockery being made of the implementation of the legislation as has been emerging. We would have thought that the Government would have implemented such an important piece of social change without setting the process of implementation. There are so many issues that have to be solved. How can a policeman issue a ticket without identification of who he is issuing the ticket to? How can an officer determine whether the smoker is psychotic or whether he is under some other drug? How can he issue a ticket if no tickets are available? The deeper we go into the implementation process, the more it appears to be a comedy of errors suggesting that this mad rush that the Government was in for political reasons is not worth it.

DNA BILL

The DNA Bill, and Mr. Speaker, I will be - we are very happy that eventually the DNA Bill came to the House last week. The Opposition supports the Bill, but let me state here that we are insisting, and I want the Minister to hear this, that this Bill goes to either a House Committee or a Joint Select Committee, if not, you alone going to pass the Bill as simple as that.

(Applause)

I have seen where the Minister is saying that there will be no committee, and I repeat, if you are not then you alone going to pass the Bill. (Applause)

Mr. Speaker, the Minister had been realizing a lot on the success of Unite for Change Initiative. The fact is that Unite for Change is not really anything new, it is a very skillful public relations work of everything that is in this document right, National Committee on Crime and Violence which was signed off in this Parliament in June 2002 by the former Prime Minister, Leader of the Opposition, Seaga, myself and your Minister of Finance, right. So it is really nothing new but I commend you for repackaging it, rebranding it and putting it out there as something which is worthwhile.

Mr. Speaker, there is a situation in the National Security Policy which says many communities have come to accept crime and violence as a means of survival and accept gangs and dons as necessary to their social and economic existence that indeed is very, very sad that we have reached where we have reached in this country, Mr. Speaker, that people are now beginning to accept as stated in the National Security Policy Document that people are comfortable with what is happening in this country.

Mr. Speaker, it must be evident to all of us here that National Security has become the platform from which we promote ourselves as

being open to investment, open to development and open for growth and an ideal destination. It is a primary factor in our intention to take Jamaica out of poverty into an era of prosperity supported by the tenets of the national development. However, it is obvious that the Government does not see it as a priority otherwise in a period which cries out for growth and development you could not have reduced the budget by $l Billion this financial year, over the previous year when we all know that the value of the dollar is not worth what it was, at least a year ago.

Mr. Speaker, I am calling on the National Security Minister to make a special effort to stamp out extortions in our business districts so that our investors, especially small business people can feel safe to invest their new businesses are not subject to 'gangsterism'. (Applause)

I am urging the Minister to look at the mobility of the police force as a priority in light of the fact that this is - in this sort of economic climate National Security must be treated as a priority and in an effort to transform the economy and the culture of the people.

I am calling on the Government to see that the security forces are provided with the tools they need to carry out their tasks. I am also urging the Minister of Finance to treat the police as a special case. (Applause) Use their influence and treat the police as a special case in these negotiations that are coming at this time.

We want, in concluding, Mr. Speaker, in concluding, we are asking that we improve our justice system. We drastically improve our border security, we intensify work on our cybercrime, we build confidence into the leadership of the Jamaica Constabulary Force, but most importantly, I want to take up to the Minister on his own words, expressed in this House a week ago, that we need to demonstrate a most enlightened approach to National Security in order to reinforce law and order.

(Applause)

We will - I note, Mr. Speaker, we will never complete - I note, Mr. Speaker, that at the rate we are going we will never complete the journey from poverty to prosperity if we don't have different management for the National Security portfolio.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. McKenzie.

Mr. McKENZIE: Thank you, Mr. Speaker.

Mr. Speaker, again I welcome the opportunity to make another contribution to the Sectoral Debate.

Mr. Speaker, first of all, I would like to express my thanks and appreciation to you and to say how comfortable we are in the manner in which you administer the affairs of this Honourable House.

I want to also, Mr. Speaker, thank the Leader of the Opposition for the confidence and the support, in this very important portfolio responsibility. And to also, Mr. Speaker, recognize my colleagues on both sides of this Honourable Chamber.

Mr. Speaker, Members on every occasion use the chance to express publicly, their

appreciation and thanks to members of their family. I like to again, today again, Mr. Speaker, express my sincere thanks and apparition to my wife Marcia McKenzie (Applause) Not here today. Mr. Speaker, this is - this will be 41 years, Mr. Speaker, of association, 37 years of marriage, Mr. Speaker. (Applause)

Mr. L. BUCHANAN: She has a special place in heaven.

Mr. McKENZIE: Also, Mr. Speaker, to my family, my sons, my daughters, my grand, especially young Marquees. How can I, Mr. Speaker, not mention the extended family, the family of West Kingston, this great constituency....

Mr. PICKERSGILL: Where are they?

Mr. McKENZIE: They are here, this great constituency, Mr. Speaker that continues to give support, in every way they can, Mr. Speaker.

To my councillors, Councillor Samuels and Councillor Lesley and to the constituency staff, led by Jacqueline King and to my Personal Assistance, Suzanne, and to the teachers and the many community groups, Mr. Speaker, including the churches that continue to make West Kingston despite the challenges, the great constituency that we continue to be, Mr. Speaker. And our commitment will always remain as we have been from 1944. (Applause)

Mr. Speaker, Local Government is often described as one of the most important features of our political democracy. It is a system of governance, Mr. Speaker that is the closest form of governance to the people. And in many instances, it is that nerve, Mr. Speaker, between governance and the citizens. And that is precisely how it ought to be.

What is quite unfortunate, however, that much is said about Local Government, and how important it is to our democracy, but the actions of those presiding over the system do not always support this, Mr. Speaker.

If, Mr. Speaker, we go by the stewardship of this Government, as it relates to Local Government, then we would ask ourselves the question whether or not this Government is serious about Local Government.

In many respects, the manner in which Local Government is treated leaves much to be desired. This cannot be, Mr. Speaker. Local Government is too important to the lives of Jamaicans, and it's too instrumental in the everyday functioning of communities across Jamaica for the Government to treat Local Government in the manner, I said, as they have been doing since 2012. It is time, Mr. Speaker that the Government shut up, or put Local Government in its right perspective.

Mr. CHARLES: Hear, hear!

Mr. McKENZIE: It is time the Government walk the walk instead of merely talking, because Local Government is in a period of crisis. (Applause)

My presentation today, Mr. Speaker, follows that of the Minister with responsibility for Local Government. I want to bring, Mr. Speaker, today, in sharp focus, and take stock of what has been happening in Local Government for the past three years. But more importantly, we will focus attention on what should, in fact, be happening in Local

Government, but for one reason or the other, it is not happening.

This Honourable House, Mr. Speaker, will understand that both sides of the House share the same passion, and love, I hope, for Local Government. And the reason why I said that, Mr. Speaker, the Late Honourable Michael Manley made reference to the Late Honourable Ralph Brown as one of Jamaica's most distinguished, outstanding, ordinary citizen. And the reason why he made those comments, Mr. Speaker...

Mr. L. BUCHANAN: That could not be said about you.

Mr. WARMINGTON: Oh, shut up!

Mr. McKENZIE: ...is because of the outstanding contribution that the Late Honourable Ralph Brown made to Local Government in Jamaica.

(Applause)

Mr. CHARLES: Hear, hear!

Mr. McKENZIE: And Mr. Speaker, wherever the Honourable Ralph Brown is today, he is rolling in his grave; he's disappointed about the present leadership of Local Government in Jamaica at this time.

(*Sotto voce* comments)

Mr. McKENZIE: Mr. Speaker, what the system needs is leadership like what Ralph Brown used to give...

Mr. WARMINGTON: Yeah!

Mr. CHARLES: Hear, hear!

Mr. McKENZIE: Leadership like what the Most Honourable Prime Minister used to offer, but it is lacking now, Mr. Speaker.

A MEMBER: Yes!

Another MEMBER: And me.

Mr. McKENZIE: Mr. Speaker...

Mr. WARMINGTON: Bobby shut your mouth; shut up your mouth and listen.

Mr. McKENZIE: Mr. Speaker, nothing but fully entrenching Local Government in the system will work. If Local Government is to realize its true potential, and function the way that it ought to, Mr. Speaker, then there are a number of areas that needs to be examined. Autonomy of Local Government is of paramount importance. Accountability, transparency must be preserved and promoted.

Mr. CHARLES: Hear, hear!

Mr. McKENZIE: Integrity, Mr. Speaker, must be upheld, and value for money, Mr. Speaker, must, Mr. Speaker... must be of vital importance, if Local Government is to succeed and people will have confidence in the system. (Applause)

Mr. CHARLES: Hear, hear!

Mr. McKENZIE: Mr. Speaker, I listened to the Minister in his contribution two weeks ago. With all the controversy facing Local Government at present, I came with the expectations, Mr. Speaker, of hearing from the Minister as to the necessary steps that he's contemplating, or steps that he's prepared to take that would give some level of credibility - some level of comfort, some level of trust, some level of hope to the system. I sat and I waited, Mr. Speaker... not a word.

Mr. CHARLES: Nothing came.

Mr. McKENZIE: The records will show that in 2003... was a watershed moment in the life of Local Government in Jamaica, in the year 2003. It was the year, Mr. Speaker that saw the Jamaica Labour Party gaining control

over the majority of Parish Councils throughout the country.

(*Sotto voce* comments)

Mr. McKENZIE: What this did, Mr. Speaker, it brought a commanding influence and bearing on Local Government right across the entire country.

A MEMBER: How?

Mr. McKENZIE: Because of our outstanding performance... (Laughter) ...the electorates, Mr. Speaker, in 2011 returned us, Mr. Speaker, and in most cases, with increased majorities in many of the Councils across the island in 2007.

(Applause)

Mr. CHARLES: And doing it again this year.

Mr. McKENZIE: There is no question, Mr. Speaker, and there is no two ways about it, it was a period that was one of the brightest and promising periods in the history of Local Government in Jamaica.

(DR. WINSTON LLOYD GREEN, (PNP), St. Mary, South Eastern, entered and took his seat.)

(*Sotto voce* comments)

Dr. WHEATLEY: Arscott, shut *yuh* mouth; you are a sorry excuse for a Minister.

Mr. McKENZIE: We lifted the profile of Local Government in Jamaica. We caused people to believe again. We raised the bar and foster a culture of effective accountability-centred representation at all levels, Mr. Speaker.

(Applause)

(*Sotto voce* comments)

Mr. McKENZIE: We were the ones, Mr. Speaker, who made Jamaicans aware of the role of a Mayor in this country. It was during the period of the Jamaica Labour Party that we brought, Mr. Speaker... We were the ones, Mr. Speaker that made people...

(Cross talk) (The Speaker gavels)

Mr. McKENZIE: We were the ones, Mr. Speaker that made the people of Jamaica fully aware of the roles of their local representatives, Mr. Speaker.

Mr. CHARLES: Hear, hear!

Mr. McKENZIE: Mr. Speaker, the maintenance of roads, street lights, the preservation of law and order throughout the communities, the timely collection of garbage and disposals, the effective maintenance, cleaning of drains, the mitigation to prevent flooding, Mr. Speaker...

Mr. WARMINGTON: Hear, hear!

Mr. McKENZIE: Mr. Speaker, that period was a period of prosperity, and it was a period that the country wants to return to, but we can't return to, under the present leadership that we now have.

(Applause)

Mr. WARMINGTON: Hear, hear!

Mr. McKENZIE: Mr. Speaker, it is not fair to say that everything during the period was perfect. There were challenges, Mr. Speaker. And today, Mr. Speaker, I want to raise some areas of concern. Mr. Speaker, the findings contained in the Contractor General and the Auditor General's Report that speaks to the Hanover and the St. Thomas Parish Councils is of concern.

Mr. Speaker, when the incident took place in the St. Thomas Parish Council, it was during the time the Jamaica Labour Party had control of the St. Thomas Parish Council. We accepted the findings of the Office of the Contractor General. We had no problem with it, Mr. Speaker, and we supported the recommendations that were made as it relates to the St. Thomas Parish Council.

But, Mr. Speaker, the unfortunate comments surrounding the former Mayor of the Hanover Parish Council, based on the findings of the audit - and when pressure was brought to bear, Mr. Speaker, that because of questionable circumstances, she should step aside, not only as Mayor, but the findings were that people felt that to give credibility to Local Government, that she should take leave; give up the seat.

But while there is no basis in law, the Minister of Local Government, the Government of the day, has a responsibility to respond to the comments that she made. When it was put to her, she said, Mr. Speaker: "If I am going to resign as the Councillor, it means that the entire Hanover Parish Council will have to resign to". Why? Because she has a diary, Mr. Speaker. Mr. Speaker, that is an indictment on the Hanover Parish Council.

Mr. CHARLES: The Prime Minister has to deal with it.

(*Sotto voce* comments)

The Deputy SPEAKER: (Gavels) Mr. Buchanan, please...

Mr. McKENZIE: Those comments, Mr. Speaker...

Mr. BUCHANAN: Answer me about the food stamps.

Mr. CHARLES: Name him, Mr. Speaker, name him.

Mr. McKENZIE: Those comments, Mr. Speaker are very unfortunate. Mr. Speaker, what the Councillor is in fact saying, that if I resign, everybody *haffi* go because I have information on the Council of the Hanover Parish Council. This is, Mr. Speaker... this is a matter that I urge the Minister of Local Government...

Government MEMBERS: Hearsay!

Mr. McKENZIE: I urge the Most Honourable Prime Minister to intervene.

Mr. WARMINGTON: Shut *yuh* mouth... hearsay. Hearsay what, shut *yuh* mouth!

Mr. McKENZIE: And I telling you this, Mr. Speaker, there is one Jamaica Labour Party councillor in the Hanover Parish Council, and if his name is in that diary, he's on his own; he's on his own.

MEMBERS: All hearsay... hearsay.

Mr. WARMINGTON: A *nuh* hearsay, she...

(Inaudible)

Mr. McKENZIE: Mr. Speaker, you asked the question, Mr. Speaker, why are Jamaicans not coming out to vote in Local Government Election? Why is it that people don't have faith in Local Government? It is because of situations like these, Mr. Speaker, where people believe that Local Government is a joke. Mr. Speaker, the time has come for us to take decisive steps to bring control over the Parish Councils, Mr. Speaker.

(Applause)

Mr. WARMINGTON: Hear, hear!

Mr. McKENZIE: Mr. Speaker, I want to turn now, Mr. Speaker, to the question of property taxes, Mr. Speaker. Mr. Speaker, you know the Minister of Local Government has a knack for making announcements. In 2012 he came to this House, in his first Sectoral presentation Mr. Speaker, and he spoke about an audit that is to be undertaken on street lights. Mr. Speaker, I won't spend any time on this matter because I have tabled some questions for the Minister to answer, because we want to know where the property tax money is going. Is the property tax being used in the manner in which it should be, Mr. Speaker? The questions have been tabled, and I will await your response, but Minister... Minister, your credibility is at stake because nobody can't take you serious. Everything that you have said in your 2014-2015 presentation you have been saying it from 2012 right through - everything in your speech - everything in your speech...

Mr. CHARLES: Same speech!

(*Sotto voce* comment by Mr. Warmington)

Mr. McKENZIE: It's repetitious. Mr. Speaker, while we acknowledge that there are challenges, Mr. Speaker,

A MEMBER: Perpetually speaking.

Mr. WARMINGTON: Shut *yuh* mouth, Bush!

Mr. McKENZIE: You know, Mr. Speaker, I listened to the Minister again. The Minister, in his presentation, is trying to speak of achievements, and he says, Mr. Speaker - he's boasting - that last year, we fixed 68 kilometres of road network throughout the country.

Mr. CHARLES: What!

Mr. McKENZIE: I wonder if the Minister is aware of his responsibilities as it relates to roads - Local Government roads? There are between 20,000 to 25,000 kilometres of road network, controlled by the Ministry of Local Government. Another 5,000 to 6,000 controlled by the National Works Agency and about 2,300 controlled as farm roads, and he is coming to the Parliament to boast about 68 kilometres of road that he did last year. Mr. Speaker, he is coming here patting himself on the back. It is not a favour you're granting the country, it is your responsibility to do the work.

Mr. CHARLES: Hear, hear!

Mr. McKENZIE: It is your responsibility to do the work.

Mr. CHARLES: That's right.

Mr. McKENZIE: We, Mr. Speaker need, Mr. Speaker, to get the Minister to understand what his role as Minister is. He spoke about the fire service and, you know, Mr. Speaker, while we welcome the new trucks, the repair to the fireboat, it is important, Mr. Speaker and the Opposition again wants to make the suggestion - the Government speaks about a join-up approach. The Tourism Enhancement Fund, Mr. Speaker, continue to spend billions of dollars outside of areas that doesn't fall under the Tourism Enhancement Programme.

Mr. Speaker, we urge the Minister of Local Government again - I urge the Honourable Prime Minister to consider asking

the Tourism Enhancement Fund to help to buy another fireboat, Mr. Speaker, to be placed in the tourism area, Mr. Speaker and furthermore, Mr. Speaker, to approach the Tourism Enhancement Fund. Montego Bay is the tourism capital of the country; Montego Bay has been without a fire station now for more than ten years, Mr. Speaker. The previous Jamaica Labour Party administration bought the lands; the lands are there at Barnett Street. I urge the Minister to approach the Minister of Tourism, in the name of protecting Jamaica's image as a tourist destination, to construct a brand new fire facility in Montego Bay using funds coming from the Tourism Enhancement Fund, Mr. Speaker. (Applause)

Mr. Speaker, the National Solid Waste Management Authority. We welcome the appointment of the new board. We are concerned, Mr. Speaker, because we spoke about the audit that was undertaken by the agency. Mr. Speaker, no audit that is undertaken by the National Solid Waste Management Authority on itself or any audit that has been ordered by the Minister of Local Government will not bring comfort to the many Jamaicans who are concerned about the runnings of the National Solid Waste Management Authority.

The Opposition - I have written to the Contractor General, asking the Contractor General to undertake an audit of the operations of the National Solid Waste Management Authority from 2011 to the present, and I am pleased, Mr. Speaker to say, Mr. Speaker, that I have gotten a response from the Contractor General. We have also written for an audit on the Hanover Parish Council but, Mr. Speaker, it was quite evident that there was deep political interferences in the operation of the previous board of the National Solid Waste Management Authority, it was quite evident.

And Mr. Speaker, I am going to say to this Minister, I am going to say to the Minister a new board is there. There are persons who sit on that board that the Opposition recognize and respect, respect them, Mr. Speaker. I urge the Minister, allow the board to function. Take your hands out of the pockets of the board. Leave the board alone, leave the board alone. Don't dip into the affairs of the new board, allow the board to function. Because, Mr. Speaker, based on the comments of the previous chairman of the board...

(Cross talk)

Withdraw what? Withdraw what?

(The Speaker gavels)

Mr. Speaker, based on the comments, Mr. Speaker...

The SPEAKER: Mr. Buchanan, is this a point of order or what?

Mr. McKENZIE: You are taking away my time you know, sir.

Mr. BUCHANAN: Mr. Speaker...

Mr. McKENZIE: What is your point of order? You are taking away my time, Mr. Speaker.

(Cross talk) (The Speaker gavels)

The SPEAKER: Mr. McKenzie, continue.

Mr. BUCHANAN: Mr. Speaker...

The SPEAKER: What is the point of order?

Mr. BUCHANAN: The member has used, in my view, unparliamentary language, Mr. Speaker, in referring to his colleague and I want to nudge the Member, Mr. Speaker to withdraw...

(Cross talk)

...the comment that the Minister's hand is in the pocket of the board or be very explicit about that statement.

(Cross talk)

(Audio stopped)

The SPEAKER: Minister Buchanan, in real terms that was not a point of order. However...

(Applause)

However...

(Cross talk)

However, Mr. McKenzie, the comment that you made about inside the pockets it could be deemed...

(Cross talk)

...I would ask that you just withdraw it.

Mr. McKENZIE: Mr. Speaker, I hope the time that I lost will be reallocated. Mr. Speaker, all I am simply saying, the Minister should not interfere in the runnings - keep out of the affairs of the board, Mr. Speaker.

(Heckling) (The Speaker gavels)

The SPEAKER: I think that is an acceptable explanation. Continue, Mr. McKenzie.

(Cross talk)

Mr. McKENZIE: Mr. Speaker, while we recognize that there are challenges, Mr. Speaker, that the system face, Mr. Speaker, I urge the Minister - and you know, Mr. Speaker, the Minister has a habit in making announcements and when he makes these grand announcements, Mr. Speaker, there is no timeline given to the announcements. Mr. Speaker, I am urging the Minister to pay serious attention to the state of fire hydrants across the country. Two years ago, Mr. Speaker, I suggested approaching JEEP to become partners to undertake repairs to fire hydrants across the country. Mr. Speaker, there is an urgent need for fire hydrant, Mr. Speaker to get priority.

There has been a fire in Portland and based on what the fire people are saying, that when they turn on the hydrant there is no water. We don't know whether or not it was the fault of the National Water Commission but, Mr. Speaker, the important thing to bear in mind that there is hardly any information. The Minister of Local Government had promised to update this House to give an audit of the state of fire hydrants across the country, he made that commitment in 2012, it is 2015.

(*Sotto voce* comment)

Mr. McKENZIE: Where, in your head?

Mr. Speaker, there is a question of credibility. Mr. Speaker, in concluding, we have become known for doing in this Parliament, Mr. Speaker, doing the job as the Parliamentary Opposition not only examine and to be critical of what the Government has done, Mr. Speaker, but Mr. Speaker we have put recommendations on the table and I'd like, Mr. Speaker, to put some recommendations on the table that we feel...

(The Speaker gavels)

The SPEAKER: Mr. McKenzie, your time has expired.

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

The Deputy SPEAKER: The question is that the Member's time for speaking be extended for five minutes so that he can sufficiently complete his presentation.

Motion put to the House and agreed to.

The Deputy SPEAKER: Go ahead, Mr. McKenzie.

Mr. McKENZIE: Thank you, Mr. Speaker.

Mr. Speaker, Local Government in this country is at a critical crossroads and the Opposition, Mr. Speaker, wants to make the following recommendations. One, Mr. Speaker. The separation and the regulation and the operation as it relates to Riverton City. We want, Mr. Speaker, that that be taken out of the control of Government. The Privatization and ultimate relocation of the dump. The use of the Tourism Enhancement Fund for the acquisition of the fire boat and the construction of the fire station in Montego Bay.

Mr. SHAW: Hear, hear!

Mr. McKENZIE: A concerted effort, Mr. Speaker, must be made and the Opposition is willing to work in repairing the breach, restoring hope in Local Government by providing, Mr. Speaker, training opportunities at a professional development level for Local Government functionaries, Mr. Speaker.

(Applause)

We would love to see that taken at a step higher, Mr. Speaker.

Mr. SHAW: Hear, hear!

Mr. McKENZIE: Raise the bar by attracting persons with the certain level of competence, Mr. Speaker that can contribute to the system of Local Government. Both political parties must dismiss the notion that a councillor can only come from an activist from the political party. It is wrong.

A MEMBER: Wrong.

Mr. McKENZIE: Because we have had outstanding councillors, Mr. Speaker, outstanding councillors on both sides of the political divide, Mr. Speaker. We need to raise the bar and both political parties must strive to achieve that, Mr. Speaker.

Mr. Speaker, the incorporation of the three companion Bills - and Minister I want you listen to me. The three companion Bills, Mr. Speaker to strengthen the package of Local Government, Mr. Speaker, the Bill that the Minister brought to entrench Local Government in the Constitution should have been the last step. The three Bills, especially the Financial Bill, Mr. Speaker, that would have prevented, that would have help to prevent certain mismanagement of the financial affairs, these Bills, Mr. Speaker, are vital, are of vital importance, Mr. Speaker, and I urge the Minister - every time the Minister talk he says the Bill is with the drafting instructor. Mr. Speaker, I urge the Government to move full speed ahead by calling the Local Government elections now. No more postponement -

(Heckling)

And finally, Mr. Speaker, make Local Government -

(Heckling)

Make Local Government more attractive. I urge the Minister, I urge the Minister to examine the salary that is paid to persons working in the Local Government system.

(Heckling)

Make it attractive. Make it attractive so you can encourage competent persons to come.

(Heckling)

(The Deputy Speaker gavels)

And, Mr. Speaker, moving in this direction would go a far way in restoring Local Government to the pride of place it once enjoyed. We must repair the breach, we must restore hope and this can only be achieved under a Local Government system that is controlled and run by the Jamaica Labour Party who has been tried, tested and proven, Mr. Speaker. Let us all work for the betterment of Local Government.

I thank you, Mr. Speaker.

(Applause)

Mr. SILVERA: The last time dem call it you know, Dessy, what happened?

Mr. PRYCE: Be careful what you wish for.

Dr. WHEATLEY: You don't worry, you not coming back. Enjoy the couple more days that you have.

The Deputy SPEAKER: Dr. Chang.

Dr. WHEATLEY: You not coming back, you know country man.

Mr. SHAW: Raymond, who coming for your seat?

Mr. PRYCE: You.

Mr. SHAW: I hear you don't have one.

Mr. PRYCE: It don't matter.

(Heckling) (The Deputy Speaker gavels)

(HON. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western, Minister of Local Government and Community Development, 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.)

The Deputy SPEAKER: Dr. Chang.

Dr. CHANG: Mr. Speaker, I want to begin by commending the Chair for how they have managed the affairs of Parliament even in testing times. To further thank my colleagues who have given me support through these years. I consider it a privilege to be rising for the 21st time in this House, first in representing the people of Western Hanover, wonderful people they are, and now for 12 years the great constituency of North West St. James which you border, and I take some pride and act with humility that I acknowledge that I am the first Member of Parliament to have been elected three consecutive times in that great constituency.

Mr. SHAW: Hear, hear!

(Applause)

Dr. CHANG: And I want to reassure my colleagues…

Mr. L. BUCHANAN: And tell dem where you come from.

Dr. CHANG: And I want to reassure my - a great constituency in Westmoreland.

Mr. L. BUCHANAN: Doing what?

Dr. CHANG: And I want to assure my colleagues that term four is a sure event. I want also to thank party Leader Andrew Holness for his continued confidence in my service, my colleagues for their support, and with some pride I stand here, Mr. Speaker, to continue the legacy of our great founding father Sir Alexander Bustamante, who laid the foundation for the party I represent and indeed the foundation for modern Jamaican politics. It was Sir Alexander Bustamante -

(Heckling from Government Members)

- it was Sir Alexander Bustamante who took the workers from the fields into the board room, and gave - laid the foundation for Jamaica's democracy –

(Applause)

And finally, Mr. Speaker, very special thanks and appreciation to my family, my wife, my son and daughter who have given me special support to be able to stand here and serve the people of Jamaica and tolerated all the difficulties and the stresses that come with that kind of representation.

I want to apologize, Mr. Speaker, for failure to have appropriately done copies to circulate, because my time for speaking has been shifting a little bit here and here. I won't complain, Mr. Speaker, just to say that the move to reorganize the Sectoral Debate has its merits but I expect on the next round if we can be more concise in our timetable so we can in fact be better prepared at that time.

Mr. Speaker, I am tempted to speak for the entire 35 minutes on the positive developments in my constituency as they are numerous but I will certainly confine myself to a few minutes as there are some national issues that certainly needs clarification and some informed discussion.

North West St. James has seen some significant changes in the last 12 years of which I take some pride. It reflects much of a Urban - problem in Urban - in Jamaica. The divide between rich and poor was stark. At the time of my election some 10,000 families who lived in informal settlements, regarded as squatters, well-known to even some of my colleagues on that side, which some people considered such people almost irredeemable. That was not my position. Today, I can say we have a legal framework backed by significant extensive infrastructure that almost all of these families can now look towards having titles for their homes, having transformed their lives and their communities.

The few informal settlements that are remaining, we have in fact gotten to the point of acquiring properties, starting infrastructure, and I am confident the process to transform their lives, instill pride in the communities and bring about the kind of progress and prosperity the people of St. James need, will continue. Indeed, in my earlier years, there were many persons who were almost afraid to enter sections of the constituency, as you are fully aware, Mr. Speaker, yourself as a resident of Montego Bay, but today it has become a part of the economic activity in North West St. James, that people are adding rooms to their homes that they rent to workers who are coming to Montego Bay for work in the service sector like the airport and the hotels, a signal, a definite signal of the

transformation taking place in the community.

Indeed, I could point out that while the homicide rate remains a very significant problem in St. James, and throughout Jamaica, and requires attention not only of the Minister of National Security and others, I think we did work in the constituency that should be looked at as the kind of work that needs to be done in Urban Jamaica to deal with the problem. Crime is not just a police problem, and at the time of my election and early years again, North West St. James experienced things like over 100 homicides per year. You as the publisher at the time of your newspaper recall the days when your newspaper had murder as its headline, every single publication, and kids in school when asked, what do you see when you look in the Mirror? As the name of the paper was the "Mirror", and they said, "Murder". It was that frequent. I can say today, although the homicide rate remains high, after four months North West St. James has experienced less than six murders, and almost all of them related to domestic issues. We have seen it reduced -

Mr. L. BUCHANAN: You hear that? Chang set –

(Inaudible comment)

Dr. CHANG: - the homicide rate in North West St. James by dramatic numbers because we have been able to coordinate our effect not only of police work but major work done in improving the character of the communities.

(Applause)

I endeavour, Mr. Speaker, another aspect of success which I will just refer to for the constituency. I think today, if research was done you might find that the community of Norwood has the highest per capita entrants to tertiary institution in Jamaica as a urban centre, right. Out of that community has come people like the last President of Jamaica Medical Student's Association, Honours Graduate in medicine, a young lady who don't - which I have to mention her name, Nicole Nation, Honours Graduate in Medicine, now on a prize trip to the UK, and dozens of others. The former Head Boy of Cornwall College who is now also on scholarship at the University of the West Indies, and today the most recently appointed Youth Ambassador to the Commonwealth, Mr. Sujae Boswell, another member from the community of Norwood currently at the University of the West Indies. (Applause)

Individuals who are reflecting the face of the community today as opposed to what was then, and I could go through the dozens of students who we have had to assist through the community Constituency Development Fund, who are doing extremely well, providing leadership and sending new signals as to the character of our people from these communities. And the real import of this, Mr. Speaker, is that, what our people need in these communities that are often stigmatized, whether in the Corporate Area or Rural Jamaica, opportunity.

(Applause)

Opportunity to grow.

It's unfortunate now, Mr. Speaker, that several are graduating with Honours Degree in various areas: Geology, Psychology, Natural Sciences and cannot find work at this time. A

very sad fact and it's something that this House and the Government must pay attention to because it's a very sad and unfortunate situation.

So I could say today, Mr. Speaker, where there were tracks we now have traffic congestion. Where there were shacks we have homes with dignity, some even with covered garages, where there was poverty, there is now improving quality of life and a sense of independence and some prosperity, not enough yet.

There are still serious challenges, I would say at this point, and you share with me, urge that the relevant Ministry, particularly I see the Minister of Education who is very familiar with that area, ensure that the newly constructed training centre at Sun Valley Road in Glendevon is activated to provide the alternative opportunities for some 200 students per year. It is a fine institution, was built by the Social Investment Fund at a cost of nearly $60 Million, it may be the best equipped centre working with the community, we got that done, we need the full participation of the executive agency of Government.

Similarly, not yet in his hands, the community centre in Flankers, which cost nearly $90 Million, has all the facilities to provide training and opportunity for our young people. We cannot allow such capital to be wasted, and I can only lead that appeal, we are moving from physical infrastructure with the Government of the soft side of our human capital which is critical long-term development.

WATER AND HOUSING

Dr. CHANG: Mr. Speaker, I would now like to address a few points in the portfolio area, Water and Housing. These are two critical areas that are fundamental to sustainable development. I might say lightly, the Minister in speaking to water, could've said thanks - he did say thanks to the administration for leaving some work that he could complete, but he didn't make some - he did make a cardinal arrangement, you know, Mr. Speaker, and what I can say is that, as an experienced and competent Chairman, and as seasoned legal practitioner and senior legal counsel...

Mr. McKENZIE: Which part?

Dr. CHANG: Hold on nuh man.

...he has the uncanny ability of being able to make much out of nothing. That's the skill of a trained legal person and a Chairman. He has a very uncanny ability to use very little and provide an encyclopedic volume where there is nothing.

Because, Mr. Speaker, he itemized in the water sector, for example, hundreds of programmes across the island. What he should have indicated to the Honourable House is that the Water Commission is a large national body with nearly three thousand facilities across the island. It is therefore easy, and every year routinely, the Water Commission is required to fix leaks, change old pipes, improve, do minor extensions in dozens across the island. So itemizing a book on all the events is very easy, but is a non-event, because that's routine activity. It offers

nobody hope for a new and sustainable quality water system for all Jamaicans. We have to look again at the targets we have set. It was set for 2015, we moved it to 2020 that 90% of Jamaicans should have potable water - access to potable water, and it can be done.

The budget that was indicated of $6 Billion last year is in Jamaican term, sound big, but it's a small amount of money for infrastructure and the utility of the size of the Water Commission. And indeed, having spoken extensively and eloquently, Mr. Chairman, I say your presentation was well done. But the people of the corporate area especially below Halfway Tree, the people of Old Harbour, the people of May Pen and Mandeville and as far as Red Hills Road, still see no hope of a resolution to their chronic inadequacy of water at this point in time.

Indeed, Mr. Speaker, I must point out to the Minister that the previous year he announced he spent $10 Million. That figure was in fact negotiated between the various institutions that are relevant, along with almost a minimum of expenditure in capital for water. It involves the Ministry of Finance Enterprise Division, the Planning Institute of Jamaica, the Debt Management Division and the Inter-American Development Bank, to which I will return later on in the presentation, who is an important development partner for Jamaica, and therefore working with them is critical to what we do. So in fact that $6 Billion is a serious drop in what was to be spent in water and it is reflected in the continued inadequacy.

Mr. Speaker, the Minister really did not outline a comprehensive vision of what he wants to do in the water sector, which is critical to development. And I deviate a bit here to say that his colleague should understand that there can be no serious logistic centre in Jamaica, unless especially in the corporate area, we have a satisfactory potable water system for downtown and an adequate sea of collector system. (Applause) It's essential at this point in time.

Mr. CHARLES: Hear! Hear!

Dr. CHANG: I comment further again. Before I proceed to address two of the critical issues, I think, in water - I don't think I'll go beyond water really - I want to clarify a particular issue. The previous Jamaica Labour Party Government took a particular decision which I think was correct, and I maintain to this day it is the correct thing to do, but some of my colleagues on that side keep speaking of how we lockdown Rapid Response as if we were stopping the trucking of water. The decision was in fact to transfer the assets of the Rapid Response to local authorities. It is my confirmed belief that trucking of water is best done by local authorities. They live in the community, they know the problems and they can do it much more efficiently, even with what they have, than a central government can do.

(Inaudible comment by Mr. Pickersgill)

Dr. CHANG: Provide the money to them, give them the equipment they will do better than we're doing, by central administration.

Mr. CHARLES: Hear, hear!

Dr. CHANG: Central administration cannot be trucking water at a central level; it's primitive, Mr. Minister, it cannot be done like that.

I'd like to just draw the attention of the House to two areas I think that could make a fundamental difference to what happened in the water sector in the limited time. One is implementation, which I think this Government has a serious problem with, and the second area is governance.

Governance of the Water Commission: The Water Commission is a large national company, they employ nearly 2,000 people, it has cash flow in excess of $20 Billion, it may be one of the largest companies in the island and has the - in addition to that, carries significant public loan, at this point in time nearly a billion US Dollars approaching that. It therefore needs to be managed and governed in a manner that guarantees certain level of stability and efficiency.

In speaking to it first, I pointed out that in the three years Minister that you've been in Government, they've had two chairmen, one of whom it is said breached the Public Bodies Management Act by being too involved in the operations of the company. Because clearly, the chairman cannot be involved in the execution of the management, it is too complex an operation to have part-time chairmen that must be left to the technically competent people.

However, the Minister made a change, we commend you for that, you not only have a second Chairman in three years, you've also had three Presidents in that three years and the last one is still acting. I'm not sure whether he's based in Hollywood California or Hollywood Norwood, but him gwine have a little difficulty getting to Marescaux Road effectively, wherever he is as an actor. But, Mr. Speaker, we have to find a way to correct that problem. The Water Commission is too important a utility to be subject to that kind of vagaries from time to time. And part of the suggestion and it's not a conclusive decision yet but we've made the suggestion, some level of privatization now - I am speaking to this because it does not involve wholesale privatization of selling of the water company that has worth nowhere in the world. In fact, less than 5% of water companies are owned by the private sector.

The largest company in America, American Water, only speaks to about fourteen million clients, and that means they cherry-pick and get some high-end customers and that's it. The UK which has maybe the most divested operations is having questions raised as to whether they should not return to the public sector. But certainly a private/public partnership could change the way we operate. And in fact, when we got the K-factor which provides significant funding, it's a capital recovery factor on the water bill with a design to look at the possibility of doing just that. In the sense that some kind of private/public partnership will see the private sector maybe through the stock market owning significant minority shares up to 49%, but the majority must remain in the public hands, that you can determine public policy to what is a very critical utility, important for

sustainable growth and development.

At the same time, if you go to the root of the stock market with that level of privatization, you'd begin to ensure stability in terms of its management, based on technical competence and management policies designed to improve efficiency, while the public sector set the broad policy because of the significant social component involving water. If you could reduce your revenue in water significantly, which is what the aim of the K-factor was; the Water Commission can be easily partially privatized.

Indeed, Mr. Speaker, it doesn't need much economics to understanding to, if you reduced non-revenue water from 65% to 49%, which is an achievable target, you'd earn to the bottom-line almost $10 Billion immediately, because there's no extra cost, all you're doing, you're reducing the leakages, reducing it and you can now collect for that water which was once leaking away. It is critically you do that and it will make the balance sheet of the Water Commission look very attractive. (Applause) And we only need to ensure that we maintain the public majority to maintain the kind of policies that are required.

It is also critical to development because once the public owns the majority, you have access to the kind of funding that is required to develop the water company to what it should be. If you go totally private some of that funding would not be available and development financing from places like the Development Bank would not be available to the company under the conditions and terms which is available to a publicly owned company.

I would like to refer to a couple of projects, not so much for self-justification and validation, Mr. Speaker, but to demonstrate that the question of implementation can be addressed, but you need aggressive, quality of leadership. There are a couple of projects, Mr. Speaker, I will refer to that I think three major projects the Water Commission had undertaken in the last 20 years: The Jamaica Water Sector Improvement Project was initiated by the Labour Party Government, which I was a part of and negotiation and big enough project, start, was completed within 12 months for US$211 Million, using funds from commercial banks. That was the largest single engineering project ever undertaken by the Water Commission and one of the largest projects undertaken by the public sector in the country in utility, 12 months. (Applause)

We were in Bog Walk with pipelines, which everybody remembers, changing out the asbestos pipes which were leaking. The Phase 2 should have started later on and did start, although there was a delay and I'll come to that. The Constant Spring Plant we wanted to rebuild, Stony Hill and non-revenue water in Stony Hill. The project was dealt with and the money that was spent in Stony Hill recovered in record time, because in doing non-revenue water is a way of monitoring. The company must provide the work and recover their money as they recover it, and their rate of recovery exceeded commercial rates. It didn't take 10 years, in less than five

years they've got the money back out of that sector of the non-revenue water project.

I just used that to show that we can move quickly if we decide to do things correctly. Because we had two other programmes, those funds came from the previous Government: there was the KMA programme - Kingston Metropolitan Area and no name came in it was designed to take water in the planes of St. Catherine. That project was in gestation for 14 years, Minister, Fourteen years, 93 until 2007. You commissioned the last project, putting water in Portmore; the entire project was contracted during my administration of four years, and completed under your term, as I said, you commissioned the pipe into Portmore. It had no need to take 14 years to get there.

The second project, of course, I'd like to spend a little time on, was the Kingston Wastewater and Sanitation Project. I don't think the country is even aware of the name, but that project again started way back in '95, designed to bring the water sector in the corporate area up to scratch. Nothing was done. In fact, the consulting firm Egis Bceom who was supposed to do the project left Jamaica in frustration. And it took me all of two and a half years including dialogue, with the Inter-American Development Bank to bring them back to Jamaica.

It was so long delayed that a significant amount of the money was transferred from project financing to policy loans, to support the PATH Programme back in 2008. I think some US$20 Million was taken out of the project, which water needed, because its implementation was failing. We eventually were able to bring back the company here, got the IDB on board and we contracted out most of the project - at that sector of the project. Mona and the Hope plant was finished under your administration, I commend you for that. The Sewer Relift Plant at Darling Street has not yet been completed after nearly four years.

(Inaudible comments by Mr. Pickersgill)

Mr. McKENZIE: But it nuh mek sense yuh complete it and di...

Dr. CHANG: The actual physical work on site is finished, but there is much more work to be done to allow its use. It just finished.

Mr. McKENZIE: ...sewage still a run pon di street no sewer fi go in there.

A MEMBER: Yuh caan sey it's not completed, the vast 95%.

Dr. CHANG: Well maybe, but 95% completed, but it's a long time and it reflects the failure to implement timely and efficiently.

In fact, you see I refer to this, Mr. Speaker, because of the way we were able to implement these projects, the IDB not only returned to assist us in completing that sector of the programme. We got additional loans of $133 Million which Minister, your government is now failing to spend, after three years you are talking about 33 per cent and not only that you are faced with a contract which you are having difficulty signing. The Non-revenue Water Programme which I am not holding the entire life for, but procurement process is not the only way to implement programmes efficiently, it needs, Minister, aggressive, clear leadership in this issue.

The particular Non-revenue Water Programme you are having difficulty signing and may not be able to sign, because having taken your two envelope issue and one

envelope telling you this is the most efficient company, but when you get the bid how can you negotiate a bid from over $150 Million to under $150 Million, it is impossible, it does not make sense.

(*Sotto voce* comments by a Member)

Dr. CHANG: Well, I will agree with you there, but you tell me how can a man bid $170 Million for a contract worth $42 Million and then negotiate down to that?

(*Sotto voce* comments by a Member)

Dr. CHANG: And you are justifying that, well I wondered then I am applauded, Minister, very ridiculous. That kind of contract, Minister, will embarrass the country, it damage our relationship with our multilateral partners and while we have oftentimes spoken about hurting our relationship with the multilaterals, there are many aspects of our relationship that has to be considered. It is true that we may not have met some macro targets, but November 2011, when we signed this financing from the IDB I have - everyone must accept. We couldn't have been that bad when they gave us $223 Million in project loans, and project loans from the multilateral is critical to successful growth policy because that is the cheapest money you can get for growth policy and it is not being done.

Today, in our - Mr. Speaker, I am not being facetious, you passed the IMF test you get $39 Million, we failed and get 233, it almost sound better to fail. I mean, what the country need. No, Mr. Speaker, we have to meet the targets you know, but something is wrong with the programme because there is very little coming through for the kind of project, development loans that the Inter-American Development Bank and others are geared to provide. You need to get -

(*Sotto voce* comments by a Member)

Dr. CHANG: We don't get any yet, one you said we were failing and we still able to get $233 Million, it tells me that the multinationals recognized we are doing something right, and while we had to make changes, they understood what we were doing and this is the kind of money we need.

Mr. Speaker, I could continue on the issue of water, let me just stay in five minutes housing is a critical area, in that area too we have seen some failure in the last three years to any kind of housing start for a significant amount. I am aware the leadership in the housing agency itself had some disruption, the Minister; I commend him to take some action from a certain disruptive element in the housing agency. He has moved to a point of a very distinguished public servant as a new chairman and I comment that, Minister, at this point. Because prior to that, it was particularly disruptive most of the senior managers resigned and people were there from the last not our Government, but from the 90s and because of that we can say there have been very little start in that area. It is sad that the Ministry of Housing was the first Ministry to promulgate a public/private policy and to see it as one of the vehicles to increase access to housing in Jamaica, that entire policy seems to have been suspended on that followed at all, and nothing else has happened. In fact, the housing agency has certainly lost credibility in

the last three years, I hope the new board can do something about that, but they went as far as collecting funds for houses which never start, and reflect the inability of the agency in the last three years to do anything constructive. I could spend some more time on it, but I just want to say that it may be time to think a new in both water and housing.

Water is not only to provide an essential utility for growth and development, to provide portable water to our people and irrigation to our farmers. But in the modern world where climate change has become a significant problem, we may have to look at an entire new approach to managing water resource as water becomes a valuable commodity.

In the housing sector, I will say Minister, Speaker, we have too many little agencies doing housing and there may be the time again to review the approach to housing. With transparency and integrity to prevent what was once described a 'garrisonization'.

We need an agency, maybe the housing agency or some other renewed name that focuses on development; it should be responsible for all public sector development including Housing Trust. Housing Trust should get out of construction and deal with finance, and the housing agency should be developed as an agency that deals with the research for quality housing at all levels especially low income housing, its development, management of private/public partnership programmes which has the capacity and potential to really increase our housing start to be ten to 15,000 per year. We can leverage Government land, invite the private sector in, use our local architects, engineers and technicians and we can begin the housing start that our people need to get quality housing. At the present time, the rapid and continued development of squatter settlements and urban decay is a reflection of failed policy and failure of successive; Ministry of Housing, in providing quality for our people it is reflecting the weakness in our economy.

The Deputy SPEAKER: Dr. Chang, the time for speaking has expired.

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

The Deputy SPEAKER: The question is that the Member's time be extended to five minutes so as to allow him to complete his presentation?

Motion put to the House and agreed to.

The Deputy SPEAKER: Dr. Chang.

Dr. CHANG: Thank you, Mr. Speaker.

On the other side of the coin, Mr. Speaker, I suggest that you look at the Housing Trust not in a way to impair the contributors in it, at all, but to see that Housing Trust as the primary housing finance organization in the island. It could, in fact, become owners of the Mortgage Bank, which could then allow some of its cash instead of paying debts to be used at a little more commercially profitable rate than they do in the normal loan activity. But you can, in fact, generate a secondary mortgage market. I would like to remind this House that the previous Government, the Jamaica Labour Party Government reduced

mortgage rates from a high of near 18 per cent, the average is about 16 and after the Ministry of Finance did its economic rearrangement which we quarrel with so often, we were able to initiate a secondary mortgage market that immediately moved the mortgage rate from an average of 16 to 9.6 per cent, secondary mortgage market. A reorganized secondary mortgage market can generate significant economic activity in the construction sector. Minister you need to reactivate and look at that issue.

The Mortgage Bank can be a major asset working with the Housing Trust to do housing for all the sections in Jamaica. Now we still have a problem with the very low income some of whom are not contributors. But I would suggest that we look at the much maligned Housing Act as a vehicle that can provide some answers right. We are not talking about regulation, now Desmond, the Housing Act has the feasibility of allowing for sixty year mortgages, they have much longer institutional memory dealing with very low income workers so that, in fact funds could be put through there to ensure that we provide that kind of mortgages for low income. Remember, urban workers cannot be given starter homes because when you are in the urban you have to get a home for the whole family and by technological innovation we can get less expensive homes with longer mortgages tied in with some social services, we could find some answers to the problems down town, but we cannot continue, with the kind of urban decays that characterizes our large urban sectors especially our capital city. That too, Mr. Speaker, must be dealt with if we hope to make the corporate area the hub of a logistics center in the southeast coast, we have to deal with the quality of our housing downtown. And while I am not saying that the housing, the suggestion that I put forward is the only suggestion. What I am seeking to stimulate, Mr. Speaker, is a new kind of thinking in both water and housing.

Clearly, we will have to put in the regulation to ensure that we don't get accused of going back to the kind of garrison construction that was once accused of, which is where the Housing Act came in, but we can, in fact, put in place...

(*Sotto voce* comments by a Member)

Dr. CHANG: And Arnett Gardens if you want to speak elsewhere. All I am speaking of is an indication - I am trying to show new directions that a Labour Party Government will be seeking to introduce when elected as Government and stimulate some new thinking on that side rather than the continued cross-talk and suggestion of failure where there was none, and failure to recognize success where it is. But clearly, the country if we are going to move from poverty to prosperity requires new thinking, new ideas and a new approach to managing critical sectors of the economy.

May I thank you, Mr. Speaker, at this point.

(Applause)

Mr. PAULWELL: Mr. Speaker, I am moving to recommit some items, firstly, Bills Brought from the Honourable Senate and Notices of Motions Given Orally.

The Deputy SPEAKER: The question is that there be a recommittal of the Bills

Brought from Senate and Notices of Motions Given Orally.

Motion put to the House and agreed to.

BILLS FROM THE HONOURABLE SENATE
(Recommitted)

Mr. Andrè HYLTON: Mr. Speaker, I beg to move that the Senate Amendments to the Bill, the Baptist Mid-mission in Jamaica (Incorporated) be approved.

The Deputy SPEAKER: The question is that the Senate amendments be approved?

Motion put to the House and agreed to.

NOTICES OF MOTIONS GIVEN ORALLY
(Recommitted)

Mr. DALLEY: Mr. Speaker, Member just to - it is the transfer pricing rules, income tax.

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 Income Tax (Amendment) (No. 2) Act, 2015.

Mr. PAULWELL: Mr. Speaker, the time being what it is, I move for the suspension of the Standing Orders to allow us to take Questions and Answers after the time permitted.

The Deputy SPEAKER: The question is that there be a suspension of the Standing Orders to allow us to take Questions and Answers.

Motion put to the House and agreed to.

QUESTIONS AND ANSWERS TO QUESTIONS
(Recommitted)

Mr. PAULWELL: Mr. Speaker, the Minister for Water *et cetera* and the Minister of Health, will do questions this afternoon posed by the Member from West Kingston.

The Deputy SPEAKER: Yes, Mr. McKenzie.

Mr. McKENZIE: Mr. Speaker, I ask the Minister of Water and the Environment to respond to the following questions that was tabled in my name.

The Deputy SPEAKER: Mr. Pickersgill.

Mr. PICKERSGILL: Thank you, Mr. Speaker.

Question 1:

Will the Minister please state what steps have been taken by the Environmental Protection Agencies to cause the National Solid Waste Management Authority, the NSWMA to observe best practices in the management of the Riverton City Dump?

Answer:

On my instructions the National Environment and Planning Agency, NEPA, requested that the National Solid Waste Management Authority, NSWMA, apply for the requisite environmental permits for the operation and maintenance of the Riverton City Waste Disposal Site.

The Natural Resources Conservation Authority, on NEPA's recommendation approved two environmental permits to the NSWMA, in the following categories:

Solid waste treatment and disposal facility, hazardous waste storage transport treatment or disposal, facility at Riverton, St. Andrew.

The environmental permits were granted to the NSWMA by the NRCA on March 18, 2014. The conditions of the environmental permits incorporate best practices for the operation and management of the waste disposal site.

The environmental permits were issued in April 2014 after a post approval meeting between the CEO of NEPA and the Executive Director of the NSWMA and their respective technical teams to explain the conditions of the permits and outlined the expectations for compliance.

NEPA subsequently implemented a monitoring programme, to ascertain the level of compliance with the conditions of the permits issued.

Question 2:

Will the Minister please state whether or not there have been any environmental impact studies done on the dump?

Answer:

There has been no Environmental Impact Assessment done in recent times, however, a report entitled: "Final Report: Riverton Community Landfill Environmental Impact Assessment" was done in 2001 by the Environment Solutions Limited. The EIA formed the basis for the granting of environmental permits to the Ministry of Local Government and Community Development for the Riverton City Waste Disposal Site.

As part of the NSWMA Environmental Permit application, the authority submitted detailed technical studies including technical designs for the waste disposal site.

Question 3:

If the answer to Part 2 is in affirmative; will the Minister please have them laid in this Honourable House.

Mr. Speaker, I do so now I offer him a copy.

Answer:

So then the answer, Mr. Speaker, is that the Report is now laid.

Question 4:

Will the Minister please advise if the NSWMA has a license to operate the dump?

Answer:

What the NSWMA requires is not a license but a permit so no license was issued. However the NSWMA is in possession of two environmental permits from NEPA, NRCA earlier referred in the response to Question 1.

Questions 5:

If the answer to Part 4, is in the affirmative, will the Minister please state:

a) What criterion were used to grant such a license;
b) Whether or not the NSWMA has fulfill all requirements set out in the license,
c) What if any action has been taken by the NSWMA?

Answer:

a) Mr. Speaker, the NSWMA in its application was required to provide

supporting technical documents which outlined the *modus operandi* of operation, and maintenance for the waste disposal site. On receipt of the application and supporting documentation, NEPA circulated same to the relevant referral agencies including the Ministry of Health, the Water Resources Authority, National Works Agency, and the Office of Disaster Preparedness and Emergency Management for review and comments.

The compendium of comments was then analyzed and documented by NEPA as part of the agency's submission to the NRCA through its technical review committee for final consideration.

b) the NSWMA has not fulfilled all of the conditions stipulated in the environmental permits;

c) the NSWMA has taken action, but they are behind schedule in implementing their operation and maintenance plans.

Question 6:

Will the Minister, please state what, if any, action has been taken by the Ministry to ensure that the NSWMA no longer puts the citizens of Jamaica at risk?

Answer:

The Ministry, through NEPA, has been monitoring the level of compliance by the NSWMA with the permitted conditions. The NEPA has cited the NSWMA on a number of occasions for breaches and general noncompliance. A special monitoring and enforcement regime was also instituted by the Authority on the issuance of the permits.

Between mid to late 2014, the NEPA conducted several site visits to ascertain the NSWMA's compliance with the permits issued.

NEPA took the decision to serve the NSWMA a Notice of Intention to suspend the permits issued, pursuant to Section 11 of the NRCA Act for the breaches committed.

This notice was served on the Authority on March 13, 2015. NEPA/NRCA also refused NSWMA'S request to amend the environmental permits, conditions in the following areas:

- the permittee shall ensure that the covering of the compacted solid waste of the active cell is done at least every two weeks;
- the permittee shall ensure that the solid waste disposal facility is secured to prevent access to the disposal site by unauthorized persons and animals;
- The permittee shall create and maintain a buffer zone between the disposal cells and the property boundary of at least 50 metres of which the 15 metres closest to the property boundary must be reserved for natural or landscaped screening - and I have here burms or vegetative screens.
- There shall be no disposal of waste within the buffer zone

- The permittee shall ensure that there is no burning of waste at the disposal facility.

Question 7:

Will the Minister please state whether or not he has ever visited the dump?

Answer:

Yes.

Question 8:

If the answer to Part VII is in the affirmative, will the Minister please state dates of the visit and the findings?

Answer:

It was when I was in charge of another Portfolio long ago; I don't remember any dates.

In terms of findings, I didn't go there looking for anything, so I didn't find anything.

Mr. Speaker, thank you, sir.

The Deputy SPEAKER: Mr. McKenzie.

Mr. McKENZIE: Mr. Speaker, I want to thank the Minister for his response, but there are still some areas of concern, and I would like to pose some further questions to the Minister at this point in time, just for clarification.

In response to Question 2, Mr. Speaker, your response as a part of NSWMA environmental permit application, the authority submitted detailed studies, including technical drawings, *et cetera*, is there a guideline, a time factor, in regards to this, when this is to be completed?

Mr. PICKERSGILL: Repeat the question.

Mr. McKENZIE: Your response to the question 2, I am asking...

Mr. PICKERSGILL: Yes...

Mr. McKENZIE: Has this been completed or when is it going to be completed? You see, Minister, you come with the answers, but Minister, the question asked...

Mr. PICKERSGILL: Will the Minister please state whether or not there have been any environmental impact studies?

Mr. McKENZIE: Right. And I am asking...

Mr. PICKERSGILL: And I gave you a copy of the study.

Mr. McKENZIE: No, you don't give me yet.

Mr. PICKERSGILL: Sorry.

Mr. McKENZIE: Okay, so the answer - the response to that is in the study. In response to the answer to Question 5...

Mr. PICKERSGILL: Question 5, yes...

Mr. McKENZIE: ...(c), you said that the NSWMA has taken action, but they are behind in the schedule in implementing their operations and maintenance plan. Minister, while I hear you, but isn't there a timeline set as to when this ought to be completed, Minister, because just don't want to have them saying this, Minister. So, I am asking that a timeline be given for the completion of this, Minister. You don't have to respond to it now, but just make a note of that. In response to the - your answer to question...

(*Sotto voce* comment by Mr. Shaw)

Mr. PICKERSGILL: Shut up.

Mr. McKENZIE: Sit down, *nuh* man!

Mr. PICKERSGILL: And I said *shut up.* You give no order inside here.

(*Sotto voce* comments)

The Deputy SPEAKER: (Gavels) It is the preferred thing that one Member stands, Minister, so...

Mr. SHAW: But he don't... just sit down...

A MEMBER: Why *yuh* raising *yuh* voice... why *yuh* raising *yuh* voice?

Another MEMBER: Two people cannot be on their feet at the same time.

Mr. SHAW: Sit down, sit down... why you raising your voice...

A MEMBER: You think you smart.

The Deputy SPEAKER: (Gavels) Mr. Shaw... Mr. Shaw...

Mr. SHAW: I am helping you, that is all.

The Deputy SPEAKER: One person at a time, please.

Mr. PICKERSGILL: When I need your help, I'll ask for it.

Mr. McKENZIE: Minister, this is not - I don't want a response from you now, but just to say, on your response to Question 6...

Mr. PICKERSGILL: Six (6)?

Mr. McKENZIE: Yes.... that I believe that NEPA should be monitoring this activity to ensure that this is done. Well, you have a regular visit there?

Mr. PICKERSGILL: Yes!

Mr. McKENZIE: Well, you need to say that, you know, Minister.

Mr. PICKERSGILL: I said that.

Mr. McKENZIE: Yes, but you didn't say whether or not...

Mr. PICKERSGILL: Well, I am repeating it, yes, NEPA carries out...

Mr. McKENZIE: Okay... Minister, my understanding, based on newspaper reports that NEPA had indicated... to take legal action against the National Solid Waste Management Authority - an announcement was made, and I guess quite a number of Jamaicans, including the Opposition, felt that this was a good move, only to have that joy short-lived when NEPA withdrew its intention. Can the Minister say what was the reason for NEPA to discontinue the action and was there any external or political pressure...

Mr. DALLEY: Man, sit down... man, sit down!

Mr. McKENZIE: ...placed on NEPA... You have a problem *dung* a Clarendon; it soon *tek* care of you.

Was there any external or political pressure placed on NEPA why they took the decision not to continue with the actions?

A Government MEMBER: No, no, no!

Mr. McKENZIE: You won't reach Minister position so I won't accept *nutten* from you.

(The Deputy Speaker gavels)

Mr. PICKERSGILL: I said the answer is no!

Mr. McKENZIE: I don't hear you.

Mr. PICKERSGILL: No!

Mr. McKENZIE: Get up and answer me...

(Inaudible)

(Cross talk)

A MEMBER: You think you down a Tivoli.

Mr. McKENZIE: Yes... I am not finished with you, you know.

(*Sotto voce* comment)

Mr. McKENZIE: Minister, were you in agreement...

Mr. SHAW: Where you come back from? Go back over there.

Mr. McKENZIE: Were you in agreement with the actions taken by NEPA to discontinue the Court action? Were you in agreement?

Mr. DALLEY: Speculative!

Mr. PICKERSGILL: I do not interfere with NEPA in the carrying out of their operation; it's not my style, I don't do it.

Mr. McKENZIE: So you are saying, Minister, on issues such as this, NEPA had no consultation with you on the matter? Is that a question of interference but as the Minister, and it is a sensitive issue, a sensitive issue. Are you saying that NEPA had in regards to policies - are you saying that NEPA had no discussions with you one way or the other on this matter?

(*Sotto voce* comment)

Mr. SHAW: Never ask you anything.

Mr. BUCHANAN: We don't operate like that.

Mr. McKENZIE: You still say no? Okay, Minister. Are you satisfied with NEPA's performance in the handling of the Riverton City fire?

Mr. PICKERSGILL: Which question is that? That's an additional...

Mr. McKENZIE: Yes, additional.

Mr. PICKERSGILL: Yes, I am.

Mr. McKENZIE: You are satisfied?

Mr. PICKERSGILL: Yes.

Mr. McKENZIE: Can the Minister update the House as to whether or not any further testing has been done since the fire has been extinguished by NEPA, air quality testing since the fire was put out?

Mr. PICKERSGILL: The answer is yes. And I was advised that the - in fact, on my way in here earlier a news person told me that they had the results, so obviously if he is correct the results were published.

Mr. McKENZIE: You are saying that the news had the response before you the Minister with responsibility?

Mr. PICKERSGILL: I am not saying that. I have no doubt it is in my office.

(*Sotto voce* comment)

Mr. PICKERSGILL: I wonder if your pants have pockets.

Mr. McKENZIE: Mr. Minister, I would appreciate, Minister, if you could provide me with a copy of the latest findings. Minister, can you give assurance that NEPA, which falls under your direct responsibility, will do everything to secure the public and to ensure that all the necessary criteria that has been laid down by NEPA, that the National Solid Waste Management Authority meet those guidelines?

And the last question, are you in support of the relocation of the dump?

Mr. PICKERSGILL: I am guided by what the experts say, you know, and I think that has been advocated. And I think there is a search on now for an alternative site but that will have to meet NEPA's conditions, and I have heard of a name which I won't necessarily mention here but there is quite some activity in that regard.

Mr. McKENZIE: Is NEPA actively a part of the study - is NEPA a part of the study in terms of seeking this new location?

Mr. PICKERSGILL: No. Both of us are standing.

Mr. McKENZIE: Is NEPA a part of the study in looking at this new location? Because it would be good from the beginning of the process, Minister to have NEPA integrally involved in what is taking place.

Mr. PICKERSGILL: Careful now, because NEPA is regulatory and you can't...

(*Sotto voce* comment)

Mr. PICKERSGILL: Right. But they can't be involved there and then something happens and they make a report to that same NEPA. So I know what you are saying but they could go so far and no further because they are regulatory. When the thing is finished they come to NEPA and NEPA will investigate. But before it's passed you know NEPA will go there and say what they have found and say whether they agree or disagree.

Mr. McKENZIE: Thank you, Minister.

Mr. PICKERSGILL: You are welcome.

Mr. McKENZIE: Mr. Speaker, the Minister of Health has some - I would like to ask the Minister of Health now to respond to the questions that have been tabled.

The SPEAKER: Dr. Ferguson.

(*Sotto voc*e comment)

The SPEAKER: Dr. Ferguson, Minister Ferguson.

Dr. FERGUSON: Yes, thank you.

The SPEAKER: We need the – yes okay.

Dr. FERGUSON:

Question 1:

How many persons have been recorded as having health concerns because of the fire at Riverton City?

Answer:

Data collected represent total figures of the respiratory and allergic conditions seen at the Accident and Emergency Department...

(The Speaker gavels)

The SPEAKER: Doctor, as a matter of course we need to have a copy of your...

(*Sotto voce* comment)

The SPEAKER: Thank you. You may continue, Minister.

Dr. FERGUSON:

The data collected represents total figures of respiratory and allergic conditions seen at the Accident and Emergency Department of hospitals and primary care centres. The data in the format collected would not be able to give the number of cases that are attributable to the Riverton landfill fire. Comparisons were done to assess the change in the number of persons seen at the Spanish Town Hospital and the Bustamante Hospital for children with respiratory conditions. An increase may be used as an indicator of the effects of the fire assuming that the Riverton landfill fire is the only factor responsible for the increase in the numbers.

At the Spanish Town Hospital for week ending 14th of March 2015 and week ended 21st March 2015, there was a 7.6 per cent and an 8.1 per cent increase respectively in the number of persons with respiratory conditions over the week ending 7th March, 2015. The Bustamante Hospital for Children for the week ending 14th March 2015 there was a 12.7 per cent

increase in the number of persons presenting with respiratory conditions over the same period of the week ending 15th March 2015.

Question 2:

State whether or not there were shortages of asthma medication or any other medicine that could have assisted those persons affected and who sought medical attention.

Answer:

All major pharmacies, both health centre and hospital-based, had adequate supply of medication to assist all persons who presented for treatment. These included Ventolin inhaler, nebulization solution, Atrovent Nebulization Solution and inhaler, Fluticasone inhaler, oral prednisone, Salmeterol and Fluticasone combination. Initially, there was a limited supply of Beclomethasone inhaler, the Fluticasone inhaler which belongs to the same family of drugs was substituted until an adequate supply of Beclomethasone was received. All patients were successfully treated.

Outline based on the report of NEPA and advice from the technocrats what are the risks to residents of the Kingston metropolitan area and surrounding area to being exposed to the compounds emanating from the dump. The health effects of particulate matter 10 and 2.5 are well documented. There is no evidence of a safe level of exposure or a threshold below which no adverse health effects occur. Exposure over both the short term, hours today and long term, months to year, is associated with respiratory and cardiovascular morbidity. Air quality testing done in the vicinity of the Riverton fire revealed presence of PM 10 that exceeded the annual average 50 mg per m^3 at all the test sites and the 24-hour standards of 150 mg per m^3 at that site.

In the short term residents could experience the following symptoms: cough, productive or nonproductive; nasal congestion, wheezing; chest tightness; shortness of breath and eye irritation to include redness, tearing and itching. In the long term it is estimated that approximately three per cent of cardiopulmonary and five per cent of lung cancer deaths are attributable to PM globally. The volatile organic compound Benzene, which is a well-established cause of cancer in humans, was also found in quantities exceeding the baseline. Acute effects of Benzene include headache, dizziness, drowsiness, confusion, tremours and loss of consciousness. Chronic Benzene exposure causes acute myeloid leukemia, acute non-lymphocytic leukemia, acute and chronic lymphocytic leukemia, Non-Hodgkin's lymphoma and multiple myeloma.

Long term exposure also reduces the production of both red and white cells resulting in aplastic anemia. The immediate effects experienced by residents in the environment of Riverton disposal site were successfully treated. However, the long term effects are not

known and would require in-depth research to definitely document the sequence.

Mr. McKENZIE: Minister, thank you. Minister, just three quick questions, Minister and I will just state all three at the same time.

You refer in response to the question, in answer to Question 1, the average amount of persons that were seen. Is it unusual for this time of the year for a number of persons, or it could be attributed directly to the effects of the smoke?

Dr. FERGUSON: Yes, you could, but from the Report it is obvious that some persons impacted would have been attributed to the Riverton fire based on the percentage increase. Remember I spoke to the allergic reaction as one other aspect *versus* the respiratory reaction. We are therefore saying that at this time or at the time we were talking about you could have had that, but in addition it is obvious that the Riverton fire would have impacted residents.

Mr. McKENZIE: Are you in a position to say whether or not what percentage of persons seeking medical assistance now can be attributed at this point in time to the after effects of the fire?

Dr. FERGUSON: No, I don't have that information. But I said in my answers, and I know my Ministry is in discussions relative to whether we ought not to be engaged in the necessary research with the University and other stakeholders to look at what is happening at Riverton. Because while we cannot say with certainty that persons who are coming to hospital now it is a direct reaction to Riverton, or I don't have that information coming to me, I am saying that we need to look at the long term effect. What my response showed is that the Benzene level was higher than before and therefore it is telling us that from the perspective of health we need to do that follow-up study or research to see what over time could be the results.

Mr. McKENZIE: Final question, Minister. Minister, I don't know if you – off the hat - if you could respond to the question. Is the Minister in a position to say what was the cost to the country in terms of overtime and all the necessary cost that was incurred? Is the Minister in a position to say what that cost is and how will that affect the budget of the Ministry?

Dr. FERGUSON: I don't have that figure now. It is something I could ask my people to provide, and as I said, because we weren't able to disaggregate the causes we could ask to see what the figures would be, whether it was allergic reaction or respiratory reaction relative to suspected fire victims. So, I could get that for you.

Mr. McKENZIE: Yes, and the cost Minister should also include what you incur to open centres which would not have normally been open on weekends.

Dr. FERGUSON: Yes.

Mr. McKENZIE: It would be important, Minister…

Dr. FERGUSON: I know.

Mr. McKENZIE: …as a part of the corrective measure on the way forward, if we could look at it holistically.

(Inaudible comment by Mr. Arscott)

Mr. McKENZIE: Don't listen to him

because him no have much sense, because if him did have sense you wouldn't have the fire.

To look at it in a reasonable way, Minister, so that we can prevent it or to put ourselves in a position to respond in a more positive way. Thank you.

Dr. CAMPBELL: But the fire go on dem time too. You ask foolishness too much.

Dr. FERGUSON: Member -

Mr. McKENZIE: Shut up.

A MEMBER: Why you don't ask the Minister who light the fire?

(The Deputy Speaker gavels) (Heckling)

Dr. FERGUSON: Member, Member from West Kingston.

Mr. SHAW: Keep quiet.

Dr. FERGUSON: No, it's a good question, so I will pursue, because it does impact our budget. So I will pursue.

Mr. McKENZIE: Thank you Mr. Speaker.

Thank you Minister.

Mr. BARTLETT: Mr. Speaker.

The Deputy SPEAKER: Yes.

Mr. BARTLETT: Mr. Speaker, I am just concerned about the response that I am hearing a while ago, and I just want to make sure that the Minister did in fact say what I heard. That there - in the first answer that there wasn't a number, a figure as to how many people were affected.

Dr. FERGUSON: Within the period there would have been a figure, what we have said is -

Mr. BARTLETT: No, I am coming. Because, Mr. Speaker, the report we have in the public space is that more than 800 people were treated at various health centres. Now, the Minister was able to give percentages at a later point as to what the frequency reflected, you know, what percentage increase on the previous visit. So, if there was able to be a percentage derived there had to be base figure and the percentage had to be in relation to some figure. So, I just want to be clear, Minister, that, you know, it is 800 or it is more than 800. If you have not been so advised you perhaps need to advise yourself and let us know, because this particular -

(Inaudible comment by Dr. Ferguson)

Mr. BARTLETT: Please, because I have another question to ask after if you can give the exact figure.

Dr. FERGUSON: In relation to what we regard as persons affected by allergy, *versus* persons who were showing respiratory distress, some that could have been related to Riverton, some could have been a part of the normal period, persons we see. The numbers between the 13th of March and the end of March -

Mr. BARTLETT: Twenty-first of March.

Dr. FERGUSON: Well, I know for –

Mr. BARTLETT: Twenty seven days.

Dr. FERGUSON: Right, but for all that period to the end of March the figures I have is somewhere in the region of 3,314 persons from over that period, from the 13th to the end of March, but as I said, we could not by virtue of the reported format ascribe those numbers to Riverton-impacted persons.

Mr. BARTLETT: Three thousand?

Dr. FERGUSON: Right, and from that we had…

Mr. BARTLETT: But it would be 800 -

Dr. FERGUSON: …1,209 that were seen at the Bustamante Children's Hospital. Out of that number, yes, and that involve a number of health centres.

Mr. BARTLETT: And of course Minister, they would have been able to tell you who were the victims. In other words, if you had cases that came which were repeat, so you would know that this person has a condition, and, therefore, it would not be occasioned by the fire but might be exacerbated…

Dr. FERGUSON: It could first impact.

Mr. BARTLETT: That's correct. So, you would be able to determine who were first impact as against those who are repeat. So of the 3000, would you be able to say how many of that 3000 were first timers who had no…

Dr. FERGUSON: No, I don't have that detail.

Mr. BARTLETT: You don't have that figure. But that figure would be important. It wouldn't be 800 or so?

Dr. FERGUSON: No, I can't. I don't want to…

Mr. BARTLETT: You can't say. All right. Okay.

Minister, the report that came out indicated that there was a high risk of Benzene which is a carcinogenic compound, a cancer bearing compound, and that there was a high risk of it in air, and also, that the exposure after 24 hours would have been what cause the high risk factor to be indicated. Does that mean, Minister, that the city of Kingston and its greater areas were in fact exposed to a high concentration of carcinogenic compound, cancer bearing compound for up to seven days in March?

Dr. FERGUSON: I would not want - great a question as that might be I would not want to attempt to respond. A question of that nature I would much prefer my technical staff to advise me on that. Because, as you know, it is not something you would want to speculate but it is a question I could get advice on in that regard.

Mr. BARTLETT: Which means, Minister, this House would need to get that information because it has implications for the health security of our country.

And finally. There was no established ambient air quality standard for benzene, which means that…

Mr. DALLEY: You sure?

Mr. BARTLETT: Well, I am quoting from the report. So, if indeed there wasn't, would you really be able to say properly to this House the true extent of the exposure that we all had to benzene?

Dr. FERGUSON: Well, just to say that the veracity of your question relative to whether what you are posing to be true, as to whether there is no established - that is something, that is something I would rely on my technical people to give me. I wouldn't go from a report from the papers or that kind of thing, I would much rather get that by virtue of technical advice.

Mr. BARTLETT: Minister, I just want to appreciate that I am coming to you from the very report itself and quotations from the report, not just a….

Dr. FERGUSON: What report?

Mr. BARTLETT: The report that was issued today by NEPA from the Canadian firm that they contracted to do the report.

Dr. FERGUSON: It would be unfair to ask me. Member, I am not…

Mr. BARTLETT: No, but I am just telling you now that…

Dr. FERGUSON: But I am saying, it is unfair to ask me…

Mr. DALLEY: You wouldn't answer from that.

Mr. BARTLETT: So Minister…

(Inaudible comment from Dr. Ferguson)

Mr. BARTLETT: Minister, if the report, if the report were made public and found itself in public space, in public space, it should have been available at least within the last 24 hours to your Ministry and to NEPA…

(Heckling)

Because, because…

Mr. DALLEY: (Inaudible comment) -- the Minister of Environment.

Mr. BARTLETT: No, no. No, but this has to do with health, this is very critical. This is very critical.

Mr. McKENZIE: Dalley, him caan speak for himself? What is wrong with you?

(Heckling)

Mr. BARTLETT: …and Mr. Speaker, I am speaking against the background, you know, of the wholesome government that we must have.

(*Sotto voce* comment)

Mr. HENRY: Joined government.

Mr. BARTLETT: Wholesome.

Mr. HENRY: Joined government.

Mr. BARTLETT: Wholesome government that we must have, because, Mr. Speaker, matters of public health are critical, and cancer-bearing compounds in the atmosphere is dangerous. We cannot take it lightly and, therefore, this House, this House pays the highest - trust me. This House pays the highest premium on the quality of information with regards to this, because we have been through it before.

There was another compound which has caused hundreds, hundreds of Jamaicans to have cancer years after. One of the schools in this city had an issue with it and several of the graduates from that school, even today, as you know, are dying as a result. So, Mr. Speaker, I crave your indulgence.

The Deputy SPEAKER: Yes, Mr. Bartlett…

Mr. BARTLETT: Members need to be seized of this matter.

The Deputy SPEAKER: Mr. Bartlett.

Mr. BARTLETT: Members need to be seized of this matter.

The Deputy SPEAKER: Mr. Bartlett.

(Heckling)

Mr. McKENZIE: You bright. That ah yu problem.

Mr. BARTLETT: Member, Member, thank you.

(The Deputy Speaker gavels)

Mr. BARTLETT: Thank you very much.

The Deputy SPEAKER: Mr. Bartlett, I have been giving you some latitude but…

Mr. BARTLETT: Yes.

The Deputy SPEAKER: …but you will appreciate…

Mr. BARTLETT: No, no, but, Mr. Speaker, I appreciate the latitude…

The Deputy SPEAKER: …this is Question and Answer, please.

Mr. BARTLETT: Yes, I appreciate the latitude but I also wish to be able to ask it in silence. To exercise that latitude in silence. Thank you.

Finally, Minister, would you then undertake to come back to this House with a full report on this whole matter, and indeed to do it, if possible, tomorrow or if not the very next sitting of the House, because I do think that this is of very critical importance to the public health of our country.

Dr. FERGUSON: Specifically as it relates to the report that came out?

Mr. BARTLETT: Yes.

Dr. FERGUSON: Okay. I will undertake, I can't tell you I can bring it tomorrow, but certainly, yes, because we would be just as concerned about what you have raised and even as we know that we carcinogenic material and air that is around us daily, what we are deeply concerned about in the case of Riverton, is that the levels were higher than what we have seen in the past, and it is something that we have - and I know that there is plans afoot to do some research to look at what is the long term because it's really the long-term impact that is more of concern than the shorter term. But I will undertake it.

Mr. McKENZIE: Mr. Speaker, before, you - I would just like to find out from the House Leader if the remaining questions that have been tabled in my name, Minister of Local Government is overdue. Will…

Mr. SHAW: Answer the question now.

Mr. ARSCOTT: I can answer them now.

(Cross talks)

(The Deputy Speaker gavels)

Mr. McKENZIE: You are nothing but a little - cho!

Mr. L. BUCHANAN: What? Watch your mouth, you know.

The Deputy SPEAKER: Mr. McKenzie.

Mr. McKENZIE: I would like to get from the House Leader…

Mr. L. BUCHANAN: You pompous because people sit down ah listen to you and tolerate you.

Mr. McKENZIE: …because the questions are long overdue.

Mr. SHAW: That's right.

Mr. McKENZIE: Long overdue.

The Deputy SPEAKER: Okay.

Mr. SHAW: You have the answers there, you have them?

Mr. ARSCOTT: Yes.

Mr. SHAW: Well answer them.

(Heckling)

Mr. PAULWELL: Mr. Speaker…

(The Deputy Speaker gavels)

The Deputy SPEAKER: Mr. Speaker, the questions

The Deputy SPEAKER: The question was posed to the House Leader, let him answer.

ADJOURNMENT

Mr. PAULWELL: The question for the Minister of Local Government will be answered tomorrow and the Minister of Finance will be answering his questions next Tuesday.

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 tomorrow, the 6th of May at 2:00 p.m.

The Deputy SPEAKER: The question is that this Honourable House now adjourn until tomorrow, May the 6th at 2:00 p.m.

Motion put to the House and agreed to.

The Deputy SPEAKER: This Honourable House now stands adjourned.

The house adjourned at approximately 6:03 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2015 – 2016

WEDNESDAY, May 6, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:42 p.m.

PRESENT

THE SPEAKER

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

MEMBERS OF THE CABINET

THE HONOURABLES:

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

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

OTHER MEMBERS

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

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

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

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

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North 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

PRAYERS

Prayers were offered by Rev. Ronald Thwaites.

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

The SPEAKER: Let me remind our visitors here today that they're not to be participating in any of the proceedings, they're to sit quietly.

STATEMENTS BY MINISTERS

Mrs. NEITA-HEADLEY: Mr. Speaker, we will take a statement today from the Minister of Education, the Member from Central Kingston.

TEACHERS' DAY, 2015

The SPEAKER: Minister Thwaites.

Rev. THWAITES: Mr. Speaker, today I ask the House to honour and pay tribute to some real heroes - our teachers.

(Applause)

Teachers' Day is a time to share stories about and express appreciation to teachers who have shaped our lives - fundamental people who helped us to become what we are today.

For me there was Miss Butler who took time to notice that the six-year-old child at the back of the class was distracted because he needed eyeglasses so he could see the blackboard. Then there was Miss Ross who enticed us into the library and showed us the magic of great books.

Mr. Speaker, I recall today my high school principal who, after discovering that in an essay I had used an author's quote without attribution, explained to me sternly, but compassionately, the wrong of plagiarism, rather than suspending me.

All across Jamaica there are hosts of teachers who go the extra mile to ensure that the nation's children achieve optimal learning. I make mention of the teachers in Quality Education Circle Number 32 in Region Three as a representative group of thousands more. These teachers have taken up the challenges associated with the inadequate performance of the children in Mathematics, Language Arts and Student Assessment, and they have reviewed and analyzed the data - very important, Mr. Speaker, using data to guide pedagogy - they have reflected on the actions necessary to improve children's performance on an individual basis, and they have taken steps to turn their schools around. (Applause)

They are the ones who are making sure that the school improvement plans, the fruit of

the national education inspectorate are not just mere reports to be shelved, but rather active documents and directions for the improvement of education. These are fine examples of teachers and principals working together to add value to our children's learning experiences and outcomes.

And we at the Ministry of Education are hopeful that the ongoing negotiations between the teachers and the Government will soon conclude with mutual satisfaction. And the Ministry of Education is committed to finding ways to improve teachers' conditions of employment within our budget. (Applause)

Mr. L. BUCHANAN: Hear! Hear!

Rev. THWAITES: Mr. Speaker, I take the opportunity on Teachers' Day 2015, to specially commend the hardworking primary school teachers and their principals who are now preparing students in the nine-year-old cohort to sit the Grade Four Literacy and Numeracy Tests at the end of June.

The Grade Four Literacy Test is a crucial examination because students have to pass it in order to be eligible to sit the Grade Six Achievement Test which not only determines placement in a high school, but truth be told, pretty much determines the success of all further education.

Mr. Speaker, look at what Mrs. Lewis at Scholfield in St. Elizabeth has been able to do with no more resources and no brighter children than most other places.

(Applause)

Mr. PARCHMENT: That's right.

Rev. THWAITES: Many teachers have given free extra lessons to students who are in need of additional attention. I hail the teachers at Mannings Hill Primary in St. Andrew and Lyssons Primary in St. Thomas who are among thousands of teachers in hundreds of schools who give freely of their time, before classes in the morning, after classes in the evening, on weekends to ensure that needy students receive addition tutorial time. (Applause)

Leadership and Modelling are crucial attributes of good teachers. Mr. Speaker, just look at the transformation taking place under Mrs. Dobbs at Buff Bay Primary and Mrs. Henry-Tracey at Brimmervale High and Mrs. Bolt at Holy Trinity High. (Applause) And there are scores of others like them and, Mr. Speaker, some too who must try hard to be like them.

(Applause)

Miss HANNA: Hear! Hear!

Rev. THWAITES: Our schools need the support of the entire nation. We need all hands on deck. The teachers need to be supported by parents, other relatives, members of the community, volunteers, Members of Parliament, alumni, everyone.

Today let us all join hands with teachers and to pay respect as they seek to add value to our children's lives through education. I'm sure all Members of the House will join me in saluting the Jamaican teachers.

Thank you very much.

(Applause)

The SPEAKER: Mr. Bartlett.

Mr. BARTLETT: Mr. Speaker, I rise in support of the Statement by the Minister today extolling the virtues and values of those who

are at the very forefront of the development of the human capital of our nation.

We think that our teachers Mr. Speaker are never able to be rewarded for the work that they really do. In fact, we think about them, so much in terms of the economic phrase of utils of satisfaction that accrue to them from seeing lives being transformed and children who normally wouldn't have had a chance, being given an opportunity to become men and women of quality, substance and value in the society.

On my part, Mr. Speaker, my political career has been joined at the hip, umbilically in fact, with education. And the teachers in my constituency have been a very important part of the landscape of activities that we ensure that we develop over the years. We provide scholarships for our teachers every year. And almost all of the teachers in my school who are part of these, St. James Education Trust, have been through a tertiary institution as a result of scholarship awards that we've provided over the last 11 years.

(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, we offer awards as well, every year, recognition for work that they have done, as well as for the years of service that they have given to the profession. And I think that in a small way, very small way, we try to make the teachers feel that their contribution is valued and that what they are doing truly we can't compensate them for, but in our small way we can show deep appreciation.

So today we invite not all of us in this House, but certainly all parents and past students across Jamaica and the Diaspora to find a way to say a word, to show a deed, to do an act that will make our teachers feel that they are truly, truly loved, respected and wanted. (Applause)

In closing, Mr. Speaker, I would just like to say that some of us may not be able to send our teachers today to hotels or to provide them with large lunches or dinners, notwithstanding my good fortunes, I have been able to send half of my teachers off today for day facilities at some of the hotels on the north coast.

But we want the point to be made that in any way at all that you can do it, do something for teachers today. (Applause)

ANNOUNCEMENTS

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

- **Ministry Paper No. 90**
  Annual Report of the Private Security Regulation Authority for the financial year April 1, 2011 to March 31, 2012
- **Green Paper 3**
  On the National Youth Policy 2015-2030
- Creative Production and Training Centre (CPTC) Annual Reports and Audited Financial Statements for the

- financial years 2012/2013 and 2013/2014

MOTIONS THAT MAY BE MADE AT THE COMMENCEMENT OF PUBLIC BUSINESS REQUIRING NOTICE

Mr. D. SMITH: Mr. Speaker.

The SPEAKER: Yes, Mr. Smith.

Mr. D. SMITH: Mr. Speaker, we seem to continue getting the run around as far as answering these questions are concerned. We had a firm commitment yesterday from the House Leader that the other questions still pending from the Member from Kingston Western would be answered this afternoon, right, and it is also on the agenda circulated. So, you know, we are asking questions.

Mrs. NEITA-HEADLEY: Mr. Speaker, the Member isn't here at this time, and certainly we would not be averse to have the item recommitted when the Minister comes.

(*Sotto voce* comments by Mr. Warmington)

The SPEAKER: Thank you, Mr. Warmington.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

The SPEAKER: Mr. Dalley.

Mr. DALLEY: Mr. Speaker, I move to introduce and have read a first time a Bill shortly entitled, "The Income Tax (Amendment No. 2) Act, 2015".

Bill shortly entitled:

"The Income Tax (Amendment No. 2) Act, 2015",

read a first time.

Mr. DALLEY: I give notice of second reading of the Bill.

PUBLIC BUSINESS

Mrs. NEITA-HEADLEY: Mr. Speaker, at Public Business today, we will seek to close the Sectoral Debate. We will take final contributions from the Minister of Youth and Culture followed by the spokesperson on Foreign Affairs and Foreign Trade, Opposition, the Minister of States in the Ministry of Foreign Affairs, the Honourable Arnaldo Brown, Minister of Tourism and Entertainment will close the debate, the Honourable Wykeham McNeill.

SECTORAL DEBATE

The SPEAKER: Minister Hanna.

(Applause)

Miss HANNA: Thank you, PM.

Mr. Speaker, as I rise to make this contribution to this Sectoral Debate, I give God thanks for the serenity to accept the things I cannot change, the courage to change the things that I can and the knowledge to know the difference.

I want to thank you and the Parliamentary staff for the work that has been done in organizing these presentations. I want to specially thank my Prime Minister and my Cabinet Colleagues and my colleagues in this House both on this side and on that side of the House for your patience and grace and support

over the many years that I have been here. (Applause)

I want to also thank my ministry staff headed by my Permanent Secretary Mrs. Shirley O'Reggio Angus, (Applause) my personal staff, the various agency heads, Board Chairmen and Board members for their continued support, hard work and dedication. I also want to thank the Dean of the Diplomatic Corps and the other members of the Diplomatic Corps who have not only supported the Ministry, but the various ministry programmes and projects over the years. (Applause)

Mr. Speaker, my beloved South East St. Ann and the representatives who are here headed by my constituency executive, and Councilor Bell, my office staff... (Applause) ...group chairmen and delegates. Mr. Chairman, South East St. Ann remains strong and I am heartened by the unwavering support given to me by both the delegates and the constituents in spite of the efforts of a few.

I just wish to place my love and undying support to the people who have placed me here for a second term and in the constituency debate, I will speak about our projects and programmes coming up.

Finally, Mr. Speaker, I want to thank my family, my love Richard and Alexander... (Applause) ...for not only understanding my long hours of work, but providing me with undying love and support.

(Applause)

Mr. Speaker, for those persons who are not here you can tune in live to www.mvc.gov.im/connected

Mr. Speaker, May is child's month, a month where our nation pays tribute to our children the 809,000 or 29 per cent of our population who are under 18. At the Ministry of Youth and Culture everyday for us is dedicated to our children. We have made significant strides in improving the state response to children under our care, but this is really being overshadowed by cultural problems that we have had and not spoken about for a number of years. I know that every well-thinking person in this country has been sickened, horrified and deeply troubled by the alarming and frequent reports of cases of abuse, rape and murder. Certainly, it is very horrifying especially when it happens on a daily basis to the most precious assets of our country, our children.

Each time I get a new report from the Child Development Agency or the Office of the Children's Registry I hurt to my very core because I can understand the pain that the child feels. Mr. Speaker, data suggests that this culture has developed because of a number of practices, but none more glaring than the breakdown in the family structure, and I am calling on all Jamaicans, particularly, the church, teachers and communities to pay special attention to our children's need for guidance, mentorship and protection. We have to move away from 'a nuh mi pickney', to 'a mi pickney' Mr. Speaker.

Mr. Speaker, at the Ministry of Youth and Culture, we are proud of the work of our children's boards, our child agencies and specially our children themselves. We get an average of about 220 such cases of child abuse

per week, and over the past year, we have increased the number of child investigators at the CDA and cleared the number of backlogs by 4,000 reports last year. Because of the increased number of supports we have brought on an additional ten investigators bringing that number of investigators up to 26. Mr. Speaker, we also increase the number of children in State Care qualifying for tertiary education from one child in 2012, to 46 children last year. (Applause)

Mr. Speaker, I am pleased to report that we have cleared the backlog of child adoption cases by 900 cases, some cases as far back as 2003. We also instituted a best practices programme for the Standards of Care at Maxfield Park Children's Home which involves extracurricular activities, mentorship, fieldtrips and certainly other activities to benefit our children which will be rolled out into other children's homes this coming year.

We increased the number of children taken into foster care by 855 and we really want to thank the 800 families who have open up their homes to foster children and we have put... (Applause) ...and we have put a number of systems in place now to revitalize that Foster Care Programme so that we can add more resources because we believe that children are better off in a family setting.

We also reduced the number of children that went missing last, Mr. Speaker, by 10 per cent. (Applause) And we are happy to report that even though missing children are still a stain in our country, Jamaica now leads the region in reports and bringing back children. (Applause) And we have report - and we have brought back nine (9) out of every ten (10) children who have gone missing.

We have introduced and implemented the first phase of the case management system which is an electronic system that tracks a child from entry to state care to exit, and it will also make the work between the office of the Children's Registry and the CDA a lot easier. We implemented that first phase and the next two phases will be rolled out this year. What you will also see is that the reporting and managing of the mechanisms for tracking children will be a lot easier, Mr. Speaker.

We also recognize that half of our children in State care - of the 4,600 children that we have in State care - need professional counselling and help and through the engagement of counsellors, clinical psychologists and psychiatrists we have been helping about 2,000 children with counselling, 805 of whom have been referred to clinical psychologist for help, and Mr. Speaker, this is a serious problem because we have been seeing issues coming up in ADHD, depression, we have seen predatory sexual behaviour, we have seen post traumatic stress disorder and that programme of therapeutic intervention is so necessary that we are going to bolster it, and we are going to make sure that there is space in every single parish for therapy for children in State care so that they get the help.

Mr. Speaker, it is not an easy thing when you have an eleven-year-old in your system whose father has died and what happens to him is that his mother left him, he has been

transferred eight (8) different times between family members and by the time we got him he tried to commit suicide ten (10) times, these are the kind of things that we are seeing coming into State care, Mr. Speaker, and we are attacking the abuses and violence against our children through programmes, education and public awareness. And we are connecting, we are going into schools, we are going into communities. Last year alone we helped about fifteen hundred parents in terms of parenting seminars, and I really want to thank the CDA and the OCR, and we are going to bolster this programme this year, Mr. Speaker, because we want to bring a closure to some of the resolutions in outstanding cases as it relates to our children. (Applause)

Mr. Speaker, we also published the first search and rescue protocol and also conducted search and rescue trainings to over 150 volunteers islandwide. We now have a partnership with the Jamaica Library Service to assist with the dissemination of the Ananda Alert System, and that system now plugs us straight into parish libraries and to other networks through the Jamaica Library System, and I really want to thank all our partners and urge other persons to get on board, it really has assisted in returning our children home.

Mr. Speaker, we have reviewed the Child Care and Protection Act and the Child Adoption Act, and we will be presenting those aspects of the Act of the CCPA that are relevant to our Ministry, that is the licensing of homes, the standard of care, the removal of the uncontrollable statute out of the law to the Joint Parliamentary Committee so that we can make sure that we have the correct systems in place.

I am also happy to report to this House that of the 45 privately operate children's homes, 38 or 84 per cent have been issued with licenses, the other seven (7) homes have submitted applications but have outstanding documentations to fulfill the requirements for the licensing and they have been written to and they have been given a deadline and we are going to be working with them to make sure that they are able to get their standards up to speed.

Mr. Speaker, when I led the delegation to Switzerland earlier this year, what was very clear was that the Committee on the Convention of the Rights of the Child, admittedly, said that we had made strides, in terms of our children's development, and they had seen the strides that we had made, as a country.

What they wanted us to deal with, however, was the impact of violent environments on our children, in particular, physical and sexual violence, and the things that they saw around them. Because we have to be honest with ourselves; a lot of our children are living, whether it's in domestic violent situation, violent situations at school, there are aspects of violence that confront our children on a daily basis.

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

Acts of violence against our children, Mr. Speaker, cannot be condoned. The incidents of murder, physical and sexual abuse that we have seen is really symptomatic of a society that has lost her soul. The Government remains committed to using every tool at our disposal to protect our children and youth from abuse.

(Applause)

When the rights of children are infringed, perpetrators will be punished in accordance with the law. However, Mr. Speaker, the society must come to the realization that the protection of our children is not the responsibility of any one person, ministry, or group. The protection of children is the duty of all of us. (Applause) We are not a country at war, neither do we have the kinds of conflicts that we see in some other places but we have a problem; how does a mother know that her child is being abused and says nothing? How does a mother have an 11-year-old girl pregnant in her house and does not know? How does a community say that they suspected a child was being murdered and says nothing after the child has been murdered and when the time comes to make the statement to the police, the community goes silent? How does someone deliberately set fire to a house knowing that three children are inside, Mr. Speaker?

Mrs. NEITA-HEADLEY: True, true!

Miss HANNA: Our clinical psychologists tell me that this is a generational breakdown of the family structure in our communities. (Applause)

Mrs. NEITA-HEADLEY: True, true!

Miss HANNA: It is also symptomatic of multiple partners, of family history of mental health, the incarceration of some parents, and adverse childhood experience, just to name a few, including single parenting.

Mrs. NEITA-HEADLEY: Yes, yes!

Miss HANNA: Mr. Speaker, how much *pickney* you get, or having out your lot is not a stripe, unless you can do right by your children.

Mrs. NIETA-HEADLEY: Hear, hear!

(Applause)

Miss HANNA: A mother with six children, with six baby fathers, or the converse, a father with six baby mothers is not proving helpful to what we are seeing coming into our State care systems and facilities...

Mr. McKENZIE: You hear Luther?

Miss HANNA: ...because the parents just don't have enough time to spend with the children.

Mr. Speaker, every single piece of Legislation is in place to protect our children. The budgets are in place; we have the sanctions; the Sex Offenders Registry is up and running, under the DCS, and our Prime Minister has even called for stronger sanctions on perpetrators who have offended children.

I know that we are tempted to go for the easy fix, and certainly, point a finger at the scourge of poverty. And while the conditions that are bred from poverty are presented in most cases that come before us, the truth is that the answer that we seek to address these problems lie within all of us. It lies within the choices that we make, as Jamaicans, on a daily basis, about the responsibility that we are going to take to have children.

Mrs. NEITA-HEADLEY: Hear, hear!

Miss HANNA: But all of this amounts to zero if parents and communities don't wake up and speak up. Burning the house after the fact is not the solution. We have made several arrests, in terms of child trafficking in this country, and rescued over 20 young girls, but we cannot make a conviction because the persons are not coming forward with the statements.

The time has come, Mr. Speaker, to get connected; get connected to the truth about really what is happening on hurting our children in this country.

Mrs. NIETA-HEADLEY: Hear, hear!

(Applause)

Miss HANNA: The practice of keeping silent and not giving the evidence to convict the perpetrators who abuse them must stop. Earlier this year, I said that the Ministry of Youth and Culture has a zero tolerance approach to those who abuse our children, and to this end we have been spearheading with the CDA, and we have put what we call a National Plan of Action for an integrated response to children and violence.

The goal of the NPACV is to create and maintain a protective environment, supportive of and responsive to the issues of violence, child abuse and maltreatment of children in Jamaica. And it is going to be an integrated approach between all of us as Ministries that we will be implementing during the course of this year.

Mr. Speaker, as a parent, I understand the emotional and financial sacrifices that go into having a child, and certainly, in terms of being a parent. And I really want to big up all those parents who are really working hard to put their children first.

(Applause)

A MEMBER: Thank you!

Miss HANNA: It is not an easy job, even for politicians, it is even doubly hard because the time that we have to spend, even with our constituents, sometimes we have to take our children along. I am also aware of the very long hours and the emotional strain of my own staff within our children's agencies that go into making sure that, not only are our children and babies protected, but what happens to him when a child and a baby is abandoned. And I want to say thank you to them all, sincerely, for the work that they do. (Applause)

I am asking all Jamaicans to get involved. And if you want to get involved you can call 1-888-protect, and you can volunteer and you can get involved with the work that we are doing.

Mr. Speaker, the exceptional love that we show our children must become a well-known part of our rich culture. Mr. Speaker, Jamaica is a cultural superpower. When the Leader of the Free World comes to our shores, and in less than 24 hours, he decides to leave his hotel room an go and visit the Bob Marley Museum, you realize the kind of impact that we have had on the world, in terms of culture. Mr. Speaker, we know that we are special, but we are happy to see that the rest of the world knows that we are special too.

Mrs. NEITA-HEADLEY: Hear, hear!

(Applause)

Miss HANNA: So we must work to protect our culture in all its forms, physically and artistically. Our cultural heritage, art and music are the envy of many countries around the world.

I want to share with you, not only the achievements that we have made last year, but some of the things that we are working on for this financial year.

Mr. Speaker, we have ensured that the cultural and religious beliefs of Rastafari were respected in the new Ganja Legislation that was tabled in this House. With the assistance of UNESCO, we have created a databank of the intangible cultural heritage of many communities islandwide; how they make baskets; how they crochet; how they produce sugar sweetie, and all of this can now be viewed as a part of the Databank at the ACIJ at the Institute of Jamaica, and this Data Bank is going to be updated throughout the year on an ongoing basis, so that we don't lose the memories of some of the oral traditions, and other traditions of our ancestors and the older generation in our country.

We will also be producing a cultural passport for thousands of students at the secondary level, and this will allow students to not only visit sites and events free of cost, but also at a reduced rate. This is a build-on of the 2013 Culture Card Programme that we introduced, and we will be introducing this cultural passport where they can get stamps and seals through the JCDC Culture Club Programme, and this will be put in schools for the Academic Year 2015/2016. (Applause)

Mr. Speaker, we facilitated the tabling of the first Report of the National Reparations Committee which was debated in this House, and consultations have been completed in Kingston and will be held in Montego Bay and other areas islandwide. The topic was for the annual Norman Manley Lecture this year was Reparations, and a presentation on Reparations was made at Sankofa International Conference in February, which viewed via satellites by universities in the United Kingdom, as well as York University in New York, and presentations by a number of the Commission members have continued at various service clubs around the island. The National High School Debate with Reparations will also be done as a theme, going forward, Mr. Speaker.

I want to congratulate the JCDC as well because their programmes resulted in a 20 per cent increase in the entries in the performing arts last year, as well as a 30 per cent increase in entries for visual arts last year, Mr. Speaker. (Applause)

Mr. Speaker, this year's National Festival on Emancipation and Independence is expanded, and it is enhanced to include the commemoration of the 150th Anniversary of the Morant Bay Rebellion, a very special Rebellion in our history, led by one of our National Heroes, Paul Bogle. I will tell you more about this when we launch it, but just to tell you right now that the theme is: Proud and Free... Jamaica 53 and you will hear more about this when we launch it later on this year.

Mrs. NEITA-HEADLEY: Hear, hear!

Miss HANNA: Mr. Speaker, I am pleased to tell you that we have added another three museums to the four that we implemented last year, and the ones that will be added this year - you can clap... (Applause) ...are the Simon Bolivar Centre, the National Museum West and the Natural History Museum. What was once called the Museum of St. James is now the National Museum West, housed in the historic Montego Bay Court House, now the Montego Bay Cultural Centre in St. James.

This Museum chronicles the history of the parish of St. James, and how it became known as the stronghold of 'King Sugar' and plantation slavery. The Museum also documents the 1831 Christmas Rebellion which led to the abolition of slavery in the British West Indies, and it details the ascent of Montego Bay as a tourism capital of Jamaica.

Also housed in this Montego Bay Cultural Centre is the new addition to the National Gallery of Jamaica, the National Gallery West. Like the National Gallery of Jamaica, the National Gallery West, will showcase the works of established and upcoming artists. It is expected to mount four major exhibitions per year, with one specifically curated for the National Gallery West. The other exhibitions will be condensed versions of the exhibitions, mounted at the Kingston Branch. So Mr. Speaker, we are also taking our history and our culture to make sure that people on the western side of the island, and our tourists, understand who we are culturally, as a people. (Applause)

This one is particularly pleasing to me because it will guarantee our people an understanding of where we are coming from, in terms of our flora and our fauna, particularly for students both overseas and locally, and those Jamaicans who really want to appreciate some of our endemic species. I am pleased to announce that the Government of Jamaica is partnering with the Japanese Government to enhance the technological capacity of the Institute of Jamaica.

(Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Miss HANNA: This is our largest cultural agency, Mr. Speaker, and IOJ, certainly, and the Ministry of Youth and Culture will be building a class technology driven national history exhibition gallery at the National History Museum which will showcase Jamaican plants, animals, as they would be seen in their natural habitat. So, in the same way that you can go to museums internationally and see the stuffed animals, *et cetera*, children will be now be able to come in a very advanced setting to see the animals, the flora and fauna that are endemic to our country right down there.

In addition to that, the Japanese, working with us will be upgrading the Junior Centres at the IOJ, and will also be enhancing the Lecture Hall, which has been the historic place for the Musgrave Medal and other lectures. So, the IOJ is really getting a boost, and we wanted to make sure that that happens because too often we forget about the Institute of Jamaica. So, between the Government of Japan which is giving us about US$480,000, and our own Government with J$46 Million in terms of our capital budget, that Museum, that

Natural History Museum of Jamaica will be built this year. (Applause)

Mr. Speaker, the Jamaica National Heritage Trust continues to work with other agencies for the protection and revitalization of our heritage sites. We are currently working with the UDC and TEF to restore several areas, and in terms of streamlining the development of Port Royal, over the last 12 months, we have been assisting with the revitalization of that town. The Member from East Kingston knows about that. And currently, we are restoring - helping with the restoration of the Naval Hospital.

(Applause)

Mrs. NEITA-HEADLEY: Very good, very good!

Miss HANNA: We have completed the Admiralty House and the H-Block, both of which are being used as classroom spaces for the Caribbean Maritime Institute.

A MEMBER: I didn't get that... (Inaudible)

Miss HANNA: …because the Caribbean Maritime Institute is growing so rapidly, and doing so well, we have to find other classrooms for them, and they are being housed in this particular place. (Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Miss HANNA: We are also working to resolve the issue of the relocation of the persons who occupy the home of the National Hero the Right Excellent Marcus Garvey. We have now made the submission for the relocation, because we have the money for the refurbishing, so we aim to start refurbishing and restoration of the property by the anniversary of his next birthday, and we are committed to preserving that part of the legacy of this outstanding Jamaican. (Applause)

Miss NEITA-HEADLEY: Excellent... excellent!

(*Sotto voce* comments)

Miss HANNA: We met with the Member of Parliament for North East St. Ann.

(*Sotto voce* comments)

Miss HANNA: Mr. Speaker, I waited on this one for last because over the past two years I think I announced sometime ago that we worked very hard to actually get a seat on the prestigious World Heritage Committee. We are the only small island developing state in the world to sit on it, one of 21 countries, and what it means is that it will give us the opportunity to vote for other world heritage sites which is not an easy feat. Jamaica doesn't have one, Cuba has several, Barbados has a couple, and with the kind of culture that we have we didn't have any so we lobbied.

(*Sotto voce* comments)

Miss HANNA: A lot of work went into it but it didn't work under you, that is what happened.

The other issue - what we did - Mr. Speaker, we regrouped and we put a solid team in place and we did the technical work that was important and we put the proper dossier in place...

Mrs. NEITA-HEADLEY: Yes.

Miss HANNA: ...we submitted that dossier to UNESCO, the evaluators said it passed the technical evaluation so they sent the evaluators to Jamaica. When they sent the evaluators to Jamaica they came to Jamaica.

When they came and they went back I am pleased to report that ICOM-US and ICN has said that the Blue and John Crow Mountains, they are recommending it for inscription to be on the world heritage list.

(Applause)

So I will inform what is going to be happening. And so when we go in June to Germany we will make sure that we get it voted, because guess what, it is an excellent thing to have the Blue and John Crow Mountains as a world heritage site, and what is good about it is that it is not only - it is going to be a mixed site for the natural heritage and habitats and also a cultural site and it will really be the first mixed site, if we get it, in the Caribbean. So kudos to everybody who has worked in this process, it has not been easy - and that side also.

(Applause)

I am sure, Mr. Speaker, that my colleagues on both sides of this House are aware that the record numbers that we have in terms of tourism are not only due, Mr. Speaker, to our great hotels and the work of our Minister of Tourism and Entertainment, but it really is because of our people and our culture and we must really stop to pay homage. A lot of times we cuss and complain about the country that we live in, but the truth is, we live in a place that other people want to vacation and we live in one of the coolest places in the world. (Applause)

Mr. Speaker, the world has changed so much in the last 20 years. There was a time when former Prime Minister Michael Manley called for a new Economic Order. He wanted more value-added to be created in one's own country and he recognized that the economic structure, as it existed, would really require increased amounts of raw bauxite to purchase the tractor to excavate it. In other words, we would always be shipping out more of our resources to buy the finished goods of other countries. He was right, we needed to create a more valued-added base as a country. The world, as it existed then, was designed to benefit the developed countries who were exporting manufactured goods to the same countries from which they were exploiting the raw materials.

I wish to outline for you Mr. Speaker the world as it exists today. Today we will produce about 3.5 zettabytes of information, that's more information than the world has seen in the past five thousand years. Mr. Speaker, recent tests have been carried out on third generation fiberoptics suggesting that one single strand of fiberoptic can carry ten trillion bits of information, that's a lot of information. Mr. Speaker, you remember those guys that used to walk around to your house and carry boxes of encyclopedia to sell you? He no longer exists because Google has taken over. Every month there is one hundred billion searches on Google and that is what a lot of young people are using. In addition to that - and the Member from St. Catherine might want to hear this - ten years ago before Facebook was created, today there are 1.3 billion people on Facebook, that's about the same size as China, Chairman, so there is nothing minor about that population in the world.

Mr. Speaker, we are living in a data-driven world where technology has changed everything and even the way the world has worked, so much so that the technical information is doubling every two years. And so, what has happened, Mr. Speaker is that the in-demand jobs today did not exist ten years ago. Mr. Speaker, in addition to that, there are four different generations of people working together. There is certainly persons like persons sitting to my different spaces; there is what they are called, the traditionalists, there is a traditionalists; there is a boomer; there is a Gen-X, and there is the millennial, all communicating at different rates. There is the one who says write me; there is the one who says call me; there is the one that says email me and the one that says text me. For my part we serve the generation that says text me, that 25 per cent of the population between the ages of about 15 to 29, who needs - WhatsApp me - who says look...

(Cross talk)

...who says look, they need - who says look I need 4G and Wi-Fi for me to feel socially connected, Mr. Speaker. And so, they are savvy, they are cutting edge, they don't trust Government, they don't trust technocrats. And we also serve another part of that generation, that population, we serve the church group, we serve the disconnected youth, we serve those youths who are in rural areas, we serve youths with disabilities and all of them are working in this changing world because they actually want a better life, and so every single one of them as a part of that generation is competing in a world that is rapidly changing, Mr. Speaker and we have to equip them or they will be left behind.

And so, the reality of this data-driven world gives our youths actually the best opportunities that they have had in a long time. It has levelled the playingfield where they can be connected in a world without boundaries, and so we have been shifting the conversation with our youths. We have been saying to them look, this is what you have to do to now keep connected. And I really want to thank those youths who are here, they are in the gallery, a group of them, who have not only been critical of the work that we have done because they have the right to do that, but you have young Jaden who is also in the gallery, young Jaden Johnson who sees Jamaica leading as the tech capital of the world, he is a young Munro student. We also have...

(Applause)

We also have young people with disabilities who are here and other youths who are part of our NYS programmes. All of these young people that we cater to, look at Jamaica through different eyes but they all want one single thing, they want to improve the quality of their lives and make sure that they have something to live up to for their families and that's what we have to do for them. We have to connect them and we have to keep them connected.

So here is what we did to shift the mindset and to start a new conversation with our young people; we had to get into their spaces. Last year, we actually increased our online membership from 46,000 to 117,000. We also

went on the ground and we took the Ministry to them in our 'pon di corner reasonings' and we reached out to thousands of young people across the country. (Applause)

But in terms of our high school, we redoubled our effort, we added more resources and we now have three hundred thousand young people as a part of the National Secondary Students Council Movement, and I want to congratulate Charles McKenzie as the President of that Student Council. And although our Ministry is just one Ministry of eight working with youth, in the last three years we have been able to train and impact over 51,000 young people and place about 36,000 of them in seasonal and temporary jobs, Mr. Speaker; that has not been an easy feat.

Mr. Speaker, I also want to say that in terms of our permanent employment through our Graduate Work Employment Programme we now have 350 young people in permanent jobs, because we listened to them and we gave them the experience and the internship and because of those temporary experiences now we have a situation where they are permanently employed.

(Applause)

Mr. Speaker, last year we gave our young people eight additional options at the National Youth Service, which impacted about 13,500 young people. What it actually meant is that we gave them access to training for the in-demand jobs so we made sure that we gave scholarships for them to study at the Caribbean Maritime Institute, at CASE, at the Brown's Town Community College (Inaudible) and Information Technology and, also we gave them access to entrepreneur programmes to make sure that those who wanted to start a business could and we spent about $322 Million on those programmes. This year we are spending $344.6 on youth programmes and we have even bolstered them even more on top of the ones that we have there to impact about 15,000 young people this year, so we have moved the numbers that we have been able to impact all the way up to 15,000. Last year was 13; the year before that was 12,000 and the year before that was about 7,000, and so we are making sure that we are going forward.

And so I wanted to talk to you today... (Applause) ...about some of the programmes that we have implemented.

(*Sotto voce* comment)

Miss HANNA: What is it that we have done? We have an empowerment programme where we are going to teach our young people basic and professional development skills and work experience, and we will make sure that we continue to work with our existing 101 participants and add another 50 participants. We also have the Financial Assistance Programme where there is a finance grant that will be given to post service participants pursuing tertiary education and 300 students will be able to achieve this.

We also have the enrichment programmes geared at engaging youth in activities to focus on character building, career development, volunteerism and cultural awareness for 155 on top of the 73 that are already in the programme, so we are not leaving anybody

because you have finished the programme, we are continuously monitoring you.

We have the entrepreneurship programme to make sure that 200 young people who want to go into business we help them to go into business. And that is on top of the entrepreneurship 101 programme where we are going to be exposing, as we did last year, about 4200 young people who have entrepreneurship understanding of what it means to start a business, because we can't expect young people to understand that you want a job, somebody has to create them and they have to understand how to take the risk or there will be no jobs out there.

We also have the Access to Success through Knowledge Programme, an interactive mode which would deliver personal and professional development to 4,200 Jamaican youths. And of course, the summer work employment programme for the five thousand young people, and I really want to say thank you to the PSOJ because we know young people want private sector experience, and the NYS has signed on with us to provide those five thousand with access to private sector jobs and we anticipate that we will actually take it up to six thousand five hundred based on what the PSOJ is actually saying to us.

Mr. Speaker, as a rural MP I wanted to make sure that we had access and possibilities for rural youth particularly youth who have lost an interest in farming, and so the Rural Youth Empowerment through Entrepreneurship Programme is a programme with the 4H Club to use entrepreneurship and teach rural youth about farming and other things that they can start businesses through the 4-H. And certainly finally Mr. Speaker, the Access to the Higher Education Programme, which we will continue with programmes with CASE and other access to Brown's Town and the Caribbean Maritime Institute, and we will make sure that at all times our volunteerism is key to what our young people have to do. So if you are doing the NYS programmes you also have to be able to give a number of hours for volunteerism, Mr. Speaker.

(Applause)

Mr. Speaker, this year the ILO says that look, you are going to have to create half a billion new jobs to satisfy the world's demand by 2030, because every year there are about 150 million people who turn 16 and go into the labour market. They have said to us that the world economic unemployment rates for young people between the ages of 14 to 24 is now at crisis peek. There are about 73 million young people in the world who are unemployed, and in Jamaica we have about 65,000 young people who are unemployed. But we are doing our part and we are bringing down those numbers. So the National Youth Survey said, look, there are 63 per cent of them who say that careers and jobs are the most important things to them and that is why we signed the MOU with the PSOJ, to be able to have them take from the pool of five thousand young people for summer employment and, also, the 300 from GWEP to put them in jobs in private sector as well, and we anticipate that it will take it up to about

6500, so anybody in here who wants to talk to us about a job bank we have the young people there. So, on top of the entrepreneurship programmes that we are giving them, we are also giving them opportunities to access private sector jobs and to also get persons in other areas.

The other thing that we are doing Mr. Speaker is a programme between CPTC and NYS to identify 31 youths across the island to be trained in media production over a six month period. It's a paid internship programme and this will be a production part that will produce a youth programme, and so they will be the host, the producers, the videographers, the scriptwriters, the researchers and they will produce 39 episodes over a 17 month period and they will be paid through the NYS as media practitioners, because as a part of developing content we have to give them that experience and then the other batch will come on for 2017/2018.

Mr. Speaker, when I was coming here today, I don't know how many of you heard, but there was a young disabled student who was raped right down the road, and it is something that hurts me, as I said to my corps, every single day. Our youth with disabilities are the most vulnerable in our country, and I see them and they are also socially excluded, they are almost children of a lesser god, and so one of the things that we are putting in place at the NYS is, we have not only reserved ten per cent of our spaces for people with disabilities and youth with disabilities, but we are giving scholarships to six graduates of the Edna Manley College to spend the day and do artistic work in the life of a person with a disability. Particularly a young person (Applause) because we feel that it will give the person with disability the social inclusion and the kind of desire to feel loved, but also it will capture in the mind of another young person studying, what really happens to a person with a disability living in Jamaica, and so those six scholarships will be provided this year.

(Applause)

I also know that many of us as Members of Parliament are connected with our young people and I have asked the NYS to work closer to the Members of Parliament, to come to you personally and design training programmes with you, because I know you have different cadres that our programmes can help you with and to see how we can also utilize our resources along with yours to push better programmes, to give you a more individualized personal attention and touch.

Mr. Speaker, I turn to the YICs very quickly. We will be opening two this year: The Spanish Town YIC and the Hanover YIC, and the YICs will be opening in June. We will be placing greater emphasis on youth-at-risk and unattached youth, and youth out-of-school and youth with maladaptive behaviours and delinquent youth registered within the school system.

This re-integration programme Mr. Speaker will be a multi-sectoral approach and it will address issues in this group. We are hoping to reduce crime; we are hoping to reduce delinquent behaviours in secondary school and we are hoping to increase self-

acceptance, self-efficacy and self-worth among our young people.

(Applause)

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

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

(HON. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern, Minister of State in the Ministry of Agriculture and Fisheries, entered and took his seat.)

I want you to listen carefully because while we will be spending approximately - this Government Mr. Speaker, and listen because we did the analysis and we saw that we are - this Government is spending $89 Billion this financial year, on programmes for youth and projects. That's 14 per cent of the budget across eight Ministries.

(Applause)

I want to assure this House that the Portia Simpson Miller-led Government is not demanding action only from ourselves but we are putting the resources in place to make sure that it happens, and with this in mind, Mr. Speaker, we must coordinate and collaborate to get the best outcomes from the moneys that we spend.

Mrs. NEITA-HEADLEY: Hear, hear!

Miss HANNA: That is why I am pleased to announce today that we are tabling the National Youth Policy.

Mrs. NEITA-HEADLEY: Hear, hear!

(Applause)

Miss HANNA: Because this revised policy - and it started under the Member in St. Catherine, some of the research, we are now taking it to this point - it's a coordinated approach that will make sure that we get the best bang for our buck. What it will see is the partnerships between the Ministries entrenched in a strategic plan, in a monitoring and evaluation plan, in a youth act that puts youth at the center of the country's development -

(Applause)

Mrs. NEITA-HEADLEY: Yes. Hear, hear!

Miss HANNA: And it will also deal with youth mainstreaming and programming because we believe that the research has to be ongoing. Youth can't be living in a changing world in Jamaica and feel that it is business as usual, so as the policymakers we have to make sure that this policy guides the work that we are doing and the $89 Billion that we are spending on development to make sure that, one, we are not duplicating projects; two, they have the best bang for their buck; three, we are equipping youth for jobs that actually will exist so that they don't go to university and then come out and say, well, I have my degree and I cannot get a job. (Applause) So all of that under this policy now, this is the Green Paper and I urge all of you to take hold of it and to read it.

The youth division in the Ministry of Youth and Culture is now going to be focused on the policy development, and this is going to

be bolstered by an inter-ministerial committee, Mr. Speaker. Most importantly it will bring together all the Ministries and agencies working with young people so that our objectives, as I said before, are aligned.

Mr. Speaker, the mission of the Ministry of Youth and Culture is to ensure that we prepare our youth to take full advantage of the world that exist today, and to see themselves as global producers connected and empowered rather than consumers disconnected by a marginalized world without boundaries. But, Mr. Speaker, the world has never offered so much opportunities to our young people, and that is actually just the truth. However, make no mistake, the qualities required for success have not changed. Namely, a quality education, a determination to put excellence first, and to know that you have to put in the work.

The SPEAKER: The Member's time for speaking has expired.

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

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

Motion put to the House and agreed to.

Miss HANNA: Thank you, Mr. Speaker and I want to thank my colleagues for their support and for their graciousness.

But Mr. Speaker, Mr. Speaker, I also know because we were all young and I say "we", because I am not that young anymore. We all wanted to have fun and young people also want to have fun, but it's not neutrally exclusive to those value systems that are important for success.

The strides that we have made in terms of the programmes that we have outlined for this year demonstrate that we have strived to implement our mandate as a Ministry and that we are progressing, and I will not pretend to tell you that it has been an easy path, it has not been. Keeping up with our young people and the demands that they have on us every day, is not easy, in particular because they have an instant demand for the things that they want and they want it now.

As we continue to improve the conditions of our children and youth, we need everyone's support, Mr. Speaker. Each one of us must resolve to protect and nurture and motivate every child in this country.

(Applause)

We have to reclaim our soul and reclaim the concept of, "it is my child". Not because it is not my biological child, every single child in this country belongs to every single one of us sitting inside this house.

(Applause)

Violence that is being brought to our attention is barbaric and destructive and we should take a stand and resolve to stop it. Mr. Speaker, I interact with Jamaican youth and children every single day, they are savvy, they are enthusiastic, they are resilient, even the ones who are parentifying themselves and doing things that they are not supposed to be doing, they are resilient. Looking to us for guidance and motivation and for a chance to grow, thrive and become successful adults.

We have the ability to reconstruct our children's future and let us help to get them there, Mr. Speaker, and let us resolve to make it happen.

Mrs. NEITA-HEADLEY: Hear, hear!

Miss HANNA: Today we table the Youth Policy and we expect this to galvanize the focus of the country on the importance of youth development to secure the nation's future. I appeal to my colleagues here in the House, the public and the private sector, to utilize this policy and to develop youth programmes that will reduce the obstacles that they have to get to where they want to get to. Mr. Speaker, this should be the mandate of us all - to get our youth connected, to get our youth satisfied, to get our children protected, and to make sure that we lead them to becoming protective adults. Let us all, Mr. Speaker, all of us, let us keep connected and let us also keep our young people connected.

Thank you, Mr. Speaker.

(Applause) (The Speaker gavels)

The SPEAKER: Mr. Bartlett.

(Applause)

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

Mr. Speaker, I would like to begin what perhaps is my 29th presentation in this House by giving thanks to the Almighty for having allowed me to survive the rigours of the historic times and to be able to still offer some measure of hope to a society that truly, Mr. Speaker, is in need of hope today.

I would like to commend you, Mr. Speaker, for the very erudite way in which you have conducted the affairs of this Parliament over the years, and to wish that that same erudition will so guide our future proceedings that indeed at the end you will in fact go down as one of the greatest Speakers in the Commonwealth territories. I say so fully cognizant of how the Speaker responds to certain needs of this Parliament, particularly for the support of Parliamentary Committees, and I think that's very important for oversight.

Mr. Speaker, I would like to thank the leader of the Opposition for his continued confidence in me and my stewardship, and for the opportunity to continue to address…

(Heckling)

….the key subjects of this twin portfolio area. To my colleagues and, of course, to all the Members of this Honourable House for the continued support that you give over the years.

Finally, I want to thank my dear wife, Carmen of 41 years. (Applause) My son, Edmund II, and my two grandchildren Edmund III…

(*Sotto voce* comments)

Mr. BARTLETT: …and Lia Simone.

Indeed they have borne with me over the years and with great support and understanding have allowed me to continue even though they are not here with me in body, but always in spirit.

Mr. Speaker, I will speak about my constituency at the next round, when we will have the opportunity to go extensively into the performance there, and indeed the challenges there, and the hopes and aspirations for the future. But today, Mr. Speaker, I want to focus a little bit on the dual portfolio responsibility of Foreign Affairs and Foreign Trade, and I

must confess, Mr. Speaker, that since assuming the role of Opposition spokesman on Foreign Affairs and Foreign Trade, it has become remarkably clear to me that these portfolios must assume a primary role in the attainment of our national growth and development growth. Accordingly, each time that I speak, Mr. Speaker to these two portfolio areas, I become more acutely aware of the imperative of accountability to the people of Jamaica who elected this Parliament to undertake the business of this dual portfolio on their behalf. And this is why, Mr. Speaker, it disturb me a bit, indeed it disturb me greatly, that at the Standing Finance Committee of this House, called to peruse the estimates of expenditure for the Ministry and indeed to approve the expenditures, we did not have the benefit of neither the Minister, the line Minister nor the Permanent Secretary who has responsibility for accountability of that Ministry. And I make the point against the background that that is unprecedented, Mr. Speaker, because in my 29 years here that has never happened. Ministers have been absent, yes, but never Minister and Permanent Secretary at the same time.

It robbed us the opportunity for having a fulsome discussion on the critical areas on subheads that we have to pursue. And even though Mr. Speaker I made the point at that sitting that I recognize the efficiency of the Minister of State and the particular public servant who was here supporting him, I thought that it was not in keeping with the tradition of this great House and indeed the responsibility that the line Minister has for both to be absent at the same time and for us to have a good opportunity of perusing the affairs.

(*Sotto voce* comments)

Mr. BARTLETT: Mr. Speaker, it's not wasting the 30 Minutes because I began by saying how important that dual portfolio responsibility is to national development. And if we are to mainstream foreign affairs and foreign trade then we will have to show the respect and the regard to this Honourable House as a beginning.

Mr. Speaker, there continues, in fact, to be a paucity of visibility and information on significant foreign affairs and foreign trade issues that have a direct impact on national development and the well-being of the people of Jamaica. It is indeed unfortunate that the responsible Minister does not sit in this Chamber; that's another regret, but it is not his fault or ours.

(*Sotto voce* remarks)

Mr. BARTLETT: Absolutely. However, we would hope and wish and indeed we would love to see, Mr. Speaker, more direct intervention from the Minister of State in relation to all key critical areas as for which this country has to take responsibility.

Mr. Speaker, in order to translate our foreign policy goals into positive results in our economy we must rely on our domestic policies to provide the framework. The foreign affairs agenda therefore requires that the Ministry proactively engages its partners in international community on Jamaica's economic, social and political challenges in way that will tangible contribute to our

national development goals, guided by the objectives cited in Vision 2030, the Jamaica National Development Plan.

Mr. Speaker, I made the point last year that while the traditional focus of Jamaica's foreign policy has been to maximize aid and development assistance, the ever emerging international environment calls for greater pursuit of access to export markets and attracting investors to our country. We can no longer remain complacent with an inordinate level of dependence on "aid" because growth generation at the national level must be at the centre of our foreign policy thrust. Overtly mendacious approach to development is no longer viable. The international environment is now focused on building partnerships.

(*Sotto voce* remarks by Mr. Pickersgill)

Mr. BARTLETT: You know mendacity?

Mr. PICKERSGILL: Improper use of the word.

Mr. BARTLETT: If you are beggars what they call you? That's a nice word for beggars just in the case you forget.

(The Speaker gavels)

If you are not beggars you are not mendacious.

Yes, Mr. Speaker, the bilateral, regional and multilateral arrangements - against that background we must utilize our foreign affairs and foreign trade policies as tools towards moving this country from a situation in which our people are condemned to surviving a life dominated by want and continuous sacrifices to one in which they can begin to see some positive results and relief from prolonged economic austerity and endemic poverty.

(Cross talk)

Mr. McKENZIE: Remember Arnold going to speak next, remember that.

(The Speaker gavels)

So if him can't speak in peace, you can't speak, you remember that.

(*Sotto voce* remarks by Mr. Warmington)

Mr. BARTLETT: Mr. Speaker, the Opposition is fully committed to moving the country in that direction from poverty to prosperity, and we look to the national development programme Vision 2030 as a road map for accomplishing that objective.

(Cross talk)

Mr. WARMINGTON: You can't spell it.

Mr. BARTLETT: Mr. Speaker, the political - Members, Members, please, please, remember we only have 30 minutes.

Mr. Speaker, the political and economic systems have been changing globally and Jamaica, like other developing countries, must adapt to the new paradigm in order not merely to survive but to prosper. It is essential to note that there are few new markets available for export of goods from our region; preferential treatment is gone, aid has been greatly reduced and limited to the least developing countries, and the global trade system is increasingly embracing freer trade. We must acknowledge that this is not a short-term situation. It is the basis on which foreign relations and foreign trade will be conducted in the future.

It is clear therefore, Mr. Speaker, that international factors, not only in terms of our economy but also regarding social partnerships, which include our bond with the

Jamaican diaspora are critical. Latin America, Mr. Speaker, actually competes with us for the same markets, especially when it comes to agricultural goods. While we may consider Brazil and Venezuela as potential markets, limited as they themselves are, because they are feeling the same kind of economic crunch that most of us are, China, indeed, has been reasonably good to us.

Mr. PICKERSGILL: Very good indeed.

Mr. BARTLETT: China has been good to us. But regrettably, Mr. Speaker, with the exception of bauxite, our goods are unable to maximize that market. We have already maximized the export of goods with North America and the European markets. So how do we confront that status quo?

Mr. Speaker, I would like to make a couple suggestions to which I hope that my colleagues on the other side of the House are willing to give some thought. The Caribbean Basin Economic Recovery Act of 1983, CBERA, which was amended in 1990 and the Caribbean Basin Trade Partnership Act of 2000, jointly known, Mr. Speaker, as the CBI, provides customs duty, free entry to the United States on a permanent basis for a broad range of products from CBI beneficiary countries.

The most recent piece of CBI legislation, the CBTPA, provides beneficiary countries with certain trade benefits similar to those available to Mexico under the North America Free Trade Agreement, NAFTA. Hitherto, Mr. Speaker, the CBI has not produced the benefits that we hope for but a review of the situation has given some promising signals. We have identified some obstacles that have prevented some small states, including Jamaica, from benefiting more effectively from the provision.

One such major obstacle, Mr. Speaker, is the fact that while the initiative focuses on trade in goods, Jamaica could benefit much more from it if we were able to enhance our trade in services. The Honourable Minister of Industry, Investment and Commerce, who I know is well aware of this development, actually gave an assurance recently that he would have discussed the issue with the US President Barack Obama during his recent trip to Jamaica. I trust that he, in fact, had an opportunity to do so, although I noted that the in his Statement in the - I beg your pardon, his recent Statement the Minister made no further reference to any related discussion with the President, which suggests that the response was either not promising considering his disposition to giving grand announcement or he didn't talk at all.

Mr. Speaker, CARICOM's exports to the United States have been declining since 2005 while US exports to the region have also declined. However, there is every likelihood that by increasing the facility of trading in services we could revive this area of trade. I fully support therefore the efforts being made by the American Chamber of Commerce, AMCHAM, and the aptly named services of the Caribbean, Soca, in Trinidad and Tobago, of course that have teamed up now to advance new trade and investment opportunities within the US and the CARICOM service industry. This, Mr. Speaker, is an important new area because when we consider that CARICOM

already has access to the EU through the EPA or the Economic Partnership Agreement; this could help to transform the region into a service hub for interchange between EU and the US. I am therefore also encouraging the Minister to increase his effort to lobbying for this amendment for the provision of the CBI, because it offers exciting new possibilities for increased trade between CARICOM and the United States of America, which would be very positive for Jamaica, Mr. Speaker, because studies have also identified emerging opportunities in areas of ICT, offshore education, non-traditional tourism such as eco-tourism, health and wellness tourism and so on.

Mr. Speaker, the recent development in the US relations with Cuba has revived interests not only in Jamaica's relationship with our very close neighbour, but also the rest of the northern Caribbean, because it has further restored, Mr. Speaker, the interest that we have had in the creation of a northern Caribbean collaborative. And you will recall that in 2010, Mr. Speaker, a meeting was held in the Cayman Islands at the Ritz Carlton on December 17 which interestingly involved the then Prime Minister of Jamaica, Bruce Golding, and the then CARICOM Special Representative to Haiti, the Rt. Honourable P.J. Patterson and representatives from several international agencies from the USA, Canada, the United Kingdom, as well as entrepreneurs and members of academia; all involved in a very careful study and deliberation on the issues of establishing economic convergences within the countries of the northern Caribbean.

Mr. Speaker, we believe that the time is now with the thawing of relations between the US and Cuba and the fact that Cuba now is going to become a very critical part of the economic space within the northern Caribbean. And when we think of the fact that the Dominican Republic, the Bahamas, Belize, Costa Rica, Haiti, and as far as Panama, within that space, Mr. Speaker, we are talking about nearly 50,000,000 people with a total GDP of nearly $700 Billion with average growth rate of somewhere between three and three and a half per cent. And it would be interested, Mr. Speaker, when you go through the details of those countries within a northern Caribbean that Jamaica's growth rate is at the bottom. In fact, the Bahamas is 1.2%; Belize is *2*% the Cayman Islands 1.7%; Costa Rica 3.6%; Cuba 1.3%; the Dom Rep, based on the figures that we have, we hear this year that in fact it is 7.3%; Haiti 3.8%; Jamaica was projected to be 1.1%, but as of this morning we are hearing on reports that we in fact did .4% last year, that even puts us further down in the ranking, and Panama 6.6%. Compare that, of course, Mr. Speaker, to the growth rate of our CARICOM partners, current CARICOM partners.

And I do not wish to delve too much, Mr. Speaker in any negative commentary on CARICOM, notwithstanding its obvious failings and notwithstanding the difficulties that we have in a number of trade-related areas which occasioned our own manufacturers here to be calling for an investigation in the whole business of the sale of petroleum products from Petrotrin to Petrojam in Jamaica.

Mr. Speaker, the Report from the Jamaica Manufacturers Association, which we have suggest, that Jamaica has lost nearly $600 Million over the last 10 years as a result of trading in that particular area of petroleum. The fact is, Mr. Speaker, that a new look has to be taken therefore, in terms of our relationship with CARICOM. And I said it last time and as I said to you before, CARICOM has had its values and indeed there are benefits from it. There are strong geopolitical arrangements there that will allow for us to benefit in the international fora, but in terms of the economic value to Jamaica, we have not benefitted very much.

Mr. Speaker, I very much welcomed - in fact, the meeting of the CARICOM Heads with President Obama in April, the fact is, that for too long the United States presence, it would appear in our region, needed a shot in the arm. And I believe that this...

Mr. PICKERSGILL: And up your and you know where.

Mr. BARTLETT: ...and I believe that this effort has given a new lease on life for the Caribbean, and has now offered an opportunity, Mr. Speaker, for a new kind of dynamism in terms of the relationship between CARICOM, the US and its Member States.

Mr. Speaker, I made the point earlier, that trade policies must be at the centre of our efforts to enable economic growth for our country. And so, Mr. Speaker, I'm amazed that we have a 15-year-old trade policy that we set up a programme to review in 2011 and to date, Mr. Speaker, since 2011, some three and a half years, we have not been able to complete the review of that policy and indeed, the presentation of a new policy for Jamaica.

Mr. Speaker, Jamaica's trade policy was last reviewed in 2001, but at the beginning of 2011, in consultation with stakeholders and the Cabinet, the Government decided to review and revise Jamaica's trade policy to take account of developments at the national, bilateral, regional and multilateral levels.

Mr. Speaker, after more than three years in office, the Government has not yet completed the process. We're operating our trading arrangement like a ship without a rudder. Mr. Speaker, globalization continues to play an increasingly dominant role in all areas of development, including trade. We must have a trade policy and an enabling plan clearly setting out the objectives we aim to achieve, informing how we intend to achieve and what we expect from these achievements.

An updated trade policy must take account of all trade strategies, projects and programmes, including the national export strategy, the national growth inducement strategy and the national aid for trade strategy, which are necessary to guide us to achieving the level of investments that we need for growth and development.

With only 15 years to go, Mr. Speaker, before we reach the target set by our own national plan, Vision 2030, it is time that we promulgate a policy to fully integrate Jamaica's foreign trade policy into the national development plan. It is essential therefore, that this House be given a full account of where the matter stands and what variables have impacted on the adoption and

the implementation of the trade policy. (Applause)

Mr. Speaker, I move on to discuss the diaspora. There has been much talk, Mr. Speaker, about the Sixth Biennial Jamaica Diaspora Conference, which is scheduled for Montego Bay on June 13 to 18. I just want to point out, Mr. Speaker, that all that we on this side have heard or known about that Conference is what we read in the Press. And it's unprecedented that no one has even attempted to involve the Opposition in the planning and the arrangement for this important Conference. But more on that anon.

I noted, Mr. Speaker, that at the launch in January, the Minister of State stated that the emphasis this year will be on continuation of activities initially undertaken at the 2013 Conference. However he said that it is in response to the concerns raised by persons in the diaspora, mainly in the United States, Canada, the United Kingdom about the lack - and listen this carefully - about the lack of information about available opportunities since then.

These are the three most important diaspora countries to us, Mr. Speaker, and I'm really concerned that with all the focus placed on investment, the Minister of State has admitted that many Jamaicans are still complaining that they are not hearing about the investment opportunities in Jamaica, while others are saying that they've heard about these opportunities, but that they're not hearing in good time.

Mr. Speaker, I'm pleased that the Minister has paid some attention to these complaints, because if two years after the last Conference, which focused on investment from those countries, the diaspora was still complaining about lack of information and late information, then that implies a serious breakdown in communication.

Mr. Speaker, the World Bank estimates that the Jamaican diaspora has some $5.4 Billion in savings. And the Minister of Finance if he were here would tell you, that the US$800 Million bond which was floating in the international market represents just about 20% of that savings of the diaspora, just about 20%.

There's a re-indication, Mr. Speaker, that the diaspora stands ready to invest in their country once they can be satisfied that the environment is conducive to such investments. However, the continued complaints from the diaspora about the lack of information and investment opportunities seem to suggest the resources expended on the Conference, which was so much two years ago, was in fact a loss. I fear that the skeleton information available about the thrust of the upcoming Conference does not all go well for the success of another such high-level conference.

And we believe, Mr. Speaker that our diaspora deserves more than that. It is disappointing that we have heard nothing from either the Minister or the Minister of State on the issue of the long awaited diaspora policy and the diaspora bond since 2013. In that regard, I've consistently raised the issue of engaging the diaspora in our Parliamentary process. I'm not suggesting absentee voting - and I noticed that the Minister shares that

view - what I have in mind, Mr. Speaker, is a voluntary approach to the issue, by perhaps having both political parties appointing an independent Member of the Senate to represent the views of the diaspora.

I make the proposal because I believe that the diaspora has a long and strong tradition with us, but more so, it has a lot to contribute to our growth and development. From all indications, it seems that it would be the best for them to participate in the development process. Because we understand that ROPA doesn't allow for the absentee balloting as you know very well, Mr. Minister, but what it will do is to provide an opportunity for both sides to come together in determining that level of space to be provided for the diaspora to become involved in the governance of the country.

Additionally, Mr. Speaker, we have not heard from the Minister about the proposed enhancement of the Consular of Services for diaspora - for Jamaica nationals in the Caribbean region and elsewhere. The only priority the Diaspora Committee which has shown any progress since the last diaspora conference has shown, Mr. Speaker...

(Inaudible comment by Mr. Paulwell)

Mr. BARTLETT: It soon finish.

The SPEAKER: The Member's time for speaking has expired.

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.

The SPEAKER: Mr. Bartlett.

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

So additionally, Mr. Speaker, we have not heard very much from the Minister about the proposed enhancement of Consular of Services for Jamaican nationals in the Caribbean region and elsewhere. The only priority the Diaspora Committee, Mr. Speaker, seem to have shown since the last Conference, was the announcement by the Minister of Labour, and an announcement that we welcomed, that the overseas work programme has exceeded 13,000 in the year 2013/14.

Mr. Speaker, there are so many aspects of the diaspora and Consular Affairs functioning, the Minister require urgent attention. However, this brief presentation does not allow me to say all, except, Mr. Speaker, I must note that there's a lack of apparent concern within the Ministry for the treatment of Jamaicans abroad, especially in countries from which we seek support and assistance.

There has been the case of the Jamaican pilot imprisoned in Qatar - country well knows about that - whose parents have written, whose mother has written pleading to all levels of government...

Mr. PICKERSGILL: It is being looked at.

Mr. BARTLETT: ...for a letter to be sent to the Emir for pardon and Ramadan or other such national dates when pardons are given. Mr. Speaker, the young man is languishing in

jail under severe physical conditions. Indeed, he has had to be treated for - and it pains me to say it, Mr. Speaker, but I have to say it - for mental situations, because he has been abused while in jail.

Mr. SAMUDA: My goodness.

Mr. BARTLETT: And, Mr. Speaker, you know, every day we get a note from there begging, pleading for us to show some compassion. And it doesn't matter what the crime was, you know, Mr. Speaker, we have a responsibility and a duty to our citizens overseas, to ensure that whatever their condition they're treated fairly and treated humanely. (Applause)

The growing number of Jamaicans sent home - no, Mr. Speaker, I tell you, so desperate they are that they're seeking anyone of us who can come to visit. They would provide whatever is required and create even the access so that we can have audience with the Emir to try to plead the case of this poor young man, but you will hear more about that later on - the growing number of Jamaican sent home from Britain, Mr. Speaker, claiming mistreatment by Immigration and other security agents are over there.

The treatment of Jamaicans who travelled from CARICOM countries and the need for increase Consular assistance are patent. Mr. Speaker, the completion of the whole programme of ensuring that the freedom of movement within the CARICOM area is a reality has been eluding us. And it is not only the Jamaicans who seem to be having that problem, Mr. Speaker, in CARICOM, because even CARICOM Prime Ministers are having that problem.

I read with much consternation, that one of our Prime Minister colleagues from one of the islands had a very interesting time in Barbados a few days ago and he couldn't understand how he couldn't even be recognized from a facial point of view.

Mr. Speaker, I want to close on the very critical question of public diplomacy. It would be remiss of me, Mr. Speaker, not to address the critical importance of public diplomacy, to the effectiveness of foreign affairs and trade portfolio. In acknowledging the current realities in the global economic environment, the Ministry of Foreign Affairs and Foreign Trade must maximize its international influence to foster national development. And we have duly experience diplomats, Mr. Speaker, to facilitate that process, and that's one thing Jamaica is very well gifted with.

You recently heard the pronouncement from the Honourable Minister of Foreign Affairs and Foreign Trade, that under his watch, Jamaica's profile has been heightened in international area. However there is no convincing evidence, Mr. Speaker, to support that claim. Undoubtedly, many individual Jamaicans have excelled in their chosen fields of endeavour, whether this be sports, music, commerce or academics. Certainly those achievements have been added to the national feel good factor around the time of those performances, and have captured international attention and peeked interest in the formula for such excellence. However, what about our

achievements in the critical areas of national development?

Clearly, Mr. Speaker, the current low level and low space of economic and social development is not commensurate to the high profile to which the Honourable House had laid claim. The real measurement of a country's international profile is determined by the extent to which action taken in respect of foreign affairs and trade portfolio has redounded to the benefit of the people in a measurable way.

Mr. Speaker, I am sure that if we were to ask the average man in the street to cite examples of our national contribution by a current administration within the Foreign Affairs and Trade Portfolio, he would be at lost to say. It stands so much, Mr. Speaker, to reason therefore, that the trade police on our action plan are CARICOM, Canadian, Trade Agreement and the other Agreements that we have including, Mr. Speaker, our Diaspora Engagement Polices must be completely perused.

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

Mr. BARTLETT: Mr. Speaker, in closing, it is - Mr. Speaker; it is time for us to begin to think of new and innovative approaches to foreign affairs and foreign trade. The Opposition remains committed to pursuing, that foreign affairs and foreign trade position, Mr. Speaker, and more importantly that it becomes the standard bearer for their contribution for the transition from poverty to prosperity.

I thank you, Mr. Speaker.

(Applause)

Mr. Derrick SMITH: Mr. Speaker.

The SPEAKER: Yes, Mr. Smith

Mr. Derrick SMITH: I just want to get some clarification regarding the speaking time for a Minister of State.

Mr. PAULWELL: Mr. Speaker, when we were debating the report from the Standing Orders Committee, it was made quite clear and an amendment was moved that where the Minister is not in the House, the Minister of State will be allowed the same time as if the Minister were in the House and the amendment was to enable the Minister of State the full 45 minutes, Mr. Speaker.

(Heckling by Members)

Mr. Derrick SMITH: Mr. Speaker, unfortunately I don't have that clear recollection, could very well be, but I do not recall that.

The SPEAKER: That was the case, Mr. Smith. But let me remind the Members that after - at the end of this year we will review the changes and we will have an opportunity to revise, as the case maybe.

Mr. Brown.

(Applause)

Mr. BROWN: Thank you very much, Mr. Speaker, like the other speakers before me, let me recognize the creator for his many mercies and for the fact that I stand here to participate in this debate for the fourth time.

Mr. Speaker, I also want to acknowledge the Most Honourable Prime Minister for the confidence she has reposed in me as her Minister of State in the Ministry of Foreign Affairs and Foreign Trade.

I also want to express gratitude to the people of East Central St. Catherine... (Applause) …who has elected me as their first Member of Parliament and where I will stay for a very long time.... (Applause) ...as the Member of Parliament in that seat irrespective of who that side may try to send across there.

Mr. Speaker, I want to thank the Permanent Secretary in the Ministry of Foreign Affairs and Foreign Trade (Applause) and the team of professional at the Ministry of Foreign Affairs and Foreign Trade that continue to give us very good advice and support in relation to the foreign policies of Jamaica...

(Heckling) (The Speaker gavels)

Mr. BROWN: ...and the trade policies of Jamaica.

I want to acknowledge, Mr. Speaker, the members of the Diplomatic Corps. who are present... (Applause) ...including the Dean of the Diplomatic Corps, I see the Ambassador from South Africa, the Ambassador from Russia and the Ambassador from China. (Applause) I want to also recognize my Councillors, Mr. Speaker, my three Councillors including the Gregory Park Division that that side had for thirty-five (35) years and will not see anytime soon. (Applause) And my Councillor from the Southboro Division as well as from the Portmore Pines Division, three (3) from three (3). (Applause)

I also want to acknowledge, Mr. Speaker, the constituency executives who are in the Gallery supporting me in this particular presentation. (Applause)

Mr. Speaker, of necessity I have to respond to some of the comments that the Opposition Spokesman on Foreign Affairs and Foreign Trade made in his presentation. I want to begin by indicating, Mr. Speaker that I think the Opposition Spokesperson has started out on a very false premise, that the foreign policy of Jamaica has never been based on mendicancy...

Mr. Luther BUCHANAN: Mendacious.

Mr. BROWN: ...and I think it is an insult to the many persons who have worked long and hard including on that side where the foreign policy of Jamaica is concern. (Applause)

Mr. Luther BUCHANAN: Insultatious.

Mr. BARTLETT: No, he must not be allowed to get away with foolish argument.

Mr. BROWN: I go further, Mr. Speaker, I go further, Mr. Speaker, to say that expertise on foreign policy and foreign trade is on this side of isle, not that side. (Applause) That in most instances, if not in all instances, we have got it right where foreign policy is concern on this side and history has vindicated us on this side. (Applause)

I want to say, Mr. Speaker, I want to say, Mr. Speaker that the foreign policy of Jamaica over the years have inured to the economic benefit of Jamaica. When we speak about the One-China policy that we had over forty years ago we are seeing the benefit of that policy now in economic terms. (Applause) So when we speak, Mr. Speaker, we must be very balanced about what we say.

Mr. Speaker, I hear the Member speaking about trade matters, but the truth is, Mr.

Speaker, that we have several Trade agreements in CARICOM, that Jamaica is a part of. We have the CARICOM/Cuba Trade Agreement, we have the CARICOM/Costa Rica Trade Agreement, we have the Costa Rica/Dominica Republic Agreement, and we have the Economic Partnership Agreement, Mr. Speaker, we have many Trade Agreements. (Applause) So if the Member meant to say that we have not exploited these Agreements, then I would be inclined to agree with the Member. But I want to say very clearly, Mr. Speaker that we have negotiated these Trade Agreements and it is for the private sector in the main to take advantage of these trade Agreements.

(*Sotto voce* comments by Mr. Bartlett)

Mr. BROWN: Mr. Speaker, we have set the framework, we have set the framework.

Mr. Speaker, I want to say that in relation to - well you know, the fact is, Mr. Speaker, I have a presentation and I am not going to read it, right, because time is sort of limited, I am going to speak to the main points in relation to the presentation. And I am doing that because many of the issues that the Member has raised from across there, are in fact addressed in the presentation, and I want to go to the issue of consular services, Mr. Speaker, that was referred to and to indicate that in fact, the Government of Jamaica, I am going come to that - the Government of Jamaica has appointed several consular's, Honorary Consuls in recent time. And if I take a few minutes, I will advise you of the appointments that have been made. And I want in the meantime, Mr. Speaker, to make it very clear, that the accusation against this administration that we do not look out for the interest of our people when they get into distress in countries outside of Jamaica is an absolute falsehood that we reject completely.

Mr. Luther BUCHANAN: Mendacious.

Mr. BROWN: And Mr. Speaker, in relation to the point on the matter that the Member had raised, in relation to the Jamaicans in Qatar, the Government of Jamaica has done many outreaches in relation to that Jamaican. And in fact, Mr. Speaker, our Ambassador in Kuwait has visited with him personally on several occasions, the Government of Jamaica has applied for pardon on his behalf and twice, two times, Mr. Speaker. And let us understand, Mr. Speaker that when we are asking for pardon in relation to a matter, it means that we are accepting that the verdict of the Court was correct and therefore it is the discretion of that country whether it grants pardon yes, or no. The Government of Jamaica has discharged its responsibility to its citizens and will continue to discharge its responsibility to its citizens. (Applause)

Mr. Speaker, in light of that, and in light of recognizing that our people, our people are a global people, moving around the place, we have appointed six new Honourary Consuls, Mr. Speaker, six (6) new Honourary Consuls, we have appointed. We have appointed an Honourary Consul in Winnock in Namibia, in Bratislava Slovakia, in Atlanta USA, San Jose/Costa Rica, Hamburg Germany, Karachi Pakistan and Madrid Spain... (Applause) ...and we have gotten approval, Mr. Speaker, from

Russia to approve an Honourary Consul in Russia until we get to the point where we have a full embassy in that country. (Applause)

So the point is, Mr. Speaker that we are taking steps to ensure that our nationals whereever they are in the world have access to consular services, Mr. Speaker. (Applause)

Mr. Speaker, I want to talk about the issue of the trade policy, and the reality of the situation is that the Government of Jamaica has been working....

(*Sotto voce* comments by Mr. Shaw)

Mr. BROWN: Well, it is included in my main text, right, don't worry yourself.

Mr. Speaker, the fact is that in relation to the trade policy, the Member knows very well that the Trade Policy is under review....

(*Sotto voce* comments by Mr. Luther Buchanan)

Mr. BROWN: Well he knows because we have had meetings with him in relation to...

Mr. Luther BUCHANAN: But he still doesn't know.

Mrs. NEITA-HEADLEY: Oooh, he has been a part of the consultation.

(*Sotto voce* comments by Members)

Mr. BROWN: He knows fully well, Mr. Speaker that the Trade Policy is under review, that it has been sent for further consultations, Mr. Speaker, and in fact, Mr. Speaker, I was part of the consultation where we looked at New Zealand as a model in relation to Trade Policy.

What is interesting, Mr. Speaker, is that that country does not have a written Trade Policy, but what it has evolved is a trade strategy, and I want to say, Mr. Speaker, that the subcommittee of Cabinet, the International Trade and Relations Subcommittee has mandated the Ministry of Foreign Affairs and Foreign Trade to look at a trade strategy, because it is not so much that you may need a written policy, but you need a very clear trade strategy and that is really what we are looking at Mr. Speaker.

Mr. Speaker, having regard to the issue of the Diaspora, there can be no doubt, Mr. Speaker, that 2013 was a watershed year in relation to the Diaspora Conference. We did shift focus, Mr. Speaker, in that year, from...

Mr. SHAW: Get off your phone!

Mr. BROWN: ...a situation where the Conferences were contentious and issues-based, to where we have evolved a Conference that is results oriented.

MEMBERS: Results... results!

Mr. McKENZIE: Why *yuh nuh* apply *fi di* job.

Mr. BROWN: And for the first time, Mr. Speaker, all the conferences that we have had...

A MEMBER: First time!

Mr. BROWN: ...we shifted focus to look at the issues of investment and trade... (Applause) ...and to open up the opportunities for Members of the Diaspora to invest in Jamaica, because we do believe that they are interested in investing in Jamaica. (Applause) But, let me say, Mr. Speaker, that the experts in relation to foreign direct investments will tell you that in order to attract greater foreign direct investment; it is prudent to have a broad foreign direct investment engagement.

And what that means is although we are singling out the diaspora for special treatment, you really want to ensure that everybody can benefit from a level playingfield, including Members of the Diaspora. (Applause) And I am making that point, Mr. Speaker, because we must not divorce what is happening in the wider economy from what impacts on the members of the Diaspora.

MEMBERS: Correct!

Mr. BROWN: So it therefore means that when we move 27 places up to 58 in the Ease of Doing Business in Jamaica, it benefits the members of the Diaspora in relation to that, Mr. Speaker.

(*Sotto voce* comments/Applause)

Mr. L. BUCHANAN: Talk Brown, talk!

Mr. BROWN: Mr. Speaker, it means that when we improve our ranking in terms of the Logistic Index, that also benefits the Diaspora, Mr. Speaker.

(Applause)

Mr. SHAW: (Inaudible) ...Stop the noise, *nuh* man!

Mr. BROWN: So Mr. Speaker, it also means when Forbes Magazine say that we are the best placed in the Caribbean to do business....

(Applause) (*Sotto voce* comments)

Mr. BROWN: ...benefits the members of the Diaspora, Mr. Speaker. So, I want us to understand that the diaspora engagement is not in a vacuum. We have to connect the dots, Mr. Speaker, and that is what we are doing on this side, connecting the dots for the members of the Diaspora, so that they can invest in Jamaica, Mr. Speaker.

Mrs. NEITA-HEADLEY: One world, one Jamaica!

Mr. SHAW: You sound like a tracer man.

Mr. BROWN: Mr. Speaker... I am following you.

Mr. Speaker, I want us to understand that when you speak to Members of the Diaspora about the Fifth Biennial Conference that was held in 2013, they unanimously agreed that it was the best conference that they ever attended in the history of these conferences, Mr. Speaker. (Applause)

Mrs. NEITA-HEADLEY: Good leadership, good governance... good governance!

(*Sotto voce* comments)

Mr. BROWN: What we are doing, Mr. Speaker, is that we are building on the success of the... we are building on the success, Mr. Speaker, of the Fifth Biennial Conference to ensure that we have an even more improved Conference come 2015, Mr. Speaker. (Applause)

Mr. Speaker, I want to make it very clear that from the time that we launch the Sixth Biennial Conference on February 20th of this year, we have been to New York, Mr. Speaker…. (Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. BROWN: We have been to Bahamas, Mr. Speaker; we have been to Cayman, Mr. Speaker; we have been to Ontario, Mr. Speaker; we have been to Ottawa, Mr. Speaker; we have been to Edmonton, Mr. Speaker, and we have been to Montreal, Mr. Speaker. And everywhere we have gone the reception for the Sixth

Conference has been overwhelming, and we expect that we are going to have a successful Conference in 2015, Mr. Speaker. (Applause)

Mrs. NEITA-HEADLEY: Sell off, sell off!

Mr. SHAW: So where is your speech now?

Mr. BROWN: Mr. Speaker... Mr. Speaker... I am giving it. Mr. Speaker, I want to point out that come this Conference, we are going to continue with the Golf Tournament. We are introducing, Mr. Speaker, two days of service... two days, Mr. Speaker, of religious service. We are introducing, Mr. Speaker, the international migration... International Deportation and Immigration Symposium in the context of the Conference, Mr. Speaker.

Mr. BARTLETT: Where is the policy that you promise them?

Mr. BROWN: I'm coming to you; I am going to address you.

Mrs. NEITA-HEADLEY: You are mendacious.

(*Sotto voce* comment)

Mr. BROWN: Mr. Speaker, we're also going to have the Governor-General's award for the many Jamaicans in the Diaspora who are selling and who are supporting Jamaica throughout the years, in various respects, Mr. Speaker. And what we have done is that we have increased the number of awards, from three to six, Mr. Speaker, because there are so many members in the Diaspora who are distinguishing themselves and helping Jamaica, Mr. Speaker.

(Applause)

Mr. Speaker, we will continue with the Marketplace that was very successful last year, and the truth is, as my colleague on the opposite side...

Mrs. NEITA-HEADLEY: Take a drink, take a drink...

A MEMBER: Yes, take a sip!

(Applause/Laughter)

Mr. BROWN: As my friend on the opposite side would very well know, Mr. Speaker, that when it comes on to investment, that there is sometimes a gestation period; it doesn't happen overnight.

Mrs. NEITA-HEADLEY: That's process... governance... (Inaudible)

(*Sotto voce* comment)

Mr. BROWN: So the point is - it is not an excuse; it is a statement of fact.

(*Sotto voce* comment by Mr. Bartlett)

Mrs. NEITA-HEADLEY: Good governance is a process!

Mr. BROWN: Mr. Speaker, every time this point comes up, I have to tell the story, Mr. Speaker, of a former Member of this House, who used to travel to Europe and far places, seeking investments for the country. And every time he returned to this country, they would ask what has he brought back, and his response would be that it is in the pipeline, and they started to call him pipeline, Mr. Speaker.

Mrs. NEITA-HEADLEY: That's right!

Mr. BROWN: So every time he went away and come back they asked what *im* bring back and im say it's in the pipeline. Now, if you go on the North Coast, Mr. Speaker, the pipeline is burst down there... (Inaudible) ...Fiesta, Iberostar... (Applause)

(Cross talk)

Mrs. NEITA-HEADLEY: The pipeline burst... pipeline burst!

Mr. BROWN: Mr. Speaker... I want to tell you that in relation to the Diaspora Conference on Investments, it is in the pipeline, Mr. Speaker. (Applause)

(*Sotto voce* comments)

Mr. BROWN: So, Mr. Speaker, we have come back - we have come back with the Marketplace, Mr. Speaker, and we anticipate that in the Sixth Conference, we will be able to say what has happened since 2013, and we will see Diaspora people who are investing in Jamaica because that is already happening, and happening under the quiet. And we have added an innovation, Mr. Speaker...

(Cross talk/Laughter)

Mr. Speaker, we have added an innovation, Mr. Speaker, called the Marketplace Live that will showcase the cultural highlights of Jamaica to Members of the Diaspora, Mr. Speaker. And we come back, Mr. Speaker, with the Bay of Service, where the members of the Diaspora will do what they do best, and that is to give back service to the community, Mr. Speaker.

Mr. Speaker, I want to tell you...

Mr. SHAW: There is nothing in here anyway! (Displaying book)

Mrs. NEITA-HEADLEY: Hush! You're doing well!

Mr. BROWN: Mr. Speaker, I want to say, and highlight some of the positive things that have happened since the last Conference. One of those things, Mr. Speaker, is the establishment of the Diaspora Education Task Force which convened an Education Forum in February of 2014, and out of that fora, Mr. Speaker, a six-year Education System Development Plan was formulated, and, Mr. Speaker, as a result of that, this year from 6^{tfi} July to 5th August, 2015, we are going to have Camp Summer Plus, Mr. Speaker...

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. BROWN: ...which was an initiative of the Ministry of Education that ran out of funding. I want to announce that because of Diaspora engagement, USAID is sponsoring this camp to the tune of US$250,000, Mr. Speaker... (Applause) ...and over 500 students are going to benefit from this initiative. Sam Sharp Teachers' College, the Cedar Grove Academy, and the College of Arts, Science and Education will be the site of this event, Mr. Speaker, and I want to say, thanks to them.

Mr. Speaker, I also want to point out that as a result of the Conference, there was a health forum that was held in July 2014, in Toronto, and as a result of that, Mr. Speaker, a Memorandum of Understanding was concluded between the leading hospital in Canada, the Sunnybrook Hospital, the University of the West Indies, and the Ministry of Health, Mr. Speaker.

Mrs. NEITA-HEADLEY: Well done... well done! (Applause)

Mr. BROWN: Mr. Speaker, it was not lost on me yesterday, during the presentation of the Honourable Minister of Health that the Linear Accelerator machine has been made possible in part by contributions from the Members of the diaspora in the form of the Vincent HoSang Foundation, and I think we

need to acknowledge that, Mr. Speaker. (Applause)

A MEMBER: Leadership!

Mr. BROWN: Mr. Speaker, I also want to indicate that we also launched, in the wake of that Conference, the Diaspora Youth Connect Initiative in October, 2014, where we had young people from the Diaspora travelling to Jamaica, going to some of the inner-city communities in Granville and Flankers, and training them in entrepreneurship, and giving them a meaningful skill, Mr. Speaker, so that they can make a livelihood. (Applause)

Mrs. NEITA-HEADLEY: Well done!

Mr. BROWN: And, Mr. Speaker, I want to point out that in June of this year - and my friend on the other side would be glad to hear that we will be presenting a report card of all that has happened...

A MEMBER: Straight A... straight A! (Applause)

Mr. BROWN: ...from June of the last Conference to this year, and people are going to be very surprised and pleased about the level of things that we have in this Conference, Mr. Speaker.

Mrs. NEITA-HEADLEY: Hear, hear!

A MEMBER: Straight.

Mr. BROWN: Mr. Speaker, I want to speak about the Policy and I want to say to the Member, that the work on the International Migration and Development Policy is very far advanced and that, not too long from now, once Cabinet approves, we should have that policy tabled in this Honourable House to indicate how it is that we are treating with the issue of migration and development, and it does touch on several thematic areas, including diaspora and development.

Mr. Speaker, having regards to the Diaspora and Development Policy, I want to say that I am inclined to agree with you that it has taken a little time, in terms of gestation, but the fact of the matter is that it is well advanced, in terms of its drafting. There is a draft policy in place.

Mr. BARTLETT: Gestation again... must have colic.

Mr. BROWN: Further consultations are taking place on that, and I anticipate that in the wake of the Conference, we will have a Green Paper on Diaspora and Development. But, I want to point out though, Mr. Speaker, that we take a lot of things for granted where diaspora engagement is concerned because Jamaica is only one of four countries in the world that have an International Migration and Development Policy - one of four.

A MEMBER: In the whole world?

(Applause)

Mr. BROWN: And in relation to that, Mr. Speaker, we are more advanced in the sense that we have pulled out and evolved a Diaspora and Development Policy, so we are light years ahead of those persons who are engaged in diaspora engagement. (Applause)

Mr. Speaker, linked to that is the Diaspora Mapping Project which was a recommendation out of the 2006 Conference of which I am pleased to announce, we launched last year in June, and we are in our 18th month of this project, and we will be extending it by two months, and the nature of this project, Mr. Speaker, is to ensure that we

can identify our Diaspora wherever they are: their skill sets, how they are engaged in Jamaica - and we are supporting Jamaica, how they would like to support Jamaica...

Mrs. NEITA-HEADLEY: Progressive... progressive!

Mr. BROWN: ...and in addition to that, Mr. Speaker, to allow us to provide them with information in a timely manner, in relation to the investment opportunities that are available in Jamaica. (Applause)

Mr. Speaker, to advance this mapping project we have engaged some champions. We have asked the most Honourable PJ Patterson, former Prime Minister of Jamaica and he has consented to be one champion. We have asked Baroness Lawrence of Clarendon of the UK to be a champion, she has accepted; Ambassador Merlene Ottey has accepted to be a champion and she lives in Slovakia; Mr. Levy Roots and Mr. Horace Cooper, OD, from (Inaudible) - they are champions, Mr. Speaker. Dr. Mary Ann Chambers, Bishop Audley James, Senator Don Meredith from Canada are champions and our own Oliver Samuels has also agreed to be a champion of this important thing, Mr. Speaker. So Mr. Speaker, we anticipate that we will have a very solid database that we can engage our people and members of the diaspora where that is concern, Mr. Speaker.

Mr. Speaker, I want to speak a little bit about the World Trade Organization, which I think is very important, Mr. Speaker, especially in light of the comments that were made by the Opposition Spokesman on Foreign Affairs and Foreign Trade, and I am a bit surprised that no mention - I don't know if I missed it, was made of the WTO, but I want to point out to you though that this...

(Cross talk)

Mrs. NEITA-HEADLEY: Point out.

Mr. BROWN: I am pointing out, that, Mr. Speaker, something historic happened in December of 2013 which is...

(Cross talk)

Mr. Speaker, I want to speak a little bit about MC9. MC9 was significant in that it saved the credibility of the multilateral system and we got out of value what is referred to as a mini package, and in that mini package is the trade facilitation component which is very critical to our economic development. And I want to say, Mr. Speaker that Jamaica assumed a leadership role in ensuring the success of Bali and we can all applaud that, Mr. Speaker.

(Applause)

Mr. Speaker, the implication of this trade facilitation agreement is that it is likely to add anywhere from Three Trillion to Five Trillion US dollars in global trade... (Applause) ...and in addition to that, Mr. Speaker, we are working on the post Bali work programme and...

(Cross talk)

...it's still in-train and we expect that by July of this year we will sign-off on the work programme, we will sign-off on the work programme.But let me point out, Mr. Speaker, that we had some commitments to make in relation to category A provisions under the Trade Facilitation Agreement and that Jamaica has in fact met those provisions and we are looking now to deal with category B and C

going down the line. We have established a National Trade Facilitation Committee and a National Trade Facilitation Task Force that, to my knowledge, is chaired by Mr. Victor Cummings and sufficient work is being done, and we are looking forward as the lead in CARICOM, Mr. Speaker, to ensure that the Tenth Ministerial Conference on the World Trade Organization will be successful as it is being held for the first time, I believe in Kenya, in Nairobi, Kenya, so we are expecting that we will have a good outcome.

(*Sotto voce* comment)

Mr. BROWN: Yes, we are expecting that we will have a good outcome in Kenya and we are also expecting, Mr. Speaker that we will continue the work of the development round which is very important to us and incidentally, Mr. Speaker, where the aid for trade aspect of development is also a critical component. And we will be calling on the international community, particularly the more developed countries to put their monies where their mouth is in terms of building our trade capacity, and that is why, Mr. Speaker, it is not a situation where we are out there cap in hand. But we are saying that if we are to compete on the global space we have to have the capacity to do so, including the productive and the competitive capacity, Mr. Speaker, and we are very much seized with that issue.

Mr. Speaker, I want to say that the Government of Jamaica continues to work assiduously in the interest of the people of Jamaica and to ensure that we derive benefit from our engagement with our international partners.

I want to speak a little bit about the visit of President Obama. Mr. Speaker, everybody or most speakers have spoken to this issue and, in fact, most speakers have given commendation for the treatment that was issued and meted out on the occasion of the visit of President Obama and most of that went to the security forces, and I again, Mr. Speaker, want to commend the security forces for their excellent work in this. But I want to take this opportunity to salute the Most Honourable Portia Simpson Miller, Prime Minister of Jamaica for her role in this visit as our chief diplomat, and I want to do it, Mr. Speaker in two contexts. The first one is that the Prime Minister is the lead Prime Minister for external negotiations in CARICOM, and I think that it is a feather in our cap that we had a CARICOM/US Summit on Jamaican soil and I think we should salute her for it.

(Applause)

I think, Mr. Speaker, that we take it for granted that this Summit was held in Jamaica, because the President could have easily well have gone to Panama and had the Summit in the margins of Panama. But, Mr. Speaker, I think as my colleague on the opposite side said that he wanted to send a message that the region was important but, more importantly, that Jamaica was important in the region and a leader in the region. (Applause) And it is in that context, Mr. Speaker, that I want to agree with my colleague and senior Minister that Jamaica has done much and this administration has done much to restore Jamaica's image overseas to restore our credibility, Mr. Speaker.

(Applause)

Mr. Speaker, I want to also make an observation, because part of what I am seeking to do is to connect the dots for all of us in this House and in this country. Apart from the historic visit of President Obama, there was a female who alighted Air Force One, her name is Yvette Clarke and she is a Congresswoman, a second generation Jamaican, a member of the diaspora and we want to salute her, Mr. Speaker, in relation to that.

(Applause)

It therefore means, Mr. Speaker, that diaspora engagement is more than remittances, diaspora engagement is more than investment, diaspora engagement goes to the heart of our foreign policy and our diplomacy, Mr. Speaker.

(Applause)

And, in fact, Mr. Speaker, based on her own testimonial on a programme that was aired last night, her own stocks as an advocate and as a member of the Black Caucus in the United States Congress went up several notches when they saw her stepping off Air Force One on Jamaican soil with the President.

(Applause)

It means, Mr. Speaker, that we have a voice now that as the ears of the people, not only in the Black Caucus but in the United States Congress and we need to continue to exploit those, Mr. Speaker. So again, Mr. Speaker, I want to thank the Prime Minister for her leadership and I certainly would not leave out my own Minister, Senator A.J. Nicholson who led the Ministry of Foreign Affairs and Foreign Trade in relation to that matter, Mr. Speaker.

(Applause)

And I must say I am grateful to the Prime Minister for having been part of her delegation that attended the Summit of CARICOM and the United States.

Mr. Speaker, I want to speak a little bit about our maritime affairs because it may be unknown to most persons that I chair the National Council on Ocean and Coastal Zone Management.

(*Sotto voce* comment)

Mr. BROWN: I am on page 43 but my notes are bigger so you might have to...

(*Sotto voce* comment)

Mr. BROWN: Mr. Speaker, I want to say that this Council is a very important Council that has been doing significant work very quietly, and I want to say that the Council has formulated the guidelines for conducting marine scientific research in areas under Jamaica's jurisdiction that we have established the technical working group to prepare a grand proposal for acquiring equipment for implementing the National Oil Spill Contingency Plan, and that we have seen the restoration on the South West rock, our most southerly point which is critical for status as an archipelagic state. This is very important, Mr. Speaker, because what it does it gives us more economic EEZ, right and it gives us more internal water. And it is important for us to ensure that these structures are in place to ground Jamaica's claim as an archipelagic...

(Applause)

Mr. Speaker, in relation to maritime delimitation, I want to say that we are continuing our negotiations with delimitation treaties, with Colombia and Cuba and that we are also engaged in discussions with Honduras in relation to that. As host of the International Seabed Authority we have a vested interest in its work and wellbeing. Mr. Speaker, we have witnessed significant growth in the scope of the authority's work and in two decades of operation the ISA, which is vested with the authority to protect the common heritage of mankind is expanding the mining code by developing regulations for allowing exploitation of the resources of the deep seabed. This is exciting news, Mr. Speaker, a small country such as Jamaica stand to benefit from partnering with other countries and entities which wish to engage in deep seabed. This is another area of exploration and exploitation that has significant prospect for wealth, and as part of the international regime on the law of the sea the prospects of gaining significant resources remains high and Jamaica is seeking to exploit this as best as possible.

I turn, Mr. Speaker, to the issues of candidatures. Mr. Speaker, the Ministry of Foreign Affairs and Foreign Trade continues to work diligently to ensure that highly respected and qualified in addition also are elected to serve on international bodies. We recall the intense campaign which was launched in 2014 to secure a seat for Judge Patrick Robinson on the International Court of Justice. We were delighted with the successful election of Judge Robinson to serve a nine year term on the court.

Mr. Speaker, another distinguished Jamaican Ms Carleen Gardener was re-elected by acclamation to serve on the International Civil Service Commission of United Nations for the period 2015 to 2018.

In addition, during the last session of the International Seabed Authority Jamaica was re-elected for a four-year term on the Council of the authority and this demonstrates, Mr. Speaker, the respect that our colleagues in the international community have for Jamaica. Jamaica has also submitted the candidacy of Professor Verene Shepherd who was here earlier for the election to the United Nations Committee on the Elimination of Racial Discrimination for the period 2015 to 2020, as well as that of Mrs. Margaret McCaulay for election to the Inter American Commission on Human Rights for the period 2016 to 2019, and many would know that Mrs. McCaulay had served previously but was displaced in the last round and we anticipate that her election will be successful this time around. Both candidates are women of integrity who have a passion for fairness, justice and equality and equal rights for all. (Applause)

We are confident that their election to these august bodies will enhance Jamaica's contribution to the global human rights framework. Jamaica has also submitted its candidature for reelection to the Council of the International Maritime Organization for elections to be held November of this year.

Mr. Speaker, I want to state that on the 25th of March Jamaica stood with the global community to honour the memory of victims of slavery and the Transatlantic Slave Trade.

(Applause)

After eight years of hard work we were proud to witness the unveiling of the permanent memorial at the United Nations Headquarters in New York.

This, Mr. Speaker, is no mean feat as it is a result of the diligence and dedication of the staff of the Ministry of Foreign Affairs and Foreign Trade, particularly those at the Permanent Mission to the United Nations in New York, past and present.

Mrs. NEITA-HEADLEY: Hear, hear!

(Applause)

The Permanent Memorial will serve to teach present and future generations about one of the darkest chapters in human history. It is an important reminder that never again should we allow racism, racial discrimination, xenophobia, or any form of intolerance to take hold within our societies. Mr. Speaker, I think that this Memorial bodes well for the reparation challenge that we are going to go on, and the fact that the international community is beginning to recognize that slavery really was an egregious crime against humanity and that there should be payment for those sins, Mr. Speaker.

I want in that vein to congratulate again the Prime Minister who was there to unveil this mandate, Mr. Speaker.

(Applause)

Mr. L. BUCHANAN: Hear, hear!

Mr. BROWN: Mr. Speaker, Jamaica welcomes entry into force of the Arms Trade Treaty on the 24th December, 2014. Jamaica signed the Treaty when it opened for signature on the 3rd of June, 2013, and ratified it a year later on the 3rd of June, 2014. Its principal aim is to regulate the enormous global trade in conventional weapons and to prevent their diversion from legal to illicit market. Jamaica's advocacy for the elaboration of the Treaty was borne out of concern for the negative impact of illicit guns and ammunition on our society. The ATT is therefore a welcome effort in strengthening the security and crime strategy of Jamaica. I wish, Mr. Speaker, to express our gratitude to the European Union which has invested political and financial resources in making the Treaty a reality and has allocated to small states €6.4 Million to strengthen arms control in Jamaica.

(Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. BROWN: Mr. Speaker, I believe that under this administration we have acquitted ourselves well in relation to our foreign policy, that we have restored Jamaica's credibility in the international community and that we will continue to build on the legacy of our men and women in the Foreign Service, including those on that side that made positive contribution. And I want to say finally, Mr. Speaker - I think it is time, I think it is time, Mr. Speaker, that we get off the hobble horse of the ambivalence with CARICOM and continue to focus our vision on how do we make CARICOM function for all of us in our best interest as it is the best vehicle to ensure that we realize our development needs, Mr. Speaker.

With those words, Mr. Speaker, I want to thank you very much, I thank this Honourable House.

(Applause)

Mrs. NEITA-HEADLEY: Well done my brother. Well done, well done.

Government MEMBER: Fan him, fan him.

Another Government MEMBER: Big up yourself, man. Big up yourself.

Mr. SHAW: All right, tracer man.

(Heckling)

The SPEAKER: Minister McNeill.

(Applause)

Dr. McNEILL: Thank you, Mr. Speaker.

(Heckling) (The Speaker gavels)

Dr. McNEILL: Thank you, Mr. Speaker. Permission to speak from a seat other than my own?

The SPEAKER: You may proceed.

Dr. McNEILL: Thank you.

Mr. Speaker, today it's my honour to bring the curtain down on the Sectoral Debate for the Fiscal Year 2015/2016. This year's budget debate was historic in that it concluded before the start of the financial year. (Applause)

Mr. Speaker, we were scheduled to start the sectoral presentations on April the 7th but delayed this for a week because of the visit of the President of the United States, Barack Obama. We therefore started on April the 14th, and here we are, just three weeks later and we have concluded the Sectoral Debate.

Mr. Speaker, we also started this year with a new format that has worked well.

Mrs. NEITA-HEADLEY: Hear, hear!

Dr. McNEILL: Our presentations were limited, our presentations were limited, Mr. Speaker, to 45 minutes for Ministers and 30 minutes for Opposition spokepersons. Our not being able to speak for two and three hours compelled us to be more disciplined, selective and efficient. We will have to use other means, Mr. Speaker, such as Ministry Papers to ensure that the various aspects of our work will be placed on the record of the **Hansard.** However, Mr. Speaker, these shorter presentations received better than usual coverage in the media, and therefore, had a greater reach.

Mrs. NEITA-HEADLEY: Hear, hear!

Dr. McNEILL: It is also obvious that my colleague Members of the House found the presentations more intriguing and catered to their attention span, as almost 70 per cent of us stayed the course for the duration of each sitting, which Mr. Speaker is not usually the case.

Mrs. NEITA-HEADLEY: That is true.

Dr. McNEILL: There were some other interesting consequences too sir because, for the first time in a long time we saw some of our colleagues both Ministers and the other side, rushing to try and finish their 45 minutes. I well remember the Minister of Water Land and Housing, and also the Opposition spokesperson on Industry who when the buzzer went off said, "My time dun already?" But, Mr. Speaker, I also want to say that we need to continue this process because it seems to be working well.

Mr. BARTLETT: Absolutely.

Dr. McNEILL: There are a number of things that are working. You know, quite frankly from my side of it, I remember the Member from West Portland when I was speaking, offered to give me ten minutes of

his time and I was actually considering it until I realized that he didn't have any time…

A MEMBER: Had no time.

Dr. McNEILL: …to give me.

(Laughter)

However, Mr. Speaker, I think that as we move on we can look at the different elements on how we can do it.

Mr. Speaker, I must also give my support to the introduction of technology as part of our presentations as we must move with the times. This additional innovation no doubt pique the interest of the technology savvy generation. However, Mr. Speaker, we must balance the technology so that it does not become a distraction but rather an attractive tool of communication.

Mr. Speaker, I want to place on record my commendation to you and specifically to House Leader Phillip Paulwell who really has spearheaded this and made this initiative through, and to all the Members of the Committee, I just say that it has worked, well done.

Mr. Speaker, as I close this segment the theme of our - the theme of our Sectoral presentation on the Government side, was a stable foundation for growth and development. Mr. Speaker, the context of it, the Minister of Finance pointed out, that we are half-way through a four year medium term extended fund facility with the IMF. Mr. Speaker, with great discipline on the part of the Administration, and sacrifice and pain of the people of this country, we have passed every test that we have had to date.

(Applause)

Mr. Speaker, our inflation rate is at the lowest that it has been since 1963; that is before many of us were born, excluding Mike and Karl and so many others.

(*Sotto voce* comment)

Dr. McNEILL: Interest rates are trending down, and foreign direct investments have rebounded to US$490 Million up from US$218 Million in 2011. So Mr. Speaker, with all of this we as a Government are setting the economic foundation - stable foundation in the economy, for growth and development. But Mr. Speaker, we understand that there is more that we have to do to set that stable foundation. We have to ensure that we have an educated populace; we have to ensure that we have good healthcare for our people; that we have safety and security, and that while we do all of this, that we protect the vulnerable.

So Mr. Speaker, it was with great interest that we listened to the Minister of Education. Mr. Speaker, the Minister of Education in his presentation re-emphasized that an educated workforce is a pre-requisite for growth and development, hence the importance of a relevant education agenda and strategy. He pointed out that we are now seeing improved Grade 4 and GSAT results and means that we are moving the education sector in the right direction. Last year we reduced the number of schools on the shift system by 12, and this year another 22 schools will be removed from the shift system.

(Applause)

We are also focusing on those areas that would lead to more and better paying jobs for our people. We have to train our people to

perform in traditional sectors, the merging sectors and for the global labour market. We have just learnt of the introduction of the new programme which will see the transformation of selected high schools into the Science, Technology, Engineer, and Mathematics Academy, those STEM academies.

Mr. Speaker, HEART/NHT is also being repositioned to focus on the creation of a comprehensive national trading agency to drive workforce development. Mr. Speaker, as the Minister of Education so eloquently puts it, having an educated, trained workforce is more valuable than bauxite in the ground and crops in the field.

MEMBERS: Hear, hear!

Dr. McNEILL: A good education is an essential tool for national development and personal achievement. (Applause)

Mr. Speaker, another pre-requisite for a stable foundation is a healthy populace. We readily acknowledge that we are being faced with serious challenges in our health sector. That is why the Minister of Health announced yesterday that the Ministry has been allocating $48 Billion for this financial year, up from last year's $40 Billion, an increase of 18 per cent. Mr. Speaker, it is the largest increase in non-debt expenditure in any area of the budget.

(Applause)

Mr. Speaker, we have doubled the pharmaceutical budget to J$8 Million. The equipment budget has been increased from $80 Million to over $500 Million and the Ministry is acquiring 19 new ambulances.

Mr. Speaker, it has also signed a contract for US$14 Million to acquire two state of the art linear accelerator machines to move the cost of radiology treatment for cancer for the most vulnerable…

Mr. DALLEY: Big things, big things. Working Government….

(Applause)

….and the Ministry is now beginning, designing a ten year development plan.

Mr. DALLEY: Fourteen Million US.

(Heckling)

Dr. McNEILL: Mr. Speaker, as part of setting a stable foundation for growth and development we are going to...

The SPEAKER: Mr. Shaw.

Mr. SHAW: Oh, all right.

Dr. McNEILL: Mr. Speaker, in setting a stable foundation for growth and development we are going to all have to unite around the issue of national security. Mr. Speaker, this has a profound and far-reaching social and economic impact. In his presentation the Minister made the point that murder and all serious crimes are down from 1,692 in 2009 to just over 1,005 last year, a decrease of over 40%. There is no disputing that this is still too high but we are trending in the right direction. We continue to fight crime with all the tools that we can get on our hands. We continue to pass groundbreaking legislation aimed at assisting investigations and pushing serious offenders while at the same time removing oppressive consequences for minor offences.

The DNA Bill tabled during the Minister's presentation is an important advance in the fight against crime and, Mr. Speaker, we are happy that MOCA is making serious inroads in combating corruption and improving police

accountability. Mr. Speaker, we are going to continue to fight the scourge of crime as it is an important component for building a stable foundation.

Mr. Speaker, while the foregoing information serves to underscore that the initiatives being adopted are designed to ensure that we have an educated workforce, functioning health sector and security. While focusing on the effective implementation we have not lost sight of the unwavering commitment of this Government to protect the most vulnerable in our society.

(Applause)

Mr. L. BUCHANAN: Hear, hear!

Dr. McNEILL: That is why, Mr. Speaker, the Minister of Social Security reporting we have increased spending on the PATH Programme accumulative improvement of over 30% in the value of payment to PATH beneficiaries. There are other initiatives by the Ministry which include the provision of transportation for children who are on PATH Programme and who were not attending school because they cannot afford the cost of transportation, and the Ministry has also developed a graduation strategy that provides for training grant and financing to train and equip young people to move from welfare to work. Mr. Speaker, we intend to continue protecting the poor and vulnerable while we are building a stable foundation for growth and development.

So, Mr. Speaker, all of these things that have been put together are the foundation for growth and development. Are we going to achieve it? Yes, we are. We are going to achieve it. Mr. Speaker, all the programmes and policies put in place are now seeing the results. A number of the sectoral presentations by my colleague Minister signal a very exciting period in the coming 24 months in terms of growth projects.

With regard to infrastructure the Minister of Transport and Housing is reporting that the construction of the North/South Highway is progressing apace. The developers have promised that Segment II of the bypass should be opened by early next year with completion of the entire roadway by or before December 2016. Mr. Speaker, this represents an investment well in excess of US$600 Million. (Applause)

Mr. Speaker, other important road works are moving ahead under the Major Infrastructure Development Programme; $1.5 Billion has been earmarked to finance and rehabilitate approximately 60 kilometers of roadways and $127 Million for repair and reconstruction of six bridges. (Applause)

Mr. Speaker, among some of the most notable achievements was the successful implementation of the Jamaica Emergency Employment Programme, the JEEP Programme which continues. And of note, the Minister has also announced that the bids are in for the divestment of the Norman Manley International Airport and those are being considered. Mr. Speaker, it is important for us to understand that all of these projects have other consequences as well. When the Norman Manley International Airport is opened and you have the phases II and III of the North-South Highway completed what you are going

to see is a development taking place in Ocho Rios and along all the strips that will be unprecedented, because for areas such as tourism and business you now bring both international airports into play and moving from one destination to the other is going to be made very easily. (Applause)

Mr. Speaker, another major achievement was the signing of the agreement with Terminal Link CMA/CGM Consortium for the Privatization of the Kingston Container Terminal. The arrangement is a long-term concession which will include expansion, financing, operation, maintenance and transformation of the terminal. This project, Mr. Speaker, will do a lot to enhance Jamaica's efficiency and competiveness as a country. Interestingly, Mr. Speaker, the Minister also spoke of 2,400 rooms that will come on stream built by China Harbour which will also have a positive impact on the tourism product.

So with that I will now turn, Mr. Speaker, to the projects in tourism that are also moving to provide growth and development.

Mr. Speaker, the tourism sector with our exemplary partnership and stakeholder continues to hold its own as Jamaica's cheap source of foreign exchange earnings. For the 2014 calendar year earnings were in excess of US$2.2 Billion, a 5.8% increase over the previous year. In the healthy investment climate created by this Government, Mr. Speaker, we attracted investments of over J$54 Billion up to today's date with the building, renovation and upgrading of several resort properties.

Mr. Speaker, we achieved another milestone when we welcomed over 2,000,000 stopover visitors and our cruise passengers were the best ever; we saw 12% increase over the 1.4 million arrivals. In total, Mr. Speaker, Jamaica welcomed 3.5 million visitors to the island last year.

Mr. Speaker, the construction that is now on the books for projects to begin will add another 1,500 rooms, new rooms to our room stock.

(*Sotto voce* remarks)

Dr. McNEILL: Fifteen hundred (1,500) new rooms to our room stock over the next three years. There are several other new projects at the planning and design stages that will add another 1,600 new rooms. Mr. Speaker, with these two projects and the projects from China Harbour we are going to see over the next three to five years an addition of approximately 5,000 new rooms to Jamaica's room stock and at least 10,000 jobs during that period of time between both the construction and the permanent jobs. (Applause)

Mr. Speaker, it is important that to enable the sort of investment the Minister of Water, Land, Environment and Climate Change pointed out that he has indicated that the Government is modernizing the development approval process to deal more efficiently and in a more timely manner with the increase, with the anticipated increase in applications as the country continues on its growth path. So, Mr. Speaker, I am saying we are setting a stable foundation for all of this growth and development to take place.

Mr. Speaker, the Minister of Agriculture spoke about the projects that are taking place in his Ministry. He spoke about the agro parks programme which continues. There are now nine agro parks with an output of 1.7 million kilogrammes of produce (Applause) that employs 1,428 people.

Mr. Speaker, we will continue to expand this programme. Also, for the first six months of the year we had a 2.6% increase in domestic agriculture production. We are on the right path. We understand that driving agriculture is important and we will continue to do so not only because it's an important area for growth but also it's an important area where we can save in foreign exchange. What we are able to produce here it means we do not have to import.

Mr. Speaker, another exciting area with growth potential is the BPO sector. This exciting service industry has been making a significant contribution to the sector, IT sector; it continues to fuel investment and job creation. The sector is expected to add at least another 6,400 jobs in the 2015/2016 financial year and the Government is developing the framework to harness the full potential of this cutting edge industry.

Our strategic objective is to move Jamaica up the value chain in the BPO industry from simply call centres to knowledge-processing centres. The focus is on outsourcing more professional services such as legal, accounting support as well as software development. As a matter of fact, Mr. Speaker, while we are here in Parliament, while we are here in Parliament today the Minister is down in Montego Bay opening up the Barnett BPO down in Montego Bay.

Mr. Speaker, the cost of energy affects us all. The cost of energy affects us all. Mr. Speaker, the Minister with responsibility for Energy has stated that for the record to date the price of electricity is 30% less than when we took office (Applause) as a result of the decrease in oil prices. However, Mr. Speaker, in an abundance of caution our Government has taken steps to hedge against future sharp increases in the cost of oil to ensure stability by establishing a stabilization fund. (Applause)

Mr. Speaker, we plan also to increase the proportion of renewable energy, diversify the cost of fuel sources for bulk of our electricity (rates) and increase the efficiency of generating units through the replacement old and inefficient units.

Mr. Speaker, the Government has established the joint public/private sector entities, the (PPSE) and has accepted their recommendations which address the second and third strategies of diversifying our fuel.

Mr. Speaker, importantly as this plan for energy unfolds it will involve an investment of over US$1.5 Billion in a three-year time frame and on completion Jamaica will be provided with adequate, stable and cheaper electricity.

Mr. Speaker, in terms of the bauxite and alumina we continue to push on this important sector. Tomorrow the Minister with responsibility will tour the new mining operations at RUSAL, which are now in progress. And when this fully opens it will create new jobs both there and at the port.

Mr. Speaker, one of the things that were very exciting about this debate, was the fact that it coincided at the start with the decriminalization of marijuana that took place. The landmark legislation that made the amendments to the Drug Enforcement Act, which decriminalize the use of small amounts of ganja understandably attracted great public interest both here and overseas. It makes legal practices which have long been held by our people both in its use as sacramental and medicinal benefits.

In addition to this validation of traditional belief and practice, various Ministers examined...

Mr. SHAW: Hold on, Minister, wah happen, yuh forgot the US$5 Million MOU?

Dr. McNEILL: I'm coming, I'm coming to you.

(Cross talk) (The Speaker gavels)

Dr. McNEILL: ...in addition to this validation of our belief various Ministers including Ministers Paulwell, Hylton - Ministers Paulwell and Hylton looked at it from the perspective of the benefits to business, and of course, I looked at it from the perspective of what can be done for health tourism.

Mr. SHAW: Soh what happen to the US$5 Million MOU?

Dr. McNEILL: Mr. Speaker, the Cannabis Licensing Authority has been established to monitor its cultivation and distribution for medical, scientific and therapeutic purposes. (Heckling)

Mr. Speaker, I want to stress again that the smoking of ganja by children and youths under 18 years old is strictly forbidden. It is illegal. The National Council on Drug Abuse will receive increased funding to ensure early intervention in treating any young person caught smoking weed or who show symptoms of addiction. And a public education programme is now being developed to explain the amendments to law.

(Inaudible comment by Dr. Chang)

Dr. McNEILL: No he was in agreement.

(Inaudible comment by Dr. Chang)

Dr. McNEILL: Yes, yes, he puts it forward; he puts it forward in the early days, yes.

(Inaudible comments)

(The Speaker gavels)

Dr. McNEILL: So, Mr. Speaker, as I said, I was not going to trespass, Mr. Speaker, in keeping the House too late today. As I pointed out, we're showing how, as a Government, we've come together to create a stable foundation for growth and development. The work of all the Ministers is towards this end, to ensure that we can set this platform on which our economy can grow and which we can have social development for the people of Jamaica.

Mr. Speaker, at this time I must pay tribute to you and to all Members of your staff here at Parliament for the tremendous work you've done during this Sectoral Debate to keep it going. (Applause)

I want to pay tribute to my fellow Parliamentarians for their vigorous participation. Thanks to the media for their extensive coverage that kept the people informed. (Applause)

Mr. SHAW: Hear! Hear!

Dr. McNEILL: And, Mr. Speaker, I close this chapter in our Parliamentary history with a sense of real optimism which is shared by our...

(Inaudible comments)

Dr. McNEILL: ...Mr. Speaker, I close this chapter in our Parliamentary history with a sense of real optimism, which is shared by our local investors as the survey indicates that we have built a stable foundation for growth and development. All that is left for us is to seize the moment. Take advantage of opportunities as they present themselves.

Mr. SHAW: No!

Dr. McNEILL: Mr. Speaker, my final words...

(Cross talk)

Mr. SHAW: Five Million US Dollars!

Dr. McNEILL: ...Mr. Speaker, my final words are to the parents and caregivers of our nation's children.

(Cross talk)

Dr. McNEILL: Please.

(The Speaker gavels)

(Cross talk)

Dr. McNEILL: Mr. Speaker, the Member - I think next year if they will allow us to talk for them again as Opposition…

(Inaudible comment by a Member)

(Laughter)

Mr. SHAW: What about the US$5 Million investment?

Dr. McNEILL: Mr. Speaker, in closing, my final words are to the parents and caregivers of our nation's children...

(Inaudible comments/Laughter)

(The Speaker gavels)

Dr. McNEILL: ...Mr. Speaker, my final words are to the parents and the caregivers of our nation's children, we can and must do better to protect them. We've long passed the days of slavery when having children was a benefit to our slave masters who regarded us as goods and chattel. I appeal to everyone, especially to our men to own, to love and care for their children.

(Applause)

Dr. PHILLIPS: Hear! Hear!

Dr. McNEILL: As the Prime Minister often said - Mr. Speaker, as the Prime Minister often said, it takes a village to raise a child; let us all come together to become that village. On this point I believe we can and surely must all unite as a people. (Applause)

Mr. Speaker, with those few words I thank you and I thank our Members for the participation in this Debate.

Thank you.

(Applause) (Cross talk)

Mr. PAULWELL: Mr. Speaker...

Mr. SHAW: But it's just the US$5 Million investment. But it's all right, the 350 days soon run out.

(Cross talk)

The SPEAKER: Mr. Shaw!

Mr. PAULWELL: ...Mr. Speaker, as House Leader, I too would like to offer my own appreciation to Members on both sides. I think we have managed this change well...

A MEMBER: Yes!

Mr. PAULWELL: ...and there are some additional changes to come. For example, in relation to Statement by Ministers and

response, those are already approved and they're going to be taking effect very shortly and some other recommendations to make the Parliament a lot more interesting. And we're endeavouring to do that so that more of our people will want to view us.

Mr. Speaker, the time being as it is, I move for suspension of Standing Orders to enable us to take Questions and Answers.

The SPEAKER: The question is for the suspension of the Standing Orders to allow for Questions and Answers to Questions.

Put to the House and agreed to.

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. PAULWELL: Mr. Speaker, the Minister of Local Government will answer two questions posed by the Member from West Kingston.

The SPEAKER: Mr. McKenzie.

Mr. McKENZIE: Mr. Speaker, the questions tabled in my name to the Minister of Local Government, I would now ask the Minister to respond to the questions.

Mr. CHARLES: Give us a copy of the answers; give us a copy. Don't start unless you send us a copy.

Mr. L. BUCHANAN: Him can read.

Mr. CHARLES: That is the rule for the Speaker. Mi haffi talk to yuh bout your insurance.

(Inaudible comment by a Member)

Mr. CHARLES: Minister of Tourism.

Mr. ARSCOTT: Mr. Speaker, permission to speak from a seat other than my own.

Mr. SHAW: No! No! Go back to your seat.

(Laughter)

The SPEAKER: You may proceed.

Mr. ARSCOTT: Yuh fine nuh work again yuh nuh.

Mr. SHAW: Yuh procrastinate.

(Cross talk)

Mr. ARSCOTT: So -

Question 1:

Will the Minister please tell this Honourable House how much money has been spent since January 1, 2012 to deal with fires at the Riverton disposal site?

Answer:

The amount of money spent to deal with fires at Riverton since January 1 2012, is Three Hundred and Seventy-One Million, Six Ninety Seven Thousand, One Hundred and Sixty Dollars ($371,697,160.00).

Mr. DALLEY: From 2012?

A MEMBER: 2012

Mr. ARSCOTT: Mr. Speaker, this Honourable House should be reminded that there have been fires at the Riverton disposal site every year between 2005 and 2010. Some of the costs are not available because of fire that destroyed the records at the NSWMA Headquarters in December 2011, as well as the computers that went missing.

A MEMBER: Wey di computers?

Mr. DALLEY: NSWMA computers, Desmond, where are they?

Mr. ARSCOTT:

Question 2:

Will the Minister please state the outstanding liabilities currently held by the National Solid Waste Management Authority, including but not limited to

outstanding payments to contractors and or suppliers?

Answer:

The liabilities currently held by the NSWMA and its regional bodies have also Nine Hundred and Forty One Million, Six Hundred and Thirty Eight Dollars and Seventy Four ($941,638,074).

Mr. Speaker, One Hundred and Twenty Million ($120M) of this amount is amounts that were awarded by the Courts for unfair dismissals. In January 2012, Mr. Speaker, the total liabilities inherited by this administration is Five Hundred and Forty-two Million Four Hundred and Twenty-four Thousand, Two Seventy-nine Dollars ($542,424,279)

Mr. DALLEY: Four years.

Mr. ARSCOTT:

Question 3:

Will the Minister please state to this House what strategies, if any, were put in place to prevent fires at the Riverton Disposal Site?

Answer:

Strategies that were put in place for the prevention of fires at the disposal site include but not limited to:

a) Cabinet approval was sought for funding to cover the site and cellular divisions and tipping faces re-established and maintained through coverage on a monthly basis;
b) Procurement of the fire suppression equipment at Riverton allows the acquisition of a one hundred thousand gallon water tank pump and hoses;
c) The separation of tyres into cells pending the acquisition of tyre balers to bale tyres entering the disposal facility for subsequent utilization by investors;
d) Boost security arrangements to reduce the number of unauthorized persons on the disposal site.
e) The implementation of the process to divest the disposal site. This will be undertaken by an enterprise team approved by Cabinet.
f) Increase the number of fire wardens to monitor the site.

Question 4:

Will the Minister please state whether or not he has received any documented report on the incidence on fire at the disposal site?

Answer:

Yes we have received preliminary report.

Question 5:

If the answer to Part 4 is in the affirmative, will the Minister please have the reports laid on this Honourable House?

Answer:

Mr. Speaker, I will have these reports laid at a later date.

Question 6:

Will the Minister please advise this Honourable House in detail of the qualifications required if any, for the Head of the NSWMA, which would assist the incumbent in managing such an entity?

Answer:

At least 10 years' experience in a senior

management position with responsibility for institutional development, strategic planning and possessing sound analytical skills. Sound knowledge of public administration. Sound knowledge of solid waste management practices and knowledge of landfill operations is an advantage. Well developed communication skills both orally and in written form. Strong human resource relationship and negotiation skills and effective decision-making.

Mr. McKENZIE: Mr. Speaker, to the Minister. This amount of $371 Million, does that include the amount for the recent fire, for the fire which was just extinguished or this is the amount to date. You did not say if it includes the recent fire, which by virtue of reports is in excess of some $310 Million. So if - could you say?

Mr. ARSCOTT: The figure of the $941 Million is the figure as at March this year.

Mr. McKENZIE: Mr. Speaker, let me be clear. The Minister state that the amount spent on Riverton fire since January 1, 2012 is $371,697,160, I am asking, yesterday in the Public Accounts Committee, the Permanent Secretary gave information that for the March fire that the amount spent was $311 Million. The question I am asking you, Minister is, this amount as stated here, is it inclusive of the March fire of $311 Million?

Mr. ARSCOTT: The last fire, it is included yes.

Mr. McKENZIE: What?

Mr. ARSCOTT: It is included.

Mr. McKENZIE: Are you saying...

Mr. SHAW: Stop mumbling, I am not hearing you.

Mr. CHARLES: What is wrong with your speaking?

Mr. ARSCOTT: The answer is yes, it is included.

Mr. McKENZIE: This is not a joking - Mr. Speaker...

The SPEAKER: Mr. McKenzie, if you are questioning the Minister's figures then you have to offer some justifications for that.

Mr. McKENZIE: I am going to offer the justification, Mr. Speaker.

The SPEAKER: Please, let us do this thing in order. Continue.

Mr. McKENZIE: I am going to offer, Mr. Speaker, because what the Minister is saying based on the figure here, that the cost of Riverton City Fire from 2012 to the present is less than $30 Million. And Mr. Speaker, that is totally inaccurate. The Minister is misleading the House because based on previous information given, because the fire Mr. Speaker in 2012 was in excess of $100 Million based on information that he provided...

Mr. ARSCOTT: So what is the point you are making?

Mr. McKENZIE: ...on questions that were posed to him. The one in 2012, the first fire.

(*Sotto voce* comments by Members)

Mr. ARSCOTT: So what?

Mr. McKENZIE: So Mr. Speaker, this Mr. Speaker, this is totally misleading. Mr. Speaker, and the Minister needs to clarify the position, he needs to clarify the position.

Mr. ARSCOTT: Sit down.

Mr. McKENZIE: I am going to sit to allow you to make a fool of yourself.

Mr. ARSCOTT: Mr. Speaker, if the Member was listening, I said preliminary figures. No way could the Permanent Secretary give a figure about fade-out because....

A MEMBER: Never said that?

Mr. ARSCOTT: There are bills outstanding; she could not have said that...

(*Sotto voce* comments by a Member)

Mr. ARSCOTT: Spent on the fire, she could never have said that.

Mr. SHAW: She said it in the Parliament Public Accounts Committee.

Mr. DALLEY: Don't mislead the country; she could never have said that.

(*Sotto voce* comments by Members)

(The Speaker gavels)

Dr. DAVIES: Mr. Speaker, may I? Mr. Speaker, with your permission. It could seem to me that it is a new question which is being posed and the Member from West Kingston could formally...

The SPEAKER: I think I understand the dilemma. The figure here $371 Million is what has been spent, but it has not - the Minister did not say all bills have been paid.

Mr. McKENZIE: Mr. Speaker, with all due respect, Mr. Speaker, the Minister in his own words he just said, Mr. Speaker that this amount includes….

The SPEAKER: What has been spent, but he did not say all bills have been paid. Why you trying to confuse the Minister?

Mr. McKENZIE: You know, Mr. Speaker, I will only say, that this...

(*Sotto voce* comments by Members)

Mr. McKENZIE: Mr. Speaker, I can only say and I am going to be tabling some specific questions to the Minister but I can only say, Mr. Speaker that this is a dark day for Local Government in this country, a dark day. Mr. Speaker...

Mr. SHAW: Could I ask the Minister a question. As Chairman of the Public Accounts Committee, I would like to clarify that the figure of $311 Million mentioned by the Permanent Secretary yesterday....

Mr. ARSCOTT: Of what?

Mr. SHAW: ...includes amounts that are committed as well as expended. So it has the totality and it includes the cost to the National Solid Waste Management Authority, and the ODPEM, both are included and that figure comes up to $311 Million.

Mr. ARSCOTT: No problem.

Mr. SHAW: What the Member is saying is that in 2012, in one fire, it was reported that $100 Million was expended, by simple mathematics that would already be $411 thereby exceeding the figure of $371 Million that has been presented to the House by the Minister. My suggestion is this, Mr. Speaker, where it is clear now that there is a disconnection here, I don't think the incumbency should be on the Member to ask questions again. I believe that the Minister has a responsibility to bring - to review his numbers and bring the total correct picture to the present from January 2012.

The SPEAKER: Mr. Arscott.

Mr. ARSCOTT: Mr. Speaker, let me just clarify. It is either you are reading from the

wrong document or something. What the PS must have said yesterday is that we have invoices of $311 Million, we are verifying those...

Mr. SHAW: Some have been paid.

Mr. ARSCOTT: Some have been paid $107 Million has been paid. Now the figure that relates to the answer on Question 2 about the total liabilities of just under a billion dollars is what - I don't know what the question is about. I said what the liability is $941,638, 074.

Mr. McKENZIE: What does that have to do with Question No. 1?

Mr. SHAW: One is fire and one is total liability.

Mr. ARSCOTT: Yes.

Mr. McKENZIE: What does that have to do with Question No. 1?

Mr. ARSCOTT: So what is the point you are raising?

Mr. PICKERSGILL: Don't raise your voice.

Mr. McKENZIE: So what is the point of raising it, answer the question?

Mr. ARSCOTT: But you are out of order. Why you don't shut up, just shut up your mouth 'bout sit down, you are out of order.

Mr. McKENZIE: Sit down.

The SPEAKER: (Gavels) Mr. McKenzie.

Mr. Luther BUCHANAN: Who you think you are talking to, you remember the box you get down, who you think you are talking to?

(*Sotto voce* comments by Mr. McKenzie)

A MEMBER: You think this is KSAC?

The SPEAKER: Gentlemen to your seats, please be seated, Mr. Buchanan.

(*Sotto voce* comments by Members)

The SPEAKER: (Gavels) Let me just state. Mr. Shaw has outlined something. Minister, Mr. McKenzie is trying to ask some questions, but he has not been specific. You have not asked what is the total bill for the fire at March, you have not asked that question, you know.

Mr. SHAW: That is Question 1; look at it, that is the problem.

The SPEAKER: No, no, the question he has asked is how much has been spent and that is the problem.

(*Sotto voce* comments by Members)

Dr. DAVIES: Although a Member of the Cabinet and hence colleague of the Minister, we have several questions being posed. For example, I don't know what were the questions posed to the Permanent Secretary to which she gave the answer of 311 and I repeat my suggestion that the Member should pose his question consequent on the responses from the Minister and then we could have a classification. Otherwise we will be guessing because the Minister is guessing as to what questions were posed of the Permanent Secretary to which she answered 311, so I would propose - and we are as interested.

(*Sotto voce* comments by Members)

Dr. DAVIES: And he will when it is set out properly.

The SPEAKER: When it is set out - there is a big difference between what has been spent and what the cost was. Mr. McKenzie,

you never ask the cost you know. How much was spent? He could have spent 50 per cent.

Mr. McKENZIE: Mr. Speaker, the Minister posed it to this Honourable House, the impacts of the Riverton Fire, and the public outcry necessitate that the Minister, the Minister has not made a statement to this Honourable House on the fire. The Minister has not outlined in full details. All I am asking the Minister to do is to say to the House what it cost the taxpayers of the country to put out the recent fire at the Riverton City Dump.

The SPEAKER: That is a new question and appropriate question.

Mr. McKENZIE: And the reason why I am asking...

Mr. ARSCOTT: That is a new question.

Mr. McKENZIE: The reason why I am asking, Mr. Speaker...

(*Sotto voce* comments by a Member)

Mr. McKENZIE: Why you don't go to St Mary guh find something to do?

The SPEAKER: No, Mr. McKenzie, keep it civil.

Mr. McKENZIE: Based on the Minister's response to Question 1, Mr. Speaker...

The SPEAKER: Which is what has been spent, not the total cost.

Mr. McKENZIE: ...there is doubt, doubt, Mr. Speaker. But the Minister indicated that the amount spent recently is included in this figure, this is why we are here now with this controversy, okay.

The SPEAKER: Yes but there is not much that is outstanding.

Mr. McKENZIE: I have now put the question to you...

Mr. Luther BUCHANAN: In a civil way.

A MEMBER: You have 21 days.

Mr. McKENZIE: Mr. Speaker, can I be guided as to when and how I will get a response to that question? Can I get the response now?

The SPEAKER: You can ask the Minister for the - if the Minister does have the answer then he will provide it. If he does not have it then he will have to provide it at a later stage. Minister, can you state what is the total cost of that fire of March to date?

Mr. ARSCOTT: Mr. Speaker, as I said, the recent fire what we have here is a preliminary estimate, we don't have the specific figures yet many of the persons have not yet being paid, so we are verifying those totals.

Mr. DALLEY: He is a prudent, Minister every invoice must be verified. You think we are going to just pay man suh.

Mr. McKENZIE: Mr. Speaker, it only goes to show that the Permanent Secretary in the Ministry of Local Government said something contrary to what the Minister is now saying. I saw her live, I saw her on TV.

MEMBERS: Nooo!

Mr. DALLEY: And you should withdraw that.

Mr. McKENZIE: I am not going to withdraw it, I am not going to withdraw it. Mr. Speaker...

Mr. DALLEY: What you see her doing, you are misrepresenting her.

Mr. McKENZIE: Mr. Speaker, can I ask the Minister...

Mr. DALLEY: No.

Mr. McKENZIE: ...in response to Question 2, what are the - answers you gave Minister - dem can't help you, you know, they cannot help you. The electorates will help you, dem can't help you.

Can the Minister say what steps are being taken and is there a guideline to reduce the liabilities?

(*Sotto voce* comments)

Mr. ARSCOTT: The outstanding amounts listed here, Mr. Speaker, we are working with the Ministry of Finance to address some of these. Some of it is less than 90 days, but you know very well that some of it are carry-forward from the previous Administration.

A MEMBER: What!

Government MEMBERS: Yes!

Mr. DALLEY: Which were verified.

Mr. SAMUDA: Mr. Speaker, it occurs to me that there is a disagreement as to the figure named by the Minister. Minister, wouldn't it be a very simple thing to just say to the Member: "Member, I will have the matter looked at, and I will return to this Honourable House next week or whenever, and let you have those figures." Isn't that the correct approach? Let's not try to defend what none of us can verify, and just move on.

Dr. DAVIES: Excellent thought.

Mr. L. BUCHANAN: Excellent!

(Applause)

Mr. McKENZIE: Mr. Speaker, in response to Question 3. Minister, you said that Cabinet's approval was sought to provide funding to cover the disposal site. Was the request successful?

Mr. ARSCOTT: Well, Cabinet made $75 Million available in this year's Budget as you - if you looked at the Budget, you would have seen it - and that $75 Million was made available up-front to help to pay some of the outstanding bills.

Let me say to you, for your information, Member from Western Kingston that the Riverton site is - 90 acres has been completely covered, so the original money that was requested from Finance which was to cover that initially, has been expended, in terms of the covering of the site right now, and in the process of extinguishing the fire.

Mr. McKENZIE: What amount was requested from the Ministry of Finance?

Mr. ARSCOTT: We had requested $150 Million.

Mr. McKENZIE: You answer to Question 2, as it relates - following question - the answer to 1, the procurement of the fire suppressor equipment, *et cetera*, and all the necessary things; are those things fully in place; are they working?

Mr. ARSCOTT: Those are in various stages - it is not fully in place. We expected to be in place by August. Some of the equipment already is here, like the pump. The tank is under construction, and the remainder of the equipment is on its way, in terms of being shipped from overseas.

Mr. McKENZIE: This separation of tyres - what is the present position in regard to that? You have been speaking about it, and

you mentioned it in your Budget presentation, but I would love to find out...

(*Sotto voce* comments)

Mr. McKENZIE: No... no...

Mr. ARSCOTT: Well, that was given already. We have separated the tyres according to the NEPA requirement, and those are separated as we speak, as required by NEPA.

Mr. McKENZIE: No, no, a *doan* finish asking the questions.

(*Sotto voce* comments)

Mr. McKENZIE: Well, you can leave. Minister, you said you were increasing the number of fire wardens to monitor the site; presently, how many are there, and how many you intend to increase the numbers to?

Mr. DALLEY: That is not for clarification.

Mr. McKENZIE: You don't worry *bout* that.

(*Sotto voce* comments)

Mr. ARSCOTT: Mr. Speaker, you know, one of the unfortunate things of this incident is that we cannot try to score political points on the suffering of the people.

Mr. McKENZIE: But I just ask you a simple question. What is... (Inaudible)

A MEMBER: Relax Desmond!

Mr. ARSCOTT: This fire was a deliberate act of arson, and the people have suffered, and we cannot revel to try to score political points on the suffering of the people.

(*Sotto voce* comments)

Mr. ARSCOTT: Mr. Speaker, the Member very well know, the location of that...

Mr. SHAW: It is not politics; it is cancer.

Mr. ARSCOTT: Who put the landfill there *suh?* When was it put there? Who put it at Riverton?

The SPEAKER: Ministers... Ministers... Minister, stick to the question.

Mr. ARSCOTT: So we know who put it there in the first place.

Mr. McKENZIE: Mr. Speaker, I asked the Minister a question and I want an answer to the question.

The SPEAKER: Yes, Minister, stick to the answer.

Mr. McKENZIE: I want an answer to the question.

The SPEAKER: The number of wardens, how many are there at...

(*Sotto voce* comments)

Mr. McKENZIE: You said you are - you are going to be increasing the number of fire wardens. I'd like to ask you how much fire wardens are there now, and how much you intend to increase it by - a simple question. *Buoy, yuh* pathetic.

Mr. ARSCOTT: Mr. Speaker, I don't have that specific figure, I think it is about four. But let me say that there are additional security plans that are being put in place that I can't reveal publicly what are the strategies, but there are sufficient to say that a more technological approach is being taken to detect any fires there.

Mr. McKENZIE: You know, Mr. Speaker, this is totally unacceptable. The Minister gave a response, and I am asking the Minister a follow-up question, and the Minister says he's not in a position to answer. He doesn't know how many wardens are there

now and how many new wardens they...

The SPEAKER: No, he said there were four.

Mr. McKENZIE: What sir?

The SPEAKER: He said there were four.

Mr. McKENZIE: No sir, he said about four...

The SPEAKER: Yes, four, four...

Mr. McKENZIE: ...and he doesn't know how much more they are going to be employing, Mr. Speaker. And then you're coming to talk about politics. Answer the question! Answer the question, man!

(Cross talk)

(The Speaker gavels)

Mr. ARSCOTT: Mr. Speaker, I'll bring the answer for you next week.

Mr. McKENZIE: Mr. Minister, can you say when you received the Report at the dump; how long ago you received that Report? Can the Minister state whether or not he has received any documented report on incidents of fire at the dump? The answer is yes... okay? And I asked him to table the Report, and he said he would table it at a later date. The question I want to ask the Minister - if we would just allow him to answer by himself *im wi* get through - too much prompting. Minister, when you got... when you got the Report, Minister?

Mr. CHARLES: Can't remember; can't recall.

(*Sotto voce* comments)

Mr. ARSCOTT: I'll table them at a later date, Mr. Speaker. What we have is a preliminary Report that came in this week, and we will table the official report when it is ready.

Mr. CHARLES: Anything you say will be held against you.

(*Sotto voce* comment)

Mr. McKENZIE: No, I am not finished, I am not finished. Mr. Speaker, the last question I posed to the Minister in regards to qualification for persons heading the National Solid Waste Management Authority, and he has listed two - four - six - eight... about ten criteria as to what is required. I only want to ask the Minister one question - was the former Head of the National Solid Waste Management Authority - you spoke about sound knowledge of solid waste management and practice, and knowledge of landfill operation is an advantage. Could you say if the former manager of the - the former Executive Director had this as a part of her qualification?

Mr. ARSCOTT: These are not the full points, in terms of what are the qualifications. What it says here is - and if you read the answer carefully, it says that, it is an advantage. It did not say it was a requirement.

A MEMBER: That's right!

Mr. ARSCOTT: However, I was not...

Mr. McKENZIE: Yes, or no?

Mr. ARSCOTT: She was the most qualified person at the time. In fact, she is the most qualified, academically, of all the Executive Directors to date, so, if you want to deal with that, that is it.

(*Sotto voce* comments)

Mr. McKENZIE: (Inaudible) ...send to

Syria... (Inaudible) ...I would enjoy more than this.

(Cross talk)

The SPEAKER: Mr. McKenzie.

Mr. McKENZIE: Mr. Speaker... Mr. Speaker... Mr. Speaker...

Mr. DALLEY: Withdraw what you said, you know.

(The Speaker gavels).

Government MEMBERS: Withdraw it…. withdraw it!

Mr. McKENZIE: Mr. Speaker...

Mr. SILVERA: Withdraw it Desmond.

A MEMBER: You want to join ISIS?

Mr. CHUCK: Why you think that?

Mr. McKENZIE: Mr. Speaker, as I said before, Mr. Speaker, I am not happy. I am very dissatisfied, Mr. Speaker.

Mr. L. BUCHANAN: *Im* want to go join ISIS.

(The Speaker gavels)

Mr. McKENZIE: Please... please...

A MEMBER: *Eeeh* Desmond... *gwaan* go join ISIS.

Mr. McKENZIE: Mr. Speaker, I am very dissatisfied with the Minister's response. I think the Minister has fallen short in...

(*Sotto voce* comments)

Mr. McKENZIE: No ...in responding in a positive way to questions which are of grave concern, not just to the Opposition, but to the country on a whole, as it relates to the recent fire at Riverton.

Mr. Speaker, I will come back to it, because I am going to, Mr. Speaker... I am going to, Mr. Speaker, ensure that this matter is fully ventilated, and that the Minister responds in the way that he ought to. Can the Minister now proceed to the next set of questions that are tabled in my name?

The SPEAKER: Minister, Question 2.

(*Sotto voce* comments)

Mr. ARSCOTT: Mr. Speaker, since *im* won't read it, I will read it for him:

Question:

Can the Minister say if $140 Million was provided by the Jamaica Emergency Employment Programme (JEEP) to the Ministry of Local Government to be spent on Parish Council roads?

a) If so, can the Minister say when this funding was received?
b) If the answer is in the affirmative, can the Minister say when was the funding disbursed to the Parish Councils and the KSAC?

Answer:

No funding was provided to the Ministry of Local Government and Community Development by JEEP. However, between January and March, 2015, a total of $140 Million was allocated to the Parish Councils and the KSAC, under the Major Infrastructure Development Programme.

(*Sotto voce* comment)

(Cross talk)

Mr. ARSCOTT:

Funds were not dispersed directly to the Parish Councils.

Mr. SHAW: Hold on, hold on. Let the Member talk.

Mr. ARSCOTT: The projects were managed by the National Works Agency under the MIDP.

Mr. SHAW: Under the what?

A Government MEMBER: MIDP.

Mr. ARSCOTT:

Answer:

The councillors submitted their proposals after they identified priority roads or projects to be rehabilitated.

Question #3:

Can the Minister provide a breakdown of the allocation per division, per parish council and the KSAC of what was the basis for the decision made?

Answer:

The breakdown is attached and I think the member got an attachment. Funds were allocated based on the PRF formula.

Mr. SHAW: What?

Mr. ARSCOTT: The PRF formula.

Mr. SHAW: Stop mumbling your words, man.

Mr. ARSCOTT: PRF formula! You heard that? Okay. Each parish council determines the most suitable projects.

Mr. DALLEY: Think we forget how you cry and then laugh afterwards, eeh? You think we forget that you bawl and then laugh afterwards. You're an actor.

Mr. ARSCOTT: And the Member has a copy of the breakdown.

A Government MEMBER: We can recommend you for an Actor Boy Award.

(Cross talk)

Mr. McKENZIE: Mr. Speaker, I just need clarification from...

(The Speaker gavels)

...from the Minister of Transport and the reason if you will allow me to seek the clarification...

The SPEAKER: Well, you can ask the Minister of Local Government if he needs assistance then he'll ask him.

Mr. CHUCK: He does.

Mr. McKENZIE: Well, you know based on the Minister's response…

The SPEAKER: No, no, direct the question to the Minister of Local Government.

Mr. McKENZIE: Minister, the Minister of State in the Ministry of Transport and Works...

Government MEMBERS: Not here.

Dr. DAVIES: I represent him.

Mr. McKENZIE: ...made a public statement as it relates to the allocation of this $140 Million. He says that this fund would be provided to the Ministry for the purpose of the Parish Councils. I made the point that I had no difficulty, because I believe and I welcome the $140 Million because the Parish Council would not be in a position to find that kind of money to be spent in a meaningful way.

Now Minister, this listing and your response, can I ask Mr. Speaker if it would be possible for you to allow me to have looked at this document to study in details and to come back, because, Mr. Speaker, it would be disappointing and just by virtue at some of what is listed here, Mr. Speaker, and based on comments that was made by certain functionary within the Local Government fraternity as it relates to this $140 Million. I would be very disappointed, Mr. Speaker and I am not saying that it has happened, but I need some time, Mr. Speaker to look at it before I say anything that would create any animosity of this matter, Mr. Speaker.

The SPEAKER: I will allow that.

Mr. McKENZIE: Okay and I thank you, Mr. Speaker....

The SPEAKER: Mr. Charles.

Mr. CHARLES: Madam Prime Minister, Madam Prime Minister. I would be very pleased if she didn't go.

A Government MEMBER: Tell her goodbye.

(Cross talk)

The SPEAKER: You direct the - you're asking a question of the Minister of local Government.

Mr. CHARLES: Members of Parliament, I think that all of us should be very concerned about the report from this fire at Riverton City.

Mr. SHAW: No, no.

Mr. PAULWELL: No, no, no. Mr. Speaker, Mr. Speaker.

Mr. CHARLES: I'm going to ask a question.

A Government MEMBER: No! No! No!

Mr. PAULWELL: No, no, no!

Mr. CHARLES: I'm going to ask the Member a question.

Mr. PAULWELL: No, no, no!

Mr. CHARLES: You don't think I should be concerned?

(Cross talk)

Mr. PAULWELL: No, no, no.

Mr. CHARLES: ...All of us could be dead...

Mr. PAULWELL: Mr. Speaker, on a point of order, on a point of order....

Mr. CHARLES: ...and because all of us could be dead we need to be concerned about it...

(Cross talk/The Speaker gavels)

Mr. PAULWELL: On a point of order.

The SPEAKER: Mr. Charles, you know better than that. Mr. Charles, you know better than that.

(Cross talk)

Mr. PAULWELL: But you have to sit down.

Mr. CHARLES: ...and take some steps to report to the country where we are.

(Cross talk)

Mr. BUNTING: Sit down!

A Government MEMBER: Call the Orderly.

Mr. CHARLES: Is not your fault, you know....

The SPEAKER: Mr. Charles, Mr. Charles.

Mr. BUNTING: Sit down!

Mr. CHARLES: ...is all of us responsibility as members of Parliament.

The SPEAKER: Mr. Charles, if you want to…

Mr. CHARLES: And I am saying to you we all should be concerned on the points...

The SPEAKER: (Gavels) Mr. Charles, you're being out of order right now.

(Cross talk)

Mr. D. SMITH: Mr. Speaker, I have a question in relation to answer on Question 2 and I would like to refer to the attachment under the Kingston and St. Andrew Corporation and my specific question, sir, to the Minister relates to the - how is it now, $11 point Million on a road called the West Main Drive. The first question would be, is this the West Main Drive in North St. Andrew in the community of Maverley?

Mr. ARSCOTT: Member, I couldn't answer that one. A not sure, a not sure. No, but I'll find out for you.

(Cross talk)

Mr. D. SMITH: That's the perfect answer, Mr. Speaker, because what I would like - the fact that you've extended question period - question time for some other time in the future for the Member for Kingston Western at that time I would like the Minister to answer the specific question...

The SPEAKER: The West Main question.

Mr. D. SMITH: West Main Drive, one.

The SPEAKER: Right.

Mr. D. SMITH: Two, when the job was done? Three, who was the contractor? Four, what's the process that was used for the - all the details relating to this job?

The SPEAKER: Tender.

Mr. D. SMITH: The tender process, *et cetera*, if it is the one in the community of Maverley.

Mr. Speaker, I say that against the background of observing some rush work this week in the - at the location of West Main Drive in Maverley - don't know if this is the same one, and I had reason to call the National Works Agency to ask about it, having not been informed of any job being done there. And they informed that they have no knowledge of any - I spoke at the highest level. Not at the political level but at the highest administrative level. So I hope Minister that you come back to the House perhaps at the same time you answer the Member from Kingston [Western] with all of the details in relation to this particular job. If I am not satisfied well, I will be seeking advice from my colleague here to go to perhaps the Contractor General in relation to this particular issue.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, the first I'd like to ask the Minister in answer to Question 1 in which the Member had asked if a $140 Million was provided by the Jamaica Emergency Employment Programme (JEEP). The answer is...

Mr. DALLEY: ...finish the question.

Mr. SHAW: ...no funding was provided to the Ministry of Local Government and Community Development by JEEP. However, in March 2015 a total - between January and March a total of $140 Million to the parish councils and KSAC under the Major Infrastructure Development Programme, my question is in the listing of projects that has been furnished in the answers. It is listed as National Workers Agency JEEP Phase four parochial roads, can the Minister explain the difference between the title of this listing of JEEP Phase four and your answer to the question?

(Inaudible comment)

Mr. ARSCOTT: (Inaudible comment) ...its broad heading used by the National Works Agency? However if you know the background - I can give you the background to this. Many of the councils were essentially seeking - they had put some money to the Government to allow them to qualify under the MDIP Programme…

Dr. DAVIES: JDIP.

Mr. ARSCOTT: Under the JDIP programme, but got no roads.

Mr. McKENZIE: But the money was returned.

Mr. ARSCOTT: So what has happened?

Mr. McKENZIE: You must mention that the money was returned.

Mr. ARSCOTT: Well many didn't get - many of them…

Mr. McKENZIE: But the money was returned.

Mr. ARSCOTT: Well, some councils did not get - look, look - Mr. Speaker, can you protect me from that Member?

Mr. McKENZIE: You don't need protection.

The SPEAKER: Mr. McKenzie, allow him to answer the question.

Mr. SILVERA: Hear seh him is a ISIS member.

Mr. DALLEY: We have an ISIS in the House.

(Laughter)

(Cross talk)

Mr. ARSCOTT: So it was out of that background, Mr. Speaker that these funds were made available. Hence, it was done essentially through the JEEP Secretariat. So no funds went to the Ministry or to the councils. They only identified the projects and it was implemented through the JEEP Secretariat.

Mr. SHAW: Mr. Speaker, I believe that the Honourable Minister of Transport and Works who is with us in the House today might wish to clear this matter up, because his colleague Minister is saying that it was not done under the JEEP programme. It was done under the MDIP programme, but the listing of the project is clearly titled JEEP Phase Four. Now, so you have not answered that question, okay. And the Minister might wish to answer it or seek to clear up the issue.

The SPEAKER: Well allow the Minister...

Mr. SHAW: Pardon me?

The SPEAKER: Allow him to clear it up.

Mr. SHAW: I am conjoining with another question, because it is also related.

The SPEAKER: Oh.

Mr. SHAW: In Manchester, there is a road. Unlike the member asking whether it is his road, I can declare that a road in my constituency, West Road Cobbler for an expenditure of $6,596 Million on that road is an expenditure that as Member of Parliament I am not aware of it and there's a long held tradition. It was the policy that laid down by the former Prime Minister, P.J. Patterson that works that are being given out by the Transport and Works Ministry should at all times have the knowledge of - just a moment - it should at all times have the knowledge of the member of Parliament. It is a longstanding tradition and I am respectful of that precedence that Mr. Patterson insisted upon and during his tenure it was faithfully carried out and my question, therefore, this expenditure which is in the constituency of North East Manchester is a expenditure that has been done without my knowledge or approval, Mr. Speaker and I would like for this matter to be cleared up in the context that since we are being told it's not a JEEP project

which would come through the MPs, but it's an MDIP project, I want to know if this was a mechanism that was calculated for political purposes to circumvent the Members of Parliament.

Mr. D. SMITH: Well, I'll answer you, it is.

The SPEAKER: Minister Davis.

Mr. DALLEY: Talk to your councillor.

Mr. D. SMITH: It is.

Mr. L. BUCHANAN: You and your councillor *inna* malice?

The SPEAKER: Minister Davies.

(Heckling)

Dr. DAVIES: Mr. Speaker, much is being made about a straightforward matter, but when I became Minister I was approached by several of the Parish Councils indicating that they had been asked to hand over some funds which would allow for accessing of the loan for JDIP. Now either they didn't get any responses or the works which the Parish Councils received were inadequate compared to the contribution they had made, and during the first year of the JEEP I responded to request from parish councillors, but responding to the request led to a deluge, every single parish councillor was writing to the JEEP Secretariat, and I called in the Councils and indicated to them that we couldn't proceed this way for a host of reasons but one is that we couldn't respond to every individual parish councillor.

Let me separate. The JEEP Programme, the majority of the funds are allocated through the projects which are proposed by the Members of Parliament, and there has never been any question. Persons have stepped out of line from time to time, we make no publicity, we pull it in and straighten it out. In this case, having made the allocations to the Members of Parliament, we reserved a certain percentage to deal with issues the parish councils have selected as their priority and they would submit a project…

Mr. D. SMITH: More than the MPs.

Dr. DAVIES: Yes?

Mr. D. SMITH: …In this case $11 Million, more than…

Dr. DAVIES: Well, in addition to, in addition to; it's still in your constituency, you know. It's still in your constituency. You may not recognize them and in those instances the JEEP Secretariat assesses the projects submitted, assesses it and say, this can be our contribution.

You asked, what's the way in which the assessment is made? And it's answered there. The same way the Gas Tax - is it the Gas Tax? The Parochial Revenue Fund.

Mr. McKENZIE: PR, Parochial Revenue Fund.

Dr. DAVIES: Right. It's the same ratio we utilize. So we would say to a Parish Council, this is what is available to you and the JEEP Secretariat assesses the project, the Parish Council having submitted that project.

This is not one which is under the aegis of the Member of Parliament. If no one informs you, that's something which we will correct. We have nothing to hide. The JEEP Programme, to date, there has never been any controversy in terms of political victimization as many have alleged with JDIP, but we not

going down that road. There has been no such thing, this is just…

Mr. D. SMITH: Protect your credibility.

Dr. DAVIES: What?

Mr. D. SMITH: Protect your credibility.

Dr. DAVIES: I am willing to do that, and I won't mention the fact that South St. Andrew received not a dollar from the JDIP Programme; I don't think this was discrimination.

(*Sotto voce* comments)

Dr. DAVIES: I don't think this was a discrimination, but I am indicating that in this programme - and the files are there - any questions which you need to pose, we…

Mr. D. SMITH: I have only asked four questions, and I will wait for the answers, that's all.

Dr. DAVIES: Any questions you need to pose, we will respond regardless of whether we think they are nuisance questions or not, but we will respond.

Mr. SHAW: Mr. Speaker, I would like to ask the Minister.

The SPEAKER: Which one?

Mr. SHAW: The Minister of Transport and Works. At least I can get some straight answers from him.

Mr. D. SMITH: Yes, and I understand the language.

(Laughter)

Mr. SHAW: I would like to ask the Minister to state in this Honourable House that he is in agreement with the precedent established by the former Prime Minister, P.J. Patterson, that expenditure from the Ministry of Transport and Works, in a particular constituency should be done with the knowledge and approval of the Member of Parliament. That is what he set down. Nothing more, nothing less, and I am asking, given this obvious deviation from that policy, I would like to know what is the policy going forward?

Dr. DAVIES: Mr. Speaker, I have no difficulty with the issue of knowledge. I certainly reject the notion of approval. I do not - this – that…

Mr. SHAW: So you are departing from his principles?

Dr. DAVIES: Well, it's not the Bible. This has nothing to do - in terms of knowledge, if a Parish Council says to me, Manchester Parish Council, that we have selected this as our priority and I will instruct the JEEP Secretariat that the Member of Parliament should be informed, but the Member of Parliament, no Member of Parliament including that for South St. Andrew has the right then to veto or to approve or not approve.

Mr. SHAW: In this case Mr. Speaker, let the **Hansard** of the records of this Honourable House, let it show that by that change in policy then the question of…

(Heckling)

The question of taking…

(Heckling)

…the question of taking Government expenditure through the Ministry of Transport and Works and putting it open for political, politically expedient decision that is what is being allowed now.

(Heckling)

Plain, downright, simple politics.

(Heckling)

Mr. L. BUCHANAN: You have no respect for councillors.

Dr. DAVIES: Well, Mr. Speaker, Mr. Speaker, this is just an attempt for some headline again. I have no difficulty, I have no difficulty in ensuring…

A MEMBER: No, no!

(Heckling)

Mr. L. BUCHANAN: Desmond, let's support what him say but… (Inaudible comment)

Dr. DAVIES: I have no difficulty in ensuring that…

Mr. D. SMITH: I am waiting on the answers.

Dr. DAVIES …that the Member of Parliament, or the Members of Parliament are informed that this - and if this is true then we can do it.

(Heckling)

But Mr. Speaker, Mr. Speaker, Mr. Speaker, it's imperative. I heard a very impassioned speech about Local Government; it is imperative that we do give some authority. If a parish councillor says to me, this is a priority for us, then I do not believe that any MP, that any MP should have the right of veto power right in that instance.

Mr. SAMUDA: Mr. Speaker.

The SPEAKER: Yes, Mr. Samuda.

Mr. SAMUDA: I am struck by a comment made by the Minister of Local Government when he said that the funds did not come to the Ministry nor to the Parish Council but was handled by the JEEP Secretariat.

Mr. ARSCOTT: Yes.

Mr. SAMUDA: Good. The JEEP Secretariat to my certain knowledge has no capability of carrying out any construction work, therefore, they must call on an agency with whom they have an intimate working relationship to carry out those jobs.

The question I ask, would you the Minister be in a position to say which agency carried out this work? One. And two, because in the past we have been provided with a certain format from the National Works Agency which includes the names of every contractor on every contract, would you be prepared to furnish us with the list of the contractors who were engaged in these projects and to name the agency that was responsible for granting the contracts?

Dr. DAVIES: The answer is "Yes".

The SPEAKER: Mr. McKenzie.

Mr. McKENZIE: Mr. Speaker -

The SPEAKER: Let's wrap-up this now.

Mr. McKENZIE: Yes.

Mr. Speaker, I had indicated that I would study the document but I just need to clarify, just to make a comment on the Minister. Minister Davies.

This format have some resemblance of the format used for the Parochial Revenue Fund. Let it be clear that when the Parochial Revenue Fund is allocated to the Parish Councils it is based on a programme that is designed in terms of the work, the amount to be spent, and it is sent off to the Ministry of Local Government and the money would be disbursed based on the programme that is sent to the Ministry of Local Government.

The second clarification I need to make, and I have heard the Minister of Local Government mention it before and I would like to say it without fear of contradiction. When JDIP, the concept of JDIP came about the Parish Councils was an integral part of putting up what I would consider the "seed money" in order to secure. I think it was about $100. I don't remember if it's US or whatever, but a substantial amount, because a certain percentage was taken out of the monthly allocation from the Parochial Revenue Fund…

Mr. L. BUCHANAN: US$100 Million.

Mr. McKENZIE: …was taken and I am sure, Mr. Speaker, positive that all the Parish Councils were reimbursed.

Mr. L. BUCHANAN: No.

Mr. ARSCOTT: No.

Mr. FAGAN: No.

Mr. L. BUCHANAN: No.

Government MEMBERS: No, no, no!

Mr. McKENZIE: Minister.

Mr. L. BUCHANAN: No.

Mr. McKENZIE: Minister.

Mr. L. BUCHANAN: No, don't go down that road.

Mr. McKENZIE: You not in the Parish Council, so you wouldn't know.

Mr. L. BUCHANAN: Yes, but I was like you were. I was there, I was there.

Mr. McKENZIE: Minister, Minister Davies…

Mr. L. BUCHANAN: I was like you…

The SPEAKER: Well, Mr. McKenzie, Mr. McKenzie, why don't you simply…

(Heckling by Mr. L. Buchanan)

….Mr. Buchanan, hold on, hold on.

(The Speaker gavels)

….hold on.

Mr. L. BUCHANAN: You try mislead the House.

(Heckling)

The SPEAKER: Mr. McKenzie, why don't you just ask…

Mr. L. BUCHANAN: Rubbish.

The SPEAKER: Why don't you just ask the Minister of Local Government to provide you with that information?

Mr. L. BUCHANAN: Yes.

Mr. McKENZIE: Okay, fine, but I am saying, I am saying that the Parish Councils were reimbursed what they…

Mr. L. BUCHANAN: No, no!

(Heckling by Government Members)

Mr. SPEAKER: Put it in a question. Okay?

Mr. SILVERA: They were not.

The SPEAKER: Put it in a question.

(Heckling)

Mr. L. BUCHANAN: Mr. Speaker, they were not reimbursed. They were supposed to.

Mr. McKENZIE: Mr. Speaker.

(Heckling)

Mr. L. BUCHANAN: Withdraw that. Desmond, withdraw that.

(Heckling)

(The Speaker gavels)

Mr. ARSCOTT: Sit down.

Mr. McKENZIE: I, I…

(Heckling)

I will, I will withdraw, Mr. Speaker, if when the empirical evidence is presented.

A MEMBER: Withdraw now.

(Heckling)

Mr. McKENZIE: I will do so…

The SPEAKER: Thank you.

Mr. McKENZIE: …but I am sure, Mr. Speaker…

Mr. L. BUCHANAN: No, no.

The SPEAKER: Leave it as a question.

Mr. McKENZIE: Mr. Speaker, positive.

The SPEAKER: House Leader. (Heckling)

Mr. PAULWELL: Mr. Speaker… (Heckling)

(The Speaker gavels)

(Heckling)

Mr. Speaker, I would like us to move to Item 18 on Government Business, the Minister of Tourism will take a matter on behalf of the Minister of Water.

Mr. McNeill.

Dr. McNEILL: Mr. Speaker, permission to speak from a seat other than my own.

The SPEAKER: Proceed.

Dr. McNEILL: Mr. Speaker on behalf of the Minister of Water, Land, Environment and Climate Change, Mr. Speaker, I move that the Motion standing in his name at No. 18 on the order of business regarding the referral of the Beach Control (Licensing) (Amendment) Regulations 2015, to the Regulations Committee, be approved.

The SPEAKER: Those in favour?

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, May 12, at 2:00 p.m.

The SPEAKER: The question is that the House do adjourn until next Tuesday, May 12, 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 approximately 6.55 p.m. until Tuesday, May 12, 2019 at 2.00 p.m.

TUESDAY, May 12, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:22 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

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. 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

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, Works and Housing

HON. IAN DAVE HAYLES, (PNP), Hanover, Western, Minister of State in the Ministry of Water, Land, Environment and Climate Change

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

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. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central

MR. ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Leader of the Opposition

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. 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. 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

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 into today's business, let us welcome some visitors we have here - some students and teachers

from Innswood High School, also from Port Antonio High School and from Mandeville, Bishop Gibson High School for Girls. (Applause) I hope they find today's sitting interesting.

ANNOUNCEMENTS

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

- **Ministry Paper No. 91/15**
  Cabinet Agenda Issues dated 13 April, 2015
- **White Paper No. 2/15**
  Construction Industry Policy of Jamaica
- Jamaica Cultural Development Commission (JCDC) Annual Report and Audited Financial Statements for the year ended March 31, 2012

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. PAULWELL: Mr. Speaker, the Minister of Finance will answer Question 1 on the Order Paper and, as agreed last week, the Minister of Health will take additional questions along with the Minister of Local Government based on last week's sitting.

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker, these are the answers to the questions on the Question Notice Paper.

Question la:

Will the Minister state the total cost to date and the total cost projected in respect of the current West Kingston Commission of Enquiry?

Answer:

i. The total cost of the West Kingston Commission of Enquiry is estimated to not exceed J$410.4 Million, the amount budgeted. Of that amount, JS28.5 Million has been disbursed since the start of the Commission in February 6, 2015.

ii. The total estimated cost for the Chairman, Commissioners, the Commission's Legal Counsel and the Commission's Secretary is J$256 Million with a breakdown for each as follows:
   a) Chairman - J$73.7 Million;
   b) 2 Commissioners - J$101.7 Million;
   c) Legal Counsel & Secretary J$80.6 Million

iii. The total estimated cost for the Legal Counsel for the security forces and the Public Defender is J$120 Million with the legal fees for the Police at J$41.5 Million, the JDF at J$50.4 Million and the Office of the Public Defender (OPD) at J$28.2 Million.

iv. The total estimated cost for goods and services for the West Kingston Commission of Enquiry is J$34.3 Million.

Question lb:

Will the Minister state the total and final cost in respect of:

a) The Enquiry into the collapse of the financial sector?

b) The Manatt-Dudus Commission of Enquiry?

Answer:

Let me state, Mr. Speaker, in relation to the West Kingston Commission of Enquiry - well in relation to the cost of the Enquiry into the collapse of the financial sector is J$136.6 Million. You've got it? (Referring to Mr. McKenzie)

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

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

(HON. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern, Minister of State in the Ministry of Agriculture and Fisheries, 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. EDMUND CURTIS BARTLETT, CD, (JLP), St. James, West Central, entered and took his seat.)

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

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

The total cost for the position of Chairman was J$14.175 Million. There were two Chairmen appointed to this Commission.

The first Chairman was engaged at a fee of US$300 per hour. He was removed from the Commission when the court agreed with the plaintiffs that there was a conflict of interest. He was paid J$8.7 Million.

The second Chairman, one of the original Commissioners, was named to continue chairing the Commission at the fee he was originally engaged at, which was US$150 per hour. He was paid J$5.475 Million as Chairman.

The total amount paid to Commissioners, Legal Counsel and Secretary is J$62.1 Million broken down as follows:

- Commissioners and Legal Counsel J$18.5 Million;
- Secretary J$43.6 Million

With respect to (a) above, when the original Chairman demitted office a Legal Advisor was engaged at the rate of US$300 per hour to join the new Chairman and other Commissioner. His role was changed during the course of the Commission's life to that of Legal Advisor in charge of documentation with

responsibility to write the report, and his fee was reduced to US$200 per hour. US$150 per hour was paid to the other Commissioners. The total paid to the Commissioners, plus to the Legal Advisor in charge of documentation amounted to J$18.5 Million.

(Cross talk)

(The Speaker gavels)

The Secretary to the Commission was paid J$43.6 Million.

Cost of other attorneys: other attorneys engaged were paid a total of $34.9 Million. Those engaged by the Ministry of Finance and Planning were paid $12.2 Million and those engaged by FINSAC were paid $22.7 Million.

Administrative costs for the FINSAC Enquiry totalled J$25.4 Million; accommodation, that is to say rent, was J$13.2 Million; miscellaneous cost, including equipment, J$6.0 Million and other costs J$6.2 Million.

In relation to the Manatt-Dudus Commission of Enquiry the total cost for the Manatt-Dudus Commission of Enquiry which the Ministry of Finance has been able to unearth is $66.8 Million. The total costs for the Chairman, Commissioners, Legal Counsel and Secretary is $42.3 Million broken-down as follows:

Fees to the Chairman $20.5; fees to other commissioners $7.9 Million; fees to the attorneys and Secretaries $13.9 Million; fees to the attorneys representing public servants excluding the Prime Minister and Attorney General amount to $17.9 Million; administrative cost for the Manatt-Dudus Commission of Enquiry total $ 6.6 Million with the breakdown as follows:

Accommodation/rent - $2.6 Million, printing services - $0.2 Million, media coverage - $1.6 Million, other - $2.2 Million. Excluded from the cost of $66.8 Million is the attorney's cost to represent the former Prime Minister and Attorney General, we were unable to find in the records the amounts for these fees or whether these fees were actually paid or personally contracted.

Questions 2:

Will the Minister set out in accordance with each enquiry the fees that apply to the following positions:

i. Chairman of the Enquiry, other Commissioner of the Enquiry,
ii. Attorneys appointed by each commission.
iii. The remuneration for attorneys engaged by ministries, departments and agencies in respect of each enquiry.
iv. The remuneration for the secretary for each commission.

Answer:

Let me provide it, Mr. Speaker, there is a table here, the answer to Question 2.

With respect to the Chairman of the enquiry, the rate for the West Kingston Enquiry is US$370 per hour. With respect to the FINSAC Enquiry, as I indicated there were two rates that were agreed originally the rate agreed with the

Chairman who was forced to demit from the - by the Supreme Court's decision was US$300 per hour. Subsequently the replacement as Chairman was paid at the original fee that was contracted by him at US$150 per hour and for the Manatt-Dudus Commission of Enquiry the rate paid was US350 per hour.

Other commissioners of enquiry - the rates was in the case of the West Kingston Enquiry, US$300 per hour; for the FINSAC Enquiry the rate was $170 per hour, for the Manatt-Dudus Commission of Enquiry US$250 per hour.

For attorneys appointed by each Commission, the rate for the West Kingston Enquiry the rate was US$350 per hour for senior legal counsel and for junior counsel US$250 per hour. For the FINSAC Commission the rate was US$200 per hour. The Manatt-Dudus Commission of Enquiry was US$250 per hour for senior counsel and US$150 per hour for junior legal counsel.

The remuneration for attorneys engaged by ministries, departments and agencies in relation to the - to each enquiry, the rate for attorneys engaged by ministries for the West Kingston Enquiry is as I have indicated US$300 per hour for senior legal counsel, $250 per hour for the junior counsel. For the FINSAC Commission the information, we have not been able to find this information for the Manatt-Dudus of enquiry the rate is US$250 per hour for senior counsel and $150 per hour for junior counsel.

The remuneration for the Secretary of the Commission is in relation to the West Kingston Enquiry US$150 per hour, for the FINSAC Enquiry US$150 per hour for the Manatt-Dudus Enquiry US$200 per hour.

Question 4:

Will the Minister state all other administrative costs and projected costs including rental, collateral staffing *et cetera* for each Commission?

Answer:

See the answers to Questions 1(a) and 1(b) above.

Question 5:

Will the Minister state the value of the compensation paid by the Government of Jamaica excluding private resources that has been paid to residents of West Kingston?

Answer:

In 2010/2011 the amount of $178.65 Million was used to provide financial assistance to persons affected by the West Kingston incursion by the Ministry of Labour and Social Security. No other funds have been provided or used for this purpose.

Mr. McKENZIE: Mr. Speaker, I want to thank the Minister for a detailed response to the questions tabled.

Minister I want to go to Question 4 which is of particular importance to me and the people of West Kingston, because in 2012, I think it was, the Minister of Labour presented to this Parliament a statement on expenditure incurred by the Ministry of Social Security as

it relates to compensation, and he gave a figure roughly a little over J$100 Million.

In response to my question, the figure has moved to $178 Million. I would have probably loved to see Minister, a breakdown as the Minister did previously. But Minister, there is concern because the Minister of Justice made a statement a couple months ago which he said that close to J$1 Billion was spent as compensation to the people of West Kingston following the incursion.

Minister I would like you to say, in anywhere in your research if there is - that figure exist in terms of compensation because based on what you have said here in response to my questions, it means that there is a misunderstanding. And the Minister did make the point, that due to the budget debate *et cetera,* you would have await the conclusion to get the response from you. Minister can you - I just need the classification, if that amount was spent on where and who it was spent on.

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker, I am not - the specific answer to Question 4 that we have been able to find support for is given in the answer to Question 4, that is say $178.6 Million provided by the Ministry of Labour and Social Security, as financial assistance for persons affected.

Now, as I have said this excludes private resources that may have been provided and there may have been other amounts. In terms of expenditure, related expenditure that was provided for in the First Supplementary Estimates there were other expenditures amounting to some $16.8 Million for the Public Defender, for example, Cabinet office enquiry which involved some $60 Million. There was additionally advertising for tourism on account of - this is not compensation now - this is on account of the need to repair Jamaica's image at the time, $430 Million. There was $45 Million additionally spent by the Minister of Local Government. I can try and get a breakdown of that detail; The JCF $235 Million, the JDF $173 Million and the Ministry of Social Security as I have said, $178 Million. The total of that, the total of that, was a billion, little bit more than a billion dollars, but let me say, let me say that the compensation expenditure that we have was put at best, if we were to add up this - the Minister of Social Security I do not know what expenditures the content of the additionally expenditure from Local Government that would amount to $45 Million, or the expenditures of the Public Defender, but there is nothing else in that tally that would constitute compensation.

Mr. McKENZIE: Minister, I am glad for the clarification and the question of compensation is what is important in this matter because the impression was given by the Minister and he made it clear that close to a billion Jamaican dollars was spent on compensation. So I am glad that we have been - you have been able to shed some light on it and the figure is far less.

Minister I want to go back to Question 1 and you said that the cost should not exceed $410 Million. Now, following the conclusion of the last sitting of the Commission, the - a member of the Commission stated that based

on the volume of evidence, *et cetera*, that the Commission would probably sit beyond the stipulated time. And he mentioned like it could go as far as December. Now, Minister, this $410 Million is budgeted for what period, Minister?

Dr. PHILLIPS: That is the amount that is provided for in the budget for the Commission and it is expected that the Commission will conclude its work in this current fiscal year.

Mr. McKENZIE: Within the specified amounts. So you are saying that if it goes to...

Dr. PHILLIPS: Well what I am really saying is that I am not going to speculate, this is the amount budgeted, we expect it to remain within budget and of the amount budgeted, the estimate of the cost of the enquiry is not to exceed $410 Million. So we will - you have to see the frequency, the length of time *et cetera.*

Mr. McKENZIE: Okay Minister, thank you very much for your response. But again Minister, I want to use the opportunity using the Parliament to say to the Minister of Justice that he owes an apology because he did in fact make misleading statements in regards to the amount of compensation that was spent, you know, and when we had the discussion we were on a public radio and not because I was afraid of a lawsuit, but the fact is that the Minister....

(*Sotto voce* comments by a Member)

Mr. McKENZIE: No, no not that one, it was a morning programme.

But just to say, Minister, I accept this because I think it is a comprehensive response to the question and I think you have had adequate time to get the necessary information to respond to the question. And I am using the opportunity to call on Senator Golding to withdraw and to apologize for the unfortunate comments that he made - for the mischievous comments that he made.

Dr. PHILLIPS: Mr. Speaker, I don't think it is quite - I am not in a position, having not heard the conversation nor the statement to which the Member alludes, nor do I think it appropriate for us in this House to pronounce on something that we are not in a position to verify, confirm, or dispute in any way.

So, Mr. Speaker, I presume that in a moment of reflection, my friend opposite will probably communicate privately with the Senator in question, after he has viewed the record. And I have no doubt that my colleague Minister will do what is appropriate in the circumstance.

The SPEAKER: Thank you, Minister.

Mr. McKenzie, you have a question to ask - new question?

Mr. McKENZIE: As it relates to the questions to Minister Phillips, but there are other questions for the Minister of Local Government. But I think the Member from North West Manchester wants to - North East Manchester...

The SPEAKER: North East... Mr. Shaw.

Mr. L. BUCHANAN: You not even know your constituency.

Mr. McKENZIE: What is wrong with you?

Mr. SHAW: Thank you, Mr. Speaker.

Mr. Speaker, I would just like to ask the Minister the figure - in relation to the inquiry into the financial sector, the answer in relation

to the total cost is listed here at $136.6 Million.

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

And my question is, the figure that has always been mentioned publicly was in the order more - I think less than $120 Million. My question is whether this figure of $136.6 Million represents the total cost so far, or whether there is a projection, based on a projection of additional costs?

Dr. PHILLIPS: No, I can say...

(*Sotto voce* comments/Laughter)

Dr. PHILLIPS: There is no projection of additional costs. I think what is the case is that we have been - this was a specific question that was asking for expenditures for attorneys and others, included - attorneys for different groups represented there. Previously, what we have been talking about is the amounts paid to the commissioners, and for rent and accommodation *et cetera.* That explains it.

Mr. SHAW: So in terms of - these would be attorneys for the Government, obviously... and related?

Dr. PHILLIPS: Yes, yes.

Mr. SHAW: So I would like to ask the Minister that the figure that has been stated by the Commissioner for the completion of the Commission of Enquiry into the financial sector, is listed at between $10 Million and $15 Million. Having regard to the impact of the collapse of the financial sector on the Jamaican economy, adding some $140 Billion to the stock of debt which represented at the time, some 40 per cent of Gross Domestic Product, and all of the consequences that have been publicly enumerated during the course of the public inquiry; having regard to the fact that a mere $10 Million to $15 Million remains, in order to secure appropriate legal counsel in properly putting the Report together, would the Minister, in the circumstances of looking at the comparison - especially of the cost of the West Kingston Commission of Inquiry - would the Minister not be willing to give the undertaking to seriously consider appropriating those final sums for the completion of this inquiry?

Dr. PHILLIPS: Mr. Speaker, the Opposition Spokesman has made these representations on many an occasion. And I feel constrained to provide him today with the same answer that I have provided him with on previous occasions. Namely, that I believe that the Government and people of Jamaica have already paid for this. It is overdue. There is no requirement in law, or otherwise, that says there needs to be an attorney to write such a report.

There have been many Commissions of Inquiry without attorneys. The Commission sat; my certain knowledge is that the Minister himself, when he was Minister expressed disquiet in writing to the Commissioners about the delay in the...

Mr. PICKERSGILL: Yes.

A MEMBER: What!

Dr. PHILLIPS: ...preparation of the Report. I think it has been paid for, and we await a Report. What I would be prepared to

consider, as I have said, is any secretarial or administrative support to provide the Report. And to say that is not to get into any of the questions that would have arisen about the way in which that Commission was set up; the fact that even the original Commissioners - questions were raised before it was set up about the lack of legal representation provided to some of the persons required to appear, who could only have appeared because of their official responsibilities. None of those things, I am bringing into the equation. I am simply saying it has been paid for by the taxpayer, and we are seeking a report.

(*Sotto voce* comments)

Mr. SHAW: Mr. Speaker, the Minister has made reference to the fact that there was the lack of legal representation at the time, in some areas. And I would put it to the Minister, in my follow-up question, that - first of all those are not issues that were brought to me, as Minister - but based on the subsequent precedence that has been set in relation to the allocation of legal counsel, I would like to suggest once again that the Minister reviews his decision, especially in view of the fact that in relation to the Commission of Inquiry - and you know, hindsight is 20/20 vision - in relation to the Commission of Inquiry for the financial sector, there was no allocation for report writing - no allocation for report writing, but in the West Kingston Inquiry, there was a pretty generous allocation I believe, about 60 hours per Commissioner, and a similar number of hours for the appropriate legal people, including the legal counsel for the Commission of Inquiry.

So that, certainly, in terms of that compartment of the dichotomy of the cost, it is a stark contrast with what is being made available to the West Kingston Inquiry and what the Minister is steadfastly refusing to accept should be considered for this Inquiry, and...

(*Sotto voce* comment by Dr. Phillips)

Mr. SHAW: You have repeated yourself on many occasions.

(*Sotto voce* comments)

Mr. SHAW: Yes, but my final question is, if you refuse to accept that the suggestion is a reasonable suggestion of a nominal $10 Million to $15 Million to complete a Report that Members who are aggrieved have been asking for - it is public knowledge - aggrieved people who have lost their livelihood, lost their homes...

Mr. WARMINGTON: Their lives!

Mr. SHAW: ...some, their very lives including a couple in Mandeville, about a year ago, committed suicide, husband and wife together committed suicide. This is not a laughing matter, it is not a laughing matter.

(*Sotto voce* comments)

Mr. SHAW: Husband and wife...

The SPEAKER: Mr. Shaw... Mr. Shaw...

Mr. SHAW: ...committed suicide together.

(*Sotto voce* comments)

The SPEAKER: I hear you, but we are...

Mr. SHAW: I am completing the question, Mr. Speaker.

The SPEAKER: No, no, no...

(*Sotto voce* comments)

Mr. SHAW: Does not the Minister consider, Mr. Speaker... does not the Minister

consider that in these circumstances, finding $410 Million...

Mr. L. BUCHANAN: Don't raise your voice!

Mr. SHAW: ...for the West Kingston Commission in which the Chairman and Members...

(*Sotto voce* comment by Mr. Warmington)

Mr. SHAW: ...of the Commission of Inquiry, will receive over $50 Million each, and that for $10 Million to $15 Million on a matter so critical as what destroyed the financial and productive sectors of this economy, and destroyed people's lives, does the Minister not consider that refusing to find that $10 Million to $15 Million will amount to nothing than a blatant and outrageous cover-up of the Report of the Inquiry?

(Applause by Opposition Members)

A MEMBER: How much you sold Cool Oasis the piece of land for? You know how much he sells it for?

Mr. WARMINGTON: Be quiet!

Mr. McKENZIE: You know you are a sorry excuse for a Minister?

(DR. DAYTON RICARDO CAMPBELL, (PNP), St. Ann, North Western entered and took his seat.)

Dr. PHILLIPS: Mr. Speaker, no one here takes any pleasure in the plight of any citizen of Jamaica who has found themselves in financial difficulty, no one. That's not the purpose of this administration and, indeed, we have every sympathy for all our citizens who may have fallen upon hard times, whatever the circumstances of their difficulty. The point is not that - however, the point is simply this, as I have said, we are prepared to find some additional amounts to allow for the administrative preparation of the Report. However you string it up, long or wide, we are not prepared to pay twice for what we have already paid for.

(Applause)

I would also say, Mr. Speaker, that if there was an intention to find the optimal approach to hearing these issues, I would dare say it would have been approached differently. The issues of the conflict of the Commissioner, the chairman on which the Supreme Court finally had to rule, was brought to the attention of the administration then, even before the commission started. It involved funds which did not have to be spent in that way. It was not until representations were made by the then Opposition that the then - at the highest levels of the then Government that it was even felt that it was appropriate to have FINSAC itself represented with legal counsel. There were many other ways, there were many other ways and, indeed, the outcome then would have been less contentious, less fraught with conflict and misunderstanding and could have served Jamaica well, but that is not the issue here today, that is not the issue here today. The issue here today is a simple one, a Report has been - commissioners have heard the evidence, they need to provide a Report; that is simple.

The SPEAKER: Thank you.

Mr. McKENZIE: Mr. Speaker, the Minister of Local Government at the last

sitting promised to come back with some answers. One, as it relates to the question of the fire wardens and the exact figure for the recent fire at Riverton City. I will now ask the Minister if he is in a position to respond.

Mr. ARSCOTT: Mr. Speaker, I will have those answers ready at the next sitting of the House.

Mr. McKENZIE: Mr. Speaker, in light of the failure of the Minister to respond to the questions, Mr. Speaker, I am now going to be tabling some additional questions on the Riverton fire which I am tabling and hoping the Minister will respond to in 21 days.

The SPEAKER: Thank you.

Mr. McKENZIE: And Mr. Speaker, the other matter involving the Minister of Local Government relates to the $140 Million allocated under the JEEP Programme, Mr. Speaker, I ask for some time to study the response. Mr. Speaker, it is clear that the amount stated is actually not $140 Million; it is in fact $153 Million.

Now, Mr. Speaker, I'd like the Minister - I asked last week what determination was used to arrive at the allocation. Mr. Speaker, I can only consider the response to the questions.

(*Sotto voce* comment)

Mr. McKENZIE: No, no, I am speaking on the...

(Cross talk)

Just sit down senior citizen. Mr. Speaker, in response to - trying to respond to the questions, Mr. Speaker, I want to make the point and I made it last week.

A MEMBER: No, no, no.

Mr. McKENZIE: You can't - I am leading up to the question.

A MEMBER: No, no, no, Mr. Speaker...

The SPEAKER: I allow you.

Mr. McKENZIE: Mr. Speaker...

The SPEAKER: Hold on. I have allowed you to give some background.

Mr. McKENZIE: Mr. Speaker, can the Minister explain to this Honourable House, and I would love the Minister to respond this week, of the $152 Million allocated. I would like the Minister to explain to the House why is it that of that amount $123 Million has been allocated to divisions in the respective parish councils represented by the People's National Party?

(Cross talk)

Mr. ARSCOTT: On a point of order, Mr. Speaker...

(Cross talk) (The Speaker gavels)

Mr. ARSCOTT: Point of order...

The SPEAKER: You have a point of order, Minister? Have a seat, Mr. McKenzie.

(Cross talk)

Mr. ARSCOTT: Mr. Speaker, if the Member from West Kingston has such questions he should table them in the usual manner. Thank you.

(Cross talk)

Mr. McKENZIE: Mr. Speaker, I repeat the question to the Minister. Can the Minister explain - can the Minister in response say to the House why $123 Million...

(*Sotto voce* comment)

Mr. McKENZIE: It is there, it is there - has been spent on divisions represented by the

People's National Party in which, Mr. Speaker, they won in some cases by 19 votes.

The SPEAKER: Hold on, Mr. McKenzie.

Mr. McKENZIE: 21 votes...

The SPEAKER: Hold on, hold on, hold on.

Mr. McKENZIE: ...in marginal divisions, Mr. Speaker.

Mr. PAULWELL: Mr. Speaker...

Mr. McKENZIE: The 100...

The SPEAKER: Hold on, Mr. McKenzie.

Mr. PAULWELL: Mr. Speaker....

(The Speaker gavels)

Mr. Speaker, just now the Member accepted from the Minister that the questions will be answered next week and he will so do, and having regard to the subsequent questions that were tabled today I think it is inappropriate for us to be moving on this footing, Mr. Speaker.

The SPEAKER: Mr. McKenzie, you can't have so many bites at the cherry.

Mr. McKENZIE: Mr. Speaker, with all due respect, we indicated last week, Mr. Speaker that we would come back with some additional questions, Mr. Speaker.

The SPEAKER: Yes, Mr. McKenzie, but...

Mr. McKENZIE: And Mr. Speaker, the follow up question is, why is it Mr. Speaker...

The SPEAKER: Don't repeat yourself man.

Mr. McKENZIE: ...only $17 Million of $157 Million, Mr. Speaker, is spent in divisions represented by the Opposition Jamaica Labour Party?

The SPEAKER: Have a seat.

(Cross talk)

Mr. McKENZIE: I need Mr. Speaker, a response from the Minister.

The SPEAKER: Have a seat.

(Cross talk) (The Speaker gavels)

Mr. D. SMITH: Mr. Speaker...

The SPEAKER: Mr. Smith.

(Cross talk) (The Speaker gavels)

The SPEAKER: Mr. Smith, you have the floor.

Mr. D. SMITH: Mr. Speaker, you would recall that at the same time that we had the discussion last week you gave permission and the Minister agreed that this week he would have answered some questions. And I am now asking the Minister to answer those questions in relation to the $11.8 Million that was spent on a road, I believe, in Marverly, right? I want to know how the contractor was selected, the process that was used. You promised the answers today.

(Cross talk)

Shut up, you old goat. So, I need the answers now from you.

The PRIME MINISTER: Mr. Speaker, we have future leaders in this House today.

(Applause)

The behaviour is less than what should be acceptable to all of us here.

The SPEAKER: Minister Arscott.

Dr. DAVIES: Mr. Speaker...

The SPEAKER: Yes, Minister Davies.

Dr. DAVIES: The question to which the Leader of Opposition Business referred; I had indicated last week that this was with regard to the attempt by the JEEP Secretariat to work with the parish councils and I undertook to have the matter researched. I have made the

request and I will provide both for the project in his constituency in North West St. Andrew, as well as a project in North East Manchester. I have made the question, I have not yet received the details, and as soon as I have them I will submit them to you for you to pass on to the Members of Parliament. These projects came to the JEEP Secretariat from the two parish councils and so I have sought further details.

(Inaudible)

The SPEAKER: Thank you, Minister Davies.

Mr. McKENZIE: Mr. Speaker...

The SPEAKER: No, Mr. McKenzie, the Minister is going to give you some explanation.

Mr. McKENZIE: But Mr. Speaker, I need to ask the Minister...

MEMBERS: Sit down! Sit down!

(Heckling)

Mr. McKENZIE: I need to ask the Minister...

A MEMBER: KSAC.

(Heckling/Laughter)

The SPEAKER: Come nuh man!

(Cross talk)

Mr. McKENZIE: Mr. Speaker, Mr. Speaker, can I also ask the Minister of Transport in his response to the question, to clarify whether it is - in fact, Mr. Speaker, this paper, Minister, is incorrect in terms of the listing and the final figure, Minister. So you need to look at it because there is serious discrepancies in the numbers, in the numbers as presented.

The SPEAKER: So Minister Davies will provide that information.

Mr. McKENZIE: Okay and there needs to be clearer clarification as to...

Mrs. NEITA-HEADLEY: Okay.

Mr. McKENZIE: Madam Minister, just relax, this is the people's business.

Mrs. NEITA-HEADLEY: It's okay.

(Inaudible comments)

Mr. McKENZIE: And you need, Minister, to - the list, it needs to be clarified and...

(Inaudible comment by a Member)

Mr. McKENZIE: You will soon know and I can take your word that you will respond to the questions - the concerns next week.

Mr. L. BUCHANAN: You want to reverse back.

The SPEAKER: House Leader.

Mr. CHARLES: I don't know why you invite the children to come here, I am ashamed a unoo! My children would never come to watch unno.

The SPEAKER: I'd like to.

(Cross talk) (The Speaker gavels)

I'd like to welcome today to our Parliament the President of Ethiopia's first Ambassador to Jamaica His Excellency Girma Birru, accompanied by Mrs. Hylton. (Applause) We are honoured to have the Ambassador.

(Applause)

(Inaudible comments)

PUBLIC BUSINESS

Mr. WARMINGTON: Before the House Leader, Mr. Speaker, as I spoke to you earlier, there are two Private Member's Motion that

came here, laid by me on January 24th 2012, adopted on March 20th 2012, went to the sub-Committee of Parliament, laid in the House on the 7th of the 6th 2012, adapted 27th of the 6th 2012 and the 31st of the 12th 2012. It went to Cabinet and I've asked about four times what is the status of the result. A letter dated May 17th, 2013 from the Cabinet Secretary stating that Cabinet directed that the report of the Select Committee be referred to the Minister of Local Government Committee Development for its considerations.

I write to advise that at this date, May 13, 2013, Cabinet considers submission from the Minister of Science, Technology, Energy and Mining and Leader of the House in connection with a report of Select Committee on Infrastructure and Physical Development on its deliberation on a Private Members Motion regarding housing schemes roads and flooding in South West St. Catherine. And it was directed to the Minister of Local Government for consideration since May 13, 2012.

And I've asked four times what is the position on these Private Member's Motion that went to the Minister of Local Government and they say is what, two years after it went to his Ministry, Mr. Speaker. And after asking him, I've not gotten any response as to what is the position. I've spoken to the Leader of the House about it repeatedly and I'm asking today, can the Minister tell the House today what is the position on the recommendation sent to him by Cabinet to be dealt with?

The SPEAKER: No, no, let the House Leader handle that one.

Mr. PAULWELL: Mr. Speaker, I so undertake to provide the Report by next week Tuesday.

The SPEAKER: Thank you.

Mr. WARMINGTON: A hope it complete, yuh nuh.

Mr. PAULWELL: Mr. Speaker, there are four Bills for which second reading was taken and they're on the Order Paper today. First, the Constitutional (Amendment) Caribbean Court of Justice which is an amendment to our Constitution...

MEMBERS: Hear! Hear!

Mr. PAULWELL: ...with two accompanying Bills...

Mr. L. BUCHANAN: Hear! Hear!

Mr. WARMINGTON: Shut yuh mouth!

Mr. PAULWELL: ...the Caribbean Court of Justice Act 2012 and the Judicature (Appellate Jurisdiction) Amendment Act 2012. Those are three companion Bills, one of which is seeking to amend the Constitution. After we have dealt with those, Mr. Speaker, we intend to deal with another Bill to amend the Constitution, the Constitution (Amendment) Local Government Act, 2014.

MEMBERS: Hear! Hear!

Mr. PAULWELL: Those are the matters to which we will deal with now.

(Inaudible comment by Mr. Warmington)

The SPEAKER: Yes Minister, so?

Mr. PAULWELL: So Mr. Speaker, we will now move to the Committee Stages for these Bills.

The SPEAKER: The House will now resolve itself into a Committee of the whole

House to consider the three Bills clause by clause.

COMMITTEE STAGE

The CHAIRMAN: Let us start first with the amendment to the Constitution of Jamaica. Are there any amendments?

Mr. PAULWELL: There are no amendments.

The CHAIRMAN: No amendments. We need to adjust the date...

Dr. PHILLIPS: There's a typo.

The CHAIRMAN: ...Clause 1, 2012.

Mr. PAULWELL: Okay.

Dr. PHILLIPS: Keep it as a typographical, Mr. Chair.

Mr. PAULWELL: Editorial.

The CHAIRMAN: I put Clause 1.

Clause 1 put to the Committee and agreed to.

(Inaudible comment by Dr. Phillips)

Mr. D. SMITH: It depends on the Chairman, I mean, it's *en bloc.*

Dr. PHILIPS: Put the divide at the end.

(Inaudible comments)

Mr. PAULWELL: The divide at the end?

Dr. PHILLIPS: Put the divide at the end.

(Inaudible comments)

Mr. PAULWELL: Mr. Chairman, for good order, if the Members on that side wish to divide, it is more appropriate for it to be done at the end. So we'll take the Clauses and we can divide at the end.

Mr. D. SMITH: Mr. Chairman, I don't have any objection to the House Leader's suggestion as long as it's made perfectly clear right, perfectly clear that the intent is to divide on all the Clauses so we can do it at the end on the understanding...

(Cross talk)

Mr. CHARLES: Clause by clause.

Mr. D. SMITH: Chairman, we go at the end. So it would be...

(Cross talk)

Mr. L. BUCHANAN: Andrew, tek charge nuh man?

Mr. WARMINGTON: Oh, keep quiet! Keep quiet! We would never disrespect the Prime Minister by calling her by her first name; we never do that, so show some respect. Have some class!

(The Chairman gavels)

(Inaudible comment by Mrs. Neita-Headley)

Mr. WARMINGTON: Shut your mouth!

Mrs. NEITA-HEADLEY: Shame!

The CHAIRMAN: Mr. Smith, it would be advisable if we have the divide - the third reading.

Mrs. NEITA-HEADLEY: It's a shame!

Mr. WARMINGTON: Have some class! Have some class!

(*Sotto voce* remarks)

(The Chairman gavels)

(Cross talk)

The CHAIRMAN: After Committee Stage for third reading.

House Leader that's....

Mr. PAULWELL: Yes, Mr. Chairman, I agree that it is more appropriate for us to do the divide at third reading stage.

(Cross talk)

The CHAIRMAN: I put Clauses 1 to 15.

Clauses 1 to 15 put to the Committee and agreed to.

The CHAIRMAN: I put the Title and Enacting Clause.

The Title and Enacting Clause put to the Committee and agreed to.

(Inaudible comments)

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage without amendment.

MEMBERS: Divide.

The CHAIRMAN: Divide.

On the question that the Chairman do report the Bill as having passed Committee Stage without amendment the House divided as follows:

Ayes

Mr. Noel Arscott
Mr. Patrick Atkinson
Mr. Richard Azan
Dr. Lynvale Bloomfield
Mr. Arnaldo Brown
Mr. Hugh Buchanan
Mr. Luther Buchanan
Mr. Paul Buchanan
Mr. Peter Bunting
Dr. Dayton Campbell
Mr. Damion Crawford
Miss Joyce Daley
Mr. Horace Dalley
Dr. Omar Davies
Dr. D. K. Duncan
Mr. Colin Fagan
Dr. Fenton Ferguson
Mrs. Sharon Ffolkes-Abrahams
Dr. Winston Green
Dr. Morais Guy
Miss Lisa Hanna
Mr. Ian Hayles
Mr. Anthony Hylton
Mr. Andrè Hylton
Mr. Fitz Jackson
Mr. Derrick Kellier
Dr. Wykeham McNeill
Mrs. Natalie Neita-Headley
Mr. Richard Parchment
Mr. Phillip Paulwell
Mr. Mikael Phillips
Dr. Peter Phillips
Mr. Robert Pickersgill
Mr. Raymond Pryce
Mr. Julian Robinson
Mr. Joylan Silvera
Mrs. Portia Simpson-Miller
Mr. Lloyd B. Smith
Rev. Ronald Thwaites
Mr. Wayne Vaz
Mr. Keith Walford

Noes

Mr. Edmund Bartlett
Dr. Kenneth Baugh
Dr. Horace Chang
Mr. Pearnel Charles
Mr. Delroy Chuck
Mrs. Marisa Dalrymple-Philibert
Miss Olivia Grange
Mr. Lester Henry
Mr. Andrew Holness
Mr. William J.C. Hutchinson
Mr. Desmond Mair
Mr. Desmond McKenzie
Mr. James Robertson

Mrs. Shahine Robinson
Mr. Karl Samuda
Mr. Audley Shaw
Mr. Derrick Smith
Mr. Rudyard Spencer
Mr. Daryl Vaz
Mr. Clifford Warmington
. Dr. Andrew Wheatley

The CHAIRMAN: The divide is as follows:

Ayes - 41; nays - 21

The PRIME MINISTER: 41?

The CHAIRMAN: Yes.

House Leader, we will proceed with the Companion Bills now.

Mr. PAULWELL: Mr. Speaker, we will now move to amend the Judicature Appellate Jurisdiction Act which is not a constitutional Bill.

The CHAIRMAN: Clauses 1 to 4 put and agreed to.

The Title and the Enacting Clause put and agreed to.

The question is that I do report the Bill as having passed Committee Stage without amendment.

Those in favour?

Government MEMBERS: Yes.

Mr. D. SMITH: Divide.

The CHAIRMAN: Divide.

Ayes

Mr. Noel Arscott
Mr. Patrick Atkinson
Mr. Richard Azan
Dr. Lynvale Bloomfield
Mr. Arnaldo Brown
Mr. Hugh Buchanan
Mr. Luther Buchanan
Mr. Paul Buchanan
Mr. Peter Bunting
Dr. Dayton Campbell
Mr. Damion Crawford
Miss Joyce Daley
Mr. Horace Dalley
Dr. Omar Davies
Dr. D. K. Duncan
Mr. Colin Fagan
Dr. Fenton Ferguson
Mrs. Sharon Ffolkes-Abrahams
Dr. Winston Green
Dr. Morais Guy
Miss Lisa Hanna
Mr. Ian Hayles
Mr. Anthony Hylton
Mr. Andrè Hylton
Mr. Fitz Jackson
Mr. Derrick Kellier
Dr. Wykeham McNeill
Mrs. Natalie Neita-Headley
Mr. Richard Parchment
Mr. Phillip Paulwell
Mr. Mikael Phillips
Dr. Peter Phillips
Mr. Robert Pickersgill
Mr. Raymond Pryce
Mr. Julian Robinson
Mr. Joylan Silvera
Mrs. Portia Simpson-Miller
Mr. Lloyd B. Smith
Rev. Ronald Thwaites
Mr. Wayne Vaz
Mr. Keith Walford

Noes

Mr. Edmund Bartlett
Dr. Kenneth Baugh
Dr. Horace Chang
Mr. Pearnel Charles
Mr. Delroy Chuck
Mrs. Marisa Dalrymple-Philibert
Miss Olivia Grange
Mr. Lester Henry
Mr. Andrew Holness
Mr. William J.C. Hutchinson
Mr. Desmond Mair
Mr. Desmond McKenzie
Mr. James Robertson
Mrs. Shahine Robinson
Mr. Karl Samuda
Mr. Audley Shaw
Mr. Derrick Smith
Mr. Rudyard Spencer
Mr. Daryl Vaz
Mr. Clifford Warmington
. Dr. Andrew Wheatley

The CHAIRMAN: The results of the divide is as follows:

Ayes – 41; nays - 21

We move on to the next Bill.

"An Act to make provision for the implementation of the agreement in establishing the Caribbean Court of Justice and connected matters".

I put Clauses 1 to 19. Put and agreed to.

The Schedule put and agreed to.

The Title and Enacting Clauses put and agreed to.

The question is that I do report the Bill as having passed Committee Stage without amendment. Those in favour?

Government MEMBERS: Ayes.

The CHAIRMAN: Those against?

Mr. D. SMITH: Divide.

The CHAIRMAN: Divide.

Ayes

Mr. Noel Arscott
Mr. Patrick Atkinson
Mr. Richard Azan
Dr. Lynvale Bloomfield
Mr. Arnaldo Brown
Mr. Hugh Buchanan
Mr. Luther Buchanan
Mr. Paul Buchanan
Mr. Peter Bunting
Dr. Dayton Campbell
Mr. Damion Crawford
Miss Joyce Daley
Mr. Horace Dalley
Dr. Omar Davies
Dr. D. K. Duncan
Mr. Colin Fagan
Dr. Fenton Ferguson
Mrs. Sharon Ffolkes-Abrahams
Dr. Winston Green
Dr. Morais Guy
Miss Lisa Hanna
Mr. Ian Hayles
Mr. Anthony Hylton
Mr. Andrè Hylton
Mr. Fitz Jackson
Mr. Derrick Kellier
Dr. Wykeham McNeill
Mrs. Natalie Neita-Headley
Mr. Richard Parchment
Mr. Phillip Paulwell
Mr. Mikael Phillips

Dr. Peter Phillips
Mr. Robert Pickersgill
Mr. Raymond Pryce
Mr. Julian Robinson
Mr. Joylan Silvera
Mrs. Portia Simpson-Miller
Mr. Lloyd B. Smith
Rev. Ronald Thwaites
Mr. Wayne Vaz
Mr. Keith Walford

Noes
Mr. Edmund Bartlett
Dr. Kenneth Baugh
Dr. Horace Chang
Mr. Pearnel Charles
Mr. Delroy Chuck
Mrs. Marisa Dalrymple-Philibert
Miss Olivia Grange
Mr. Lester Henry
Mr. Andrew Holness
Mr. William J.C. Hutchinson
Mr. Desmond Mair
Mr. Desmond McKenzie
Mr. James Robertson
Mrs. Shahine Robinson
Mr. Karl Samuda
Mr. Audley Shaw
Mr. Derrick Smith
Mr. Rudyard Spencer
Mr. Daryl Vaz
Mr. Clifford Warmington
. Dr. Andrew Wheatley

The CHAIRMAN: The results of the divide is as follows:

Ayes – 41; nays - 21

RESUMPTION

The SPEAKER: With respect to the constitutional amendment to provide for the replacement of the appeals to Her Majesty in Council with new provisions for appeals to the Caribbean Court of Justice, I do report the Bill as having passed Committee Stage without amendment.

The PRIME MINISTER: Mr. Speaker, I beg to move for the third reading of the Bill.

The SPEAKER: The question is that the Bill be read a third time. Those in favour?

Government Members: Ayes.

Mr. D. SMITH: Divide.

The SPEAKER: Divide.

Ayes
Mr. Noel Arscott
Mr. Patrick Atkinson
(*Sotto voce* comments)
(The Speaker gavels)

Ayes
Mr. Richard Azan
Dr. Lynvale Bloomfield
Mr. Arnaldo Brown
Mr. Hugh Buchanan
Mr. Luther Buchanan
Mr. Paul Buchanan
Mr. Peter Bunting
Dr. Dayton Campbell
Mr. Damion Crawford
Miss Joyce Daley
Mr. Horace Dalley
Dr. Omar Davies
Dr. D. K. Duncan
Mr. Colin Fagan
Dr. Fenton Ferguson

Mrs. Sharon Ffolkes-Abrahams
Dr. Winston Green
Dr. Morais Guy
Miss Lisa Hanna
Mr. Ian Hayles
Mr. Anthony Hylton
Mr. Andrè Hylton
Mr. Fitz Jackson
Mr. Derrick Kellier
Dr. Wykeham McNeill
Mrs. Natalie Neita-Headley
Mr. Richard Parchment
Mr. Phillip Paulwell
Mr. Mikael Phillips
Dr. Peter Phillips
Mr. Robert Pickersgill
Mr. Raymond Pryce
Mr. Julian Robinson
Mr. Joylan Silvera
Mrs. Portia Simpson-Miller
Mr. Lloyd B. Smith
Rev. Ronald Thwaites
Mr. Wayne Vaz
Mr. Keith Walford

Noes

Mr. Edmund Bartlett
Dr. Kenneth Baugh
Dr. Horace Chang
Mr. Pearnel Charles
Mr. Delroy Chuck
Mrs. Marisa Dalrymple-Philibert (no response)
Miss Olivia Grange
Mr. Lester Henry
Mr. Andrew Holness
Mr. William J.C. Hutchinson
Mr. Desmond Mair
Mr. Desmond McKenzie
Mr. James Robertson
Mrs. Shahine Robinson
Mr. Karl Samuda
Mr. Audley Shaw
Mr. Derrick Smith - no response
Mr. Rudyard Spencer
Mr. Daryl Vaz
Mr. Clifford Warmington
. Dr. Andrew Wheatley
(Applause)

The CHAIRMAN: The results of the divide is as follows:

Ayes – 41; nays - 21

Bill entitled:

"AN ACT to Amend the Constitution of Jamaica to provide for the replacement of appeals to Her Majesty in Council with new provisions for appeals to the Caribbean Court of Justice as Jamaica's final appellate court; and for connected matters".

read a third time and passed.

(Applause)

The SPEAKER: With regard to the Judicature (Appellate Jurisdiction) Act, I do report the Bill as having passed Committee Stage without amendment.

Prime Minister.

The PRIME MINISTER: I beg to move for the 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.

(*Sotto voce* remarks by Mr. D. Smith)

The SPEAKER: The Judicature (Appellate Jurisdiction) Act, a companion Bill.

Mr. D. SMITH: We divide on that, Mr. Speaker.

The SPEAKER: You have to pay attention you know man.

There being a divide, the votes were as follows:

Ayes

Mr. Arscott
Mr. Atkinson
Mr. Azan
Dr. Bloomfield
Mr. A. Brown
Mr. H. Buchanan
Mr. L. Buchanan
Mr. P. Buchanan
Mr. Bunting
Dr. Campbell
Mr. Crawford
Miss Daley
Mr. Dalley
Dr. Davies
Dr. Duncan
Mr. Fagan
Dr. Ferguson
Mrs. Ffolkes-Abrahams
Dr. Green
Dr. Guy
Miss Hanna
Mr. Hayles
Mr. André Hylton
Mr. George Hylton
Mr. Jackson
Mr. Kellier
Dr. McNeill
Mrs. Neita-Headley
Mr. Parchment
Mr. Paulwell
Mr. Phillips
Dr. Phillips
Mr. Pickersgill
Mr. Pryce
Mr. Robinson
Mr. Silvera
Mrs. Simpson Miller
Mr. L. Smith
Rev. Thwaites
Mr. Dwayne Vaz
Mr. Walford

Noes

Mr. Bartlett
Dr. Baugh
Dr. Chang
Mr. Charles
Mr. Chuck
Miss Grange
Mr. Holness
Mrs. Dalrymple-Philibert
Mr. Henry
Mr. Hutchinson
Mr. Mair
Mr. McKenzie
Mr. Samuda
Mr. D. Smith
Mr. Robertson
Mrs. Robinson
Mr. Shaw
Mr. Spencer
Mr. Daryl Vaz
Mr. Warmington

Dr. Wheatley

The SPEAKER: The result of the divide is as follows: ayes 41, noes 21.

The Motion carries.

Bill entitled:

"AN ACT to Amend the Judicature (Appellate Jurisdiction) Act,"

read a third time and passed.

(Applause)

(Cross talk)

The SPEAKER: (Gavels) With regard to the Act to Make provisions for the implementation of the Agreement establishing the Caribbean Court of Justice; and for connected matters, I do report the Bill as having passed Committee Stage without amendment.

Prime Minister.

The PRIME MINISTER: Mr. Speaker, I beg to move for the third reading of the Bill.

The SPEAKER: The question is that the Bill be read a third time.

Those in favour?

Government MEMBERS: Aye.

Mr. D. SMITH: Divide.

The SPEAKER: We have a divide.

There being a divide, the votes were as follows:

Ayes

Mr. Arscott
Mr. Atkinson
Mr. Azan
Dr. Bloomfield
Mr. A. Brown
Mr. H. Buchanan
Mr. L. Buchanan
Mr. P. Buchanan
Mr. Bunting
Dr. Campbell
Mr. Crawford
Miss Daley
Mr. Dalley
Dr. Davies
Dr. Duncan
Mr. Fagan
Dr. Ferguson
Mrs. Ffolkes-Abrahams
Dr. Green
Dr. Guy
Miss Hanna
Mr. Hayles
Mr. André Hylton
Mr. George Hylton
Mr. Jackson
Mr. Kellier
Dr. McNeill
Mrs. Neita-Headley
Mr. Parchment
Mr. Paulwell
Mr. Phillips
Dr. Phillips
Mr. Pickersgill
Mr. Pryce
Mr. Robinson
Mr. Silvera
Mrs. Simpson Miller
Mr. L. Smith
Rev. Thwaites
Mr. Dwayne Vaz
Mr. Walford

Noes

Mr. Bartlett

Dr. Baugh
Dr. Chang
Mr. Charles
Mr. Chuck
Miss Grange
Mr. Holness
Mrs. Dalrymple-Philibert
Mr. Henry
Mr. Hutchinson
Mr. Mair
Mr. McKenzie
Mr. Samuda
Mr. D. Smith
Mr. Robertson
Mrs. Robinson
Mr. Shaw
Mr. Spencer
Mr. Daryl Vaz
Mr. Warmington
Dr. Wheatley

The SPEAKER: The result of the divide is as follows: ayes 41, noes 21.

Bill entitled:

"AN ACT to Make provisions for the implementation of the Agreement establishing the Caribbean Court of Justice; and for connected matters".

read a third time and passed.

(Applause)

Mr. PAULWELL: Mr. Speaker, we will now move to the fourth item, the Constitution (Amendment) (Local Government) Act, 2014.

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: We are now dealing with the Bill to amend the Constitution of Jamaica to make provisions for the inclusion of democratic system of local government for Jamaica in the Constitution, and for connected matters.

Mr. McKENZIE: Mr. Chairman.

The CHAIRMAN: Yes, Mr. McKenzie.

Mr. McKENZIE: Before you proceed, Mr. Chairman, I would like to raise some concerns.

Mr. PAULWELL: Which clause?

Mr. McKENZIE: On all the clauses.

(Cross talk)

The SPEAKER: Mr. McKenzie, are you bringing something new to the table because we have gone through this.

Mr. McKENZIE: It relates to the...

(*Sotto voce comments* by Members)

The CHAIRMAN: Let us hear Mr. McKenzie.

Mr. McKENZIE: Mr. Chairman, it relates to the present Bill.

The question, Mr. Chairman, I would like to ask if the - through you to the Minister - what is the status of the three Companion Bills.

Mr. Luther BUCHANAN: No. no, Mr. Chairman, let him table those questions, Mr. Chairman. Mr. Chairman, let the Member table those questions, he cannot derail the process now, Mr. Chairman.

Mr. CHARLES: Let the Chairman determine that.

The CHAIRMAN: Mr. McKenzie.

Mr. McKENZIE: I believe Mr. Chairman, the importance of what we are about to undertake...

Mr. Luther BUCHANAN: When did he realize the importance?

Mr. SHAW: What is wrong with you?

Mr. McKENZIE: The importance of it, Mr. Chairman that we should attempt, Mr. Chairman, to have the full support on this very important matter. And we believe, Mr. Chairman that the omission by the Minister in presenting the three companion Bills which we believe would give more strength and give more credence to Local Government, Mr. Speaker...

(*Sotto voce* comments by Mr. Pryce)

Mr. McKENZIE: Just shut up Raymond Pryce, shut up.

The CHAIRMAN: No, Mr. McKenzie, we don't use that language in here.

Mr. McKENZIE: Mr. Chairman, allow them to just allow some breathing space. This is a matter that we should never...

The CHAIRMAN: You are addressing me.

Mr. McKENZIE: It is not a contentious matter, Mr. Chairman...

The CHAIRMAN: Continue to address me Mr. McKenzie.

Mr. McKENZIE: ...but it is a matter, Mr. Chairman...

The CHAIRMAN: You are easily distracted.

Mr. McKENZIE: That, Mr. Chairman that we feel that the importance of the three Companion Bills, Mr. Speaker, we believe that those three Bills should, Mr. Speaker...

The CHAIRMAN: Yes, but, Mr. McKenzie, if they are not ready...

Mr. McKENZIE: Should either proceed or accompany this bit of legislation.

Mr. PAULWELL: Mr. Chairman, if I could just respond.

The CHAIRMAN: House Leader.

Mr. PAULWELL: Mr. Chairman, as you are aware we have been through this debate and the matter was raised and we had indicated that the Bills are going to come, but at no time did we get at that stage an objection from the Opposition nor a lack of support today. And we do anticipate full support from the Opposition.

Mr. McKENZIE: That is not true, Mr. Chairman. Mr. Chairman, that is not true, I indicated to the Minister and when the matter came to the Parliament for debate...

Mr. Luther BUCHANAN: Not to the House.

Mr. McKENZIE: ...I raised those concerns and the Minister did give a commitment...

Mr. Luther BUCHANAN: In the passage.

Mr. McKENZIE: The Minister gave a commitment. Mr. Speaker, this is a matter that we believe is important, Mr. Chairman, we believe it is an important matter. But the question is, why is the failure of the Government to bring before - this is not - the Bills to me are more important, Mr. Speaker, those Bills will strengthen and give more support and credibility to Local Government.

(*Sotto voce* comments by Members)

Mr. McKENZIE: So, Mr. Chairman, can

the Minister - is there an indication - is there an indication as to when these three Bills....

The CHAIRMAN: House Leader, what kind of timeframe are we talking about?

Mr. PAULWELL: Mr. Chairman, the Government is committed, not only to the amendments that we are doing now to the Constitution to enshrine Local Government, but the Companion Bills and we are working assiduously to bring it to Parliament as soon as possible, that is the undertaken that we are giving today.

Mr. McKENZIE: So Mr. Chairman, the House Leader has given - the House Leader has indicated that the Government is prepared. So can the Government consider not taking the Bill today...?

Government MEMBERS: No, no.

Mr. Luther BUCHANAN: The answer is no.

Mr. McKENZIE: It is not - Mr. Chairman, it is not a contentious matter...

(Heckling)

Mr. McKENZIE: It is not a matter that the Opposition will not support.

Mr. Chairman, it is not a matter that the Opposition will not support.

(Heckling) (The Speaker gavels)

Mr. McKENZIE: But we would ask, Mr. Speaker, because, you know, what is the rush what is the rush, Mr. Chairman...

The CHAIRMAN: Mr. McKenzie, let us...

Mr. McKENZIE: What is the rush...

The CHAIRMAN: Hold on, hold on. If the Companion Bills are not ready, to pass this Bill it does no injustice to it. It is the House Leader to advise us whether - how to proceed, if we are going to proceed with the Bill then we will proceed.

Mr. McKENZIE: Mr. Chairman,

The CHAIRMAN: I take your point, I hear you.

Mr. McKENZIE: And what is the commitment, Mr. Chairman. Mr. Chairman, if I go by the commitment given by the Government then, it is not - I can't take comfort in it because the Minister of Local Government in 2012 promised that by August of that year this Bill would have been tabled and passed by August of 2012, we are now in 2015. So there is a credibility gap as it relates to the Minister, Mr. Chairman.

(*Sotto voce* comments by Members)

The CHAIRMAN: (Gavels) House Leader.

Mr. PAULWELL: Mr. Chairman, we have heard the Member, we are committed to have those Bills in Parliament at the soonest possible time. But that notwithstanding it does not prevent us from taking the Bill today and I so move that we proceed with this matter.

Mr. McKENZIE: And the Government continues to give lip service to Local Government...

The CHAIRMAN: Clause 1 put to the Committee and agreed to.

Mr. McKENZIE: ...and is not prepared to do what is necessary to strengthen Local Government.

The CHAIRMAN: I put Clause 2...

Mr. McKENZIE: ...this is all a political ploy, this is an election catch, this is an election catch, Mr. Chairman.

The CHAIRMAN: Mr. McKenzie, I am speaking.

Mr. McKENZIE: Yes, Mr. Chairman.

The CHAIRMAN: When I am speaking there should be no...

Mr. McKENZIE: Well speak to those over there like that one Buchanan.

The CHAIRMAN: No, you do not advise me.

Mr. McKENZIE: Yes, Mr. Chairman.

The CHAIRMAN: Thank you very much.

Mr. McKENZIE: I am not finish, Mr. Chairman.

The CHAIRMAN: Clause 2 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 Committee and agreed to. (Applause)

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage without amendment.

(Heckling)

(The Speaker gavels)

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.

Motion put to House and agreed to.

Ayes:

Mr. Arscott

(*Sotto voce* comments by Members)

The SPEAKER: Let us hear the vote. This is a Constitutional Bill, so everybody has to vote.

Ayes:

Mr. Arscott

Mr. Atkinson

Mr. Azan

Declined to vote

Mr. Bartlett

(Heckling) (The Speaker gavels)

Mr. CHARLES: Mr. Speaker...

(Heckling) (The Speaker gavels)

The SPEAKER: Mr. Charles.

Mr. CHARLES: Mr. Speaker, I expect that when I stand in this House to address the Speaker, he directs me and not you. So you realize that...

(*Sotto voce* comments by Members)

Mr. CHARLES: Mr. Speaker, we could not hear you clearly into what you are doing.

The SPEAKER: Okay.

Mr. CHARLES: And I am saying, sir, we would like to have some quiet so that I can know what you are saying what you are doing in the House. I don't know that there was a divide call.

Mr. WARMINGTON: There is no divide.

The SPEAKER: Mr. Charles, there is no divide, what we have is a constitutional amendment that requires that the Members vote.

Declined to vote
Mr. Chuck
Mrs. Dalrymple-Philibert
Mr. Henry
Mr. Mair
Mr. Daryl Vaz

Ayes:
Dr. Baugh
Dr. Bloomfield
Mr. Brown
Mr. Hugh Buchanan
Mr. Luther Buchanan
Mr. Paul Buchanan
Mr. Bunting
Dr. Campbell
Dr. Chang
Mr. Charles
Mr. Crawford
Miss Daley
Mr. Dalley
Dr. Davies
Dr. Duncan
Mr. Fagan
Dr. Ferguson
(The Speaker gavels)
The SPEAKER: Members.

Ayes:
Mrs. Ffolkes-Abrahams
Ms. Grange
Dr. Green
Dr. Guy
Ms. Hanna
Mr. Ian Hayles
Mr. Holness (Applause)
Mr. Hutchinson
Mr. Andrè Hylton
(Heckling)
(The Speaker gavels)

Ayes:
Mr. George Hylton
Mr. Jackson
Mr. Kellier
Mr. McKenzie (Applause)
Dr. McNeill
Mrs. Neita-Headley
Mr. Parchment
Mr. Paulwell
Mr. Mikael Phillips
Dr. Phillips
Mr. Pickersgill
Mr. Pryce
Mr. Robertson (Applause)
Mr. Robinson
Mrs. Robinson
Mr. Samuda (Applause)
Mr. Shaw (Applause)
Mr. Silvera
Mrs. Simpson Miller
Mr. Derrick Smith
Mr. Lloyd Smith
Mr. Spencer (Applause)
Rev. Thwaites
(Heckling)

The SPEAKER: (Gavels) Members we are voting on a Constitutional amendment let us demonstrate that we understand the seriousness of what we are doing, this background noise is unacceptable.

Proceed.

Ayes:
Mr. Dwayne Vaz

Mr. Walford
Mr. Warmington
Dr. Wheatley
Mr. Peart

The SPEAKER: The result of the vote is as follows; Ayes - 57, nays – 0; declined to vote - 6.

Proceed.

Bill entitled:

"AN ACT to Amend the Constitution of Jamaica to make provisions for the inclusion of a democratic system of Local Government for Jamaica in the Constitution and for connected matters",

read a third time and passed.

(Applause)

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

The SPEAKER: The question is for the recommittal of item, Statements by Ministers.

Motion put to the House and agreed to.

STATEMENTS BY MINISTERS
(Recommitted)

Mr. PAULWELL: Mr. Speaker, the Minister of Agriculture will make a brief statement.

The SPEAKER: Minister Kellier.

Mr. KELLIER: Mr. Speaker, as was predicted earlier this year, we are again experiencing the effect of the...

(Heckling) (The Speaker gavels)

Mr. KELLIER: I cannot hear my ears.

The SPEAKER: Mr. Spencer, you have to sit down, man.

Mr. KELLIER: Mr. Speaker, as was predicted this year, we are again experiencing the effects of the phenomenal of global warming and climate change. This continues to manifest itself not just in the lack of rainfall, but also in the forest and farm fires which have resulted from the current dry spell. In light of what has happened, Mr. Speaker, I wish on behalf of the Government to express profound sympathies to the farmers and their families and the communities which have already been directly affected and to those who anxiously monitor this clear and present threat to their livelihood.

I wish to commend the farmers for their continued resilience, their dedication and commitment to the agricultural sector, and have been indicated by the Met Service, Mr. Speaker, we anticipate the breaking of the dry spell soon, and with God's benevolence we look forward to the relief of showers of rain.

It is to be noted that although the current dry spell cannot be described as a drought, at this stage, it is beginning to affect farming and other communities islandwide as a result of the lack of rainfall. Mr. Speaker, as we speak here today our team of officers from RADA are on the ground and we are closely monitoring the situation as everyone is aware and we have seen with the graphic media reports, the impact of the current dry spell and bush fires is now being felt in particularly in the blue mountain belt of the island which is home to some of the prime coffee producing areas.

As it relates to that area, including such communities as Mavis Bank, Flamstead,

Content, *et cetera,* preliminary estimates indicate that to date some 500 acres of agricultural lands have been destroyed by fire, resulting in the loss of crops valued at some $200 Million in total.

As it relates to coffee, specifically, the Coffee Industry Board has advised that to date, some 120 hectares of coffee, valued at some $60 Million have been destroyed. Fortunately, as advised by the Coffee Industry Board, over 90 per cent of the current coffee crop was already reaped prior to the fires. Nonetheless, it is estimated that the loss over a three-year period will be some $100 Million, and an additional $100 Million will be required to assist with the re-planting programme.

As you can well imagine, Mr. Speaker, the situation at this time is dynamic, and our officers are out in the field collecting information, monitoring the situation, and providing assistance even as we speak today.

In response to the affected families who have lost their homes and contents, the welfare services of the Ministry of Labour and Social Security has provided immediate assistance in the form of beds, blankets, mattresses, food packages, and other supplies, and compassionate grants are also being prepared at this time. And Mr. Speaker, we are prepared to meet the needs of those affected persons as they arise. The Ministry of Transport, Works and Housing has given its commitment to replace the homes that have been destroyed by fire. (Applause)

The Ministry of Agriculture and Fisheries, in keeping with the overall response to climate change issues has embarked on a number of long-term strategies to address the challenges associated with this phenomenon, and to increase agricultural production in a sustainable way.

As we have outlined on previous occasions, these long term strategies include the formulation and implementation of the National Irrigation Development Plan; the Climate Change Adaptation Programme; the Agro Park Programme; and by no means least, the Ministry has also allocated some $30 Million to constituencies island-wide under the Production Incentive Programme.

(*Sotto voce* comments/Laughter)

Mr. KELLIER: In terms of the monitoring and recovery of the coffee sector, the Ministry of Agriculture, in collaboration with RADA and the other stakeholders, are working with the Coffee Industry Board to ensure the re-planting of coffee as soon as this is possible. We have already identified the source of some 100,000 seedlings for re-planting in the fall crop, starting in September. (Applause)

In addition, Mr. Speaker, the Ministry will be assisting with the provision of some inputs to assist with the re-planting programme: fertilizer, *et cetera, et cetera.* And our extension support team remains on full alert and on the ground, to provide the necessary advice and extension services.

Given that the majority of our small farmers are located on marginal inside lands, it is of paramount importance that we continue to implement and maintain the practice of climate-smart agriculture to include the

construction of hillside ditches, trenches, stone and contour barriers to mitigate against circumstances as we are now encountering.

I wish to also note the plans under the Navel String Tree Planting initiative, as well as the other tree planting programmes being spearheaded by the Forestry Department to re-plant trees across Jamaica.

As we go forward, Mr. Speaker, it is important that we do not make a bad situation worse by being careless in the way we clear our lands. And I am therefore making the strongest possible appeal to our farmers to desist from using burning as a means of clearing land.

A MEMBER: Hear, hear!

Mr. KELLIER: I am beseeching our farmers to resist the temptation to light fires, and I urge you to speak to your RADA officers about alternate means of clearing lands.

I further appeal to the general citizenry to be more conscious about the impact that our burning practices can have on life, property, and production. Desist therefore, from indiscriminately throwing your cigarette butts anywhere, or everywhere, or lighting fires to get rid of your solid waste.

And in closing Mr. Speaker, I wish to thank all the collaborating entities and first responders including ODPEM, Members of the JDF, the Fire Brigade, the Ministry of Local Government, the Ministry of Labour and Social Security, RADA, and the citizens, and others who have joined us in this effort.

The fact is that climate change is here, and it is a present danger, so we will continue to work collaboratively in our multi-sectoral strategies to confront these challenges.

Thank you, Mr. Speaker.

(Applause)

Mr. HUTCHINSON: Mr. Speaker, through you to the Minister, I'd just like to find out Minister, the fire that now exists in the hills, it's one of the largest I have heard of in years, and we have been finding out that in recent years there have been many fires throughout the country destroying a lot of crops for farmers. This one in particular, do you have any idea when it is going to be extinguished totally?

Number two, do you have any other plans in which - because I know that there are projections that have been made, but I notice it's still burning - do you have any other plans as far as curtailing the fires that do take place? In other words, we find that every year we are going to have a drought, every year from now on I feel that there is going to be a fire somewhere in our area.

(*Sotto voce* comment)

Mr. HUTCHINSON: Yes, it is fact, it is coming. And so, are there any plans for you where you are going to see if you can counteract these fires that may occur in these different areas?

Mr. ARSCOTT: I wish to thank the Member, Mr. Speaker, for his comments. In respect of the first question, I am not in a position, unfortunately at this time, to say exactly when the fire will be totally extinguished. Because as we all know, fires are susceptible to wind conditions and changes in atmospheric pressure, and so on

and so forth, and if it has the kind of support in terms of the material to bum and if they are in areas that are inaccessible there will be difficulty in terms of giving a time line. What I can say is that the teams that are out there are giving their utmost, working beyond the call of duty to try and extinguish the fire.

There is good collaboration with the farmers and the citizens working towards this end and we can only wish and hope, Mr. Speaker, that it is extinguished in the shortest possible time; we are not going to let up. Whatever additional strategies we have to employ in collaboration with the agencies that have support service in the area we are going to call on them to ensure we try and get it down, because the longer it burns is the more we will lose and I think everyone is concerned about that, so we are working assiduously to have that extinguished.

The second one has to do with the strategies going forward and I am happy again, Mr. Speaker, that the Member raised that point, because just this morning at the Ministry we were having discussions on that particular topic. We know and we can assume, like the Member said, that this is going to be a recurring decimal in terms of dry spells, droughts and fires, and as such we have started discussions and we have set a meeting to take place at the end of the month to really pull all of the stakeholders together and to see what suggestions they can come up with. And I would invite the Member, as well as a part of the concerned group as a Member of the Opposition, to give his idea as to what system we could implement particularly in the higher areas. Because it is more easy to access those on the level, even though conditions may be different but those areas on the level are easier to access (audio stopped) formulate a strategy that can impact the future where fires are concerned.

The SPEAKER: Mr. Vaz.

Mr. Daryl VAZ: Thank you very much, Mr. Speaker and I crave your indulgence and the Members. First of all, the area where the fires are burning are adjoining my constituency, and I feel the same pain that I am sure the MP and everybody who is affected what they have been going through. The common denominator, Mr. Speaker, in all of this is water, and I remember making a suggestion last year when we were having fires in Buff Bay in relation to the coordination between the National Water Commission and ODPEM and the Fire Brigade, because up to last week there was a fire in Port Antonio, adjoining constituency to me, and my colleague is here, and we heard the Superintendent of Fire speaking to the challenges he had in relation to accessing water because of the scheduled lock-offs because of the drought. And he even went as far as to say that they had to go to the sea to get sea water and he did by saying that if they had gotten the water that they required in a timely manner the losses would have been less.

So again, I want to reiterate to all, and the Minister says he is having a meeting, I think the end of the month is a bit late. I think that meeting should be brought forward because the fact is that it needs a coordinated approach

in relation to making sure that the water from the Water Commission, the parish council, rapid response and whoever else, can work together with the Fire Brigade when it happens but I will leave that to the experts.

Coming back to the issue of water, Mr. Speaker, and I am sure that all my colleagues on both sides will agree with me, that we are now in May and we are already feeling the effects of a severe drought. I just got today, Mr. Speaker, and handed over to Minister of State and MP colleague a schedule for water for my constituency, almost $250,000 a week as of now and that includes schools and infirmary, hospital and, of course, the residents. The very sources, Mr. Speaker, that the parish council who is responsible for minor water supplies and the Water Commission for major, the sources are dry. Is not a matter that you scheduling a lock-off and you going allow water for two days on or two days off. The sources are low and in some cases they are dry. Where I reside in Portland I know for a fact rapid response has to be delivering water to those areas because the source has no water.

What am I saying, Mr. Speaker, it happens every year as the Member said, it is happening earlier this year than in previous years and projected to get worse as the years go by. We need a coordinated effort for all of these areas, not only Portland, but I am sure all the other areas that are having it to make sure that the proper allocation of funds - it doesn't make sense, Mr. Speaker, that you talk about going to the parish council, you know, because the parish council has zero allocation of money outside of the Ministry of Water who gives an allotment of money and in fairness tries to do so as regularly as possible.

Mr. SHAW: Where is the Minister?

Mr. Daryl VAZ: All I would say to you - the Minister is here man, Minister Hayles is here. What I am saying to you, Mr. Speaker that the same reason that the place in Mavis Bank is on fire is because of drought and the place catch fire as a result of the extended drought.

As bad as the drought is and the damage to all the farmers up in Mavis Bank there are people, hundreds of thousands of citizens who have not a drop of water as we speak and have not had in many days, weeks and months. So I am not saying that there is not, and I want to give the Minister an opportunity to respond, all I am saying to you we are in May and we are in this situation here and I know that when the Minister tomorrow sends me a little stipend for the parish of Portland that will be approximately two weeks of delivery. What happens after that two weeks? That is the issue because June, July, August, September, minimum of four more months of this, and all I am asking on behalf of all of the citizens who are suffering in this country, let us try and help them to at least be able to exist and be able to function on a day-to-day basis in order to be able to earn a living to support their families.

Thank you very much.

(Applause)

Dr. CHANG: Mr. Speaker, just two questions. One, I think this Minister ought to answer, I think there are two problems. Before

you have a stakeholders' meeting I think what the Member is seeking from the Minister of Agriculture is that hillside farmers have to change their cultural practices and that's something that is in the ballpark of the Ministry of Agriculture because it's not just rainfall and shortage of water is a critical issue I will come to but also the increasing temperature we are dealing. And therefore, if you maintain certain cultural practices there will always be the kind of debris available for setting fire and catching and spreading across the hillsides and that's strictly in your shop, mister minister. You have to find the appropriate required technology and change in crops that are required to prevent the kind of rapid expansion of fire that took place in the Mavis Bank hills.

Secondly, I think, I'd like to ask your colleague who is not here, the Minister responsible for water, that he should bring to Parliament the parish plans which have been completed for some three years now, and in that parish plan the objective was to identify perennial sources, many of the minor supplies referred to by the Member from Portland is a fact, they dry up every season and, therefore, they will always be a problem. And the idea was to identify capital and begin to harness the supplies which we have, and Portland in fact have some of our highest rainfall and rivers and, therefore, should not be suffering the kind of problems they are having. But throughout Jamaica we have had a history of minor water supplies which goes dry in the dry season every year, and the parish plans were developed to identify the perennial sources and begin the investment required to bring water. I think you should ask your colleague to bring it not only to Cabinet but bring to this House those plans and indicate at what rate we can invest to correct the problem.

Mrs. DALRYMPLE-PHILIBERT: I don't have an ego problem so I don't usually have to repeat what is said by my colleagues already, but I think the situation is extremely urgent because water is life. And I want to speak for rural constituencies particularly and I speak of my own now in South Trelawny. You know, Mr. Speaker, there is a problem. Today at 2.00 o'clock I got a call from a gentleman who supplies water throughout the entire parish, north and south, and he has not got his money from months ago that the bills have been sent in. I have checked them, I have gone to the parish council, I have been to the secretary manager, I have called and until now he has not got his payment. And yet when I speak to the Minister I am told that the money is sent to the Parish Council.

And then you go further, he tells me today, Minister, that for the first time in the many years that he has been taking water in the constituencies that he got a bill from the parish council for $300,000 for water that he collected from the Martha Brae River supply which he has never had in all these years. And I know we speak about it in Parliament and I know I called the Minister on a constant basis and I know he promises me and I know every now and again we get a Five Hundred Thousand Dollars ($500,000) but, Mr. Speaker, that does not even begin to address the problem in the areas. And it is cruel, it is

almost criminal for us to sit here and discuss it and set meetings when people in our constituencies, children, mothers cannot get water to drink and you see people, children who are five and four and six years old carrying a little pail of water.

And as a Member of Parliament, when they called me, I do not know what to say because you keep promising them and at the other side of the coin is that you feel like a beggar because I'm always calling, I'm always begging for water and it seems like a problem that just never ends. And I think if we're really serious about people, we just got over CHIK-V, there are lots of things if we don't have water so that we can have clean conditions we're going to be in problem in this heat.

Mr. Daryl VAZ: Worse problem.

Mrs. DALRYMPLE-PHILIBERT: The heat is here, the people are here, they are poor people and we need to address it and it is a desperate situation. We cannot afford to schedule a meeting down the road; people need water in this heat now.

Mr. Daryl VAZ: Where is the Minister of Finance? Where is the Minister of Finance? We need $100 Million right now.

The SPEAKER: Mr. Holness.

Mr. HOLNESS: Thank you, Mr. Speaker.

The Member from South Trelawny has certainly brought home graphically to the House the serious situation with the lack of water affecting rural constituencies. And I want to join her, but at the same time to point out, Mr. Speaker, that urban constituencies, particularly inner city areas are suffering just as much, if not, more. (Applause) Because, Mr. Speaker, constituencies like, and I will speak on behalf of my colleague from West Kingston, and I'm certain from South St. Andrew, we don't have many rivers nearby and many of our houses in those constituencies weren't built with catchment facilities. And so, Mr. Speaker, the recently announced scheduled water lock offs in urban inner city areas, whilst there is a schedule, so they may say water may be available from 6.00 a.m. to 9.00 a.m. Sometimes, Mr. Speaker, there is no water, even in the scheduled period for water and so it is, in my opinion, you could very well have a public health disaster waiting to happen because there is no water available, even in the scheduled times when there should be water.

But my real concern, Mr. Speaker, outside of the potential for a public health disaster is that whilst there may be at least the provision for the trucking of water in the rural areas, there is no such provision made for the urban constituencies.

A MEMBER: Hear! Hear!

Mr. HOLNESS: And I would want to use this opportunity, Mr. Speaker - I know the matter we're discussing is under the direction of the Minister of Agriculture and the Minister of Water isn't here, but the junior Minister is here, so I'll use the opportunity, Mr. Speaker, to say to the Government that you will now have to consider, in addition to the allocations for rural constituencies, you will now have to make consideration for urban constituencies.

(Inaudible comments)

Mr. SHAW: Listen to the things about water and stop the chatting in the House.

(Cross talk)

The SPEAKER: Mr. Hayles.

Mr. HAYLES: Mr. Speaker, let me respond first to Minister Daryl Vaz – Member Vaz. Mr. Speaker, in terms of what he speaks about...

(Cross talk)

(The Speaker gavels)

Mr. HAYLES: ...in terms of the joined-up effort that he spoke of, we'll be doing that this week. The Drought Committee will be meeting this week to deal with - and fire will be there, RADA, NIC...

A MEMBER: They are invited?

Mr. HAYLES: Yes, you're invited.

...in terms of coming up with a position and a strategy in terms of dealing with the drought situation which we have been faced with.

Last week, we received $10 Million from the Ministry of Finance to end up paying off all the bills that were outstanding. We contacted the Ministry of Finance yesterday and they've made $20 Million available today to the Ministry of Water. And yes, Member Philibert, this Government does care about poor people of this country. But in terms of the programme going forward, Mr. Speaker...

(Cross-talk)

...in terms of the programme going forward, we will ensure that over the next coming weeks throughout this period, that the Ministry deals with parish by parish, Member of Parliament by Member of Parliament and Councillors too in addressing the situation.

There is greater understanding that in terms of climate change, areas where we used to have water before, we don't have those systems in place anymore, but in terms of the plan within the Ministry, we are reallocating some funds. Last year NWC spent over $300 Million; the Ministry in and of itself spent close to $100 Million, so last year we spent close to $400 Million trucking water. This year will not be any different in terms of reaching out to innercity communities and rural Jamaica. So we've heard the cry. I myself will be calling some Members of Parliament this week and some Parish Councils and I will be going on the road, along with the Minister, in addressing the problems and situations that the country is now faced with in terms of drought. (Applause)

The SPEAKER: Mr. Parchment? Mr. Parchment?

(Inaudible comment by Mr. Vaz)

Mr. PARCHMENT: Thank you, Mr. Speaker.

It would be remiss of me if I didn't join him because in the best of times, South East St. Elizabeth - and I would take the liberty, even though the Member from South West can speak for himself quite eloquently, I would take the liberty and say South St. Elizabeth, in the best of times, suffers the most from drought in Jamaica. I am heartened to hear what the junior Minister has said because he has addressed some of the points that I want to say, so I look forward for him coming into South East St. Elizabeth and South West St. Elizabeth that we can show him, can see, get a

firsthand view of the suffering of the people and the plight of the people because we have to ensure that going forward that we have something sustainable.

Thank you, Mr. Speaker.

The SPEAKER: Mr. Crawford.

Mr. CRAWFORD: Thank you, Mr. Speaker.

The fire to which we all speak is currently taking place up in East Rural St. Andrew. First, we have to say we're grateful to the team of soldiers and firemen who have been fighting the fire on foot for the most part... (Applause) ...as the majority of the areas are incapable of being reached by the fire trucks and as we learnt earlier, is also difficult to maneuver by the helicopter because of the wind speed, *et cetera.*

Mr. Speaker, we also want to say thanks to the Minister of Water, Housing, Climate Change, *et cetera,* who have already committed to replanting the slopes. That's very important because at the end of the day, there may be a second disaster if it is that the slopes are left bare from rainfall leading to landslides. And so therefore, the Government, through the Minister, has been proactive in committing to replant after the fire of course, trees and grass in the area.

We're also thankful on behalf of the people that were looking to have treatment for smoke inhalation after the fire for persons who live in East rural St. Andrew funded by and assisted by the Ministry of Health to ensure that those persons who are affected will be treated and those who are unaware of being affected can be informed if they were affected. We are having conversation with the Ministry of Security, about having more soldiers on the ground to ensure that the fire is abated based on the fact that the water trucks, as I said earlier, cannot reach.

We're grateful also to the Ministry of Housing, who've already committed to replacing after the fire all the houses that were affected or directly damaged.

(Applause)

We're grateful to RADA, who have already been on the ground, collecting information and we're also adding that while it is that the farmers might be affected, the entire economic system is dependent on agriculture, and so there is some persons who would be reaping, *et cetera,* and so therefore, we're happy that SDC and the Ministry of Social Security have also been involved not only from the farmers' side, but from those dependent on economic activity provided by coffee and so we're grateful to…

(Inaudible comment by Mr. Vaz)

Mr. CRAWFORD: Yes, we're happy that Minister Buchanan was also on the ground and being informed because he is a first responder to the agricultural side. And we're looking forward...

(Inaudible comment by Mr. Shaw)

Mr. CRAWFORD: …we're looking forward sir not only to coffee replenishment, but with the understanding that there's a need for short term redevelopment that there'll be some cash crops also introduced so that within three months people can be earning a living while awaiting for the coffee to grow back. (Applause)

Mr. VAZ: How dem say yuh nuh know wah yuh a do up deh?

Mr. CRAWFORD: What we're saying is that we're grateful for the response that has been put in place...

(Inaudible comment by Mr. Vaz)

Mr. CRAWFORD: Yeah, the Government's responsibility...

Mr. VAZ: When yuh find out again?

Mr. CRAWFORD: ...at this time is to ensure that after the fire that the people's lives can be returned to normal as soon as possible. We're very pleased with the work that ODPEM has been doing on the ground; we're very pleased with the work of the Fire Department; we're very pleased with the work that the Ministry of Local Government - and I had a helicopter tour today to see what was happening with the fire chiefs and so we are pleased with the work to end the fire and we're also pleased with the work to recover after the fire. So on behalf of the people of East Rural, we are grateful for the concern and we're grateful for the effort that has been taken thus far and tell them hi for me too. (Applause)

The SPEAKER: Mrs. Robinson.

Mrs. ROBINSON: Thank you, Mr. Speaker.

I want to sympathize with the farmers who have lost a lot of their crops in that area where we've had this major fire. And we understand that there are barriers and there are obstacles in fighting a fire of that magnitude, however, I want to talk about water because if water is available, then certainly, you can't prevent it, but you can almost halt it before it spreads the way it has spread. And in the constituency that I have the privilege to represent, the lack of water continues to be a big challenge.

I have an area called Breadnut Hill and Paradise and it is no longer paradise. It is a beautiful place, but it is no longer because the people have been without water since late last year. I having spoken to the Water Commission on a regular basis, nothing happens. Persons took to the road, they blocked the streets in Ocho Rios last week and from then, the response is one trailer of water there and nothing else has happened, even though I called on a daily basis and the people called.

The Water Commission has said that water is life, you know, I really had to ask the people at the Water Commission in St. Ann, if they have an investment in funeral parlors? Because if you say that water is life and you are not supplying water, you want to kill the people. It is almost impossible as a Member of Parliament, whether you are rural or urban, to address the complaints of water, Mr. Speaker, whether it be minor water supply or the supplies that Water Commission has the responsibility for. The Water Commission in St. Ann is inept, it is uncaring, it is unresponsive, it does not deal with the needs of the people.

Right now I have truck men who are owed monies from last year, last year October, they cannot get paid and because of that, even if I'm willing to use CDF funds to truck water, the men are unwilling because they've not been paid by the National Water Commission

and right now we have an emergency and the drivers are unwilling to work.

The Water Commission has a system where they send the money, they write a letter to say that the funds are available, but the funds don't go to the Parish Council, the truck man has to take the bills to the Parish Council and the parish council submits the bills to Kingston and they pay them. They have refused to pay because the Water Commission wrote a letter to the Parish Council to say for constituencies who have not used all of the funds, please send them back. That is invoices outstanding. When the truck man goes there now with the bills, the Parish Council has already sent the money back to Kingston and we are left holding the bag as Members of Parliament. This cannot be the response to water. If the people are customers of the National Water Commission, the least they can do is when the system goes down, and we understand that systems can go down, but if it goes down, they have a responsibility to supply water to their customers; it should not be about begging. They should react and react in a quick and timely manner to the needs of the people.

Mr. Speaker, there are too many areas in North East St. Ann that are without water. Lime Hall, sections of Lime Hall are without water, Farmers Heights, sections of Exchange, Breadnut Hill, Dunnsville, Paradise, it is unacceptable, Mr. Speaker. And in the event of a fire, like the magnitude that you have in Mavis Bank, I don't know what would happen, we would be able - we're not able to respond and respond timely. So, Mr. Speaker, I want to just join with my colleagues to say that the Water Commission must act and they must act quickly to address the problems that currently exist in these constituencies.

Thank you.

The SPEAKER: Mr. Charles.

Mr. CHARLES: Mr. Speaker, I don't think that there is anybody, on either side, who at this time is not having serious difficulty with water. So I don't think it is controversial. I think what we have to do is find out from the Government if on an emergency basis - this is a serious emergency. All the springs in North Central Clarendon has gone dry. What used to be called rivers are simply holes with little green water leave, and this is one of the problems. They have stopped flowing, and where we have water, Mr. Speaker, I am afraid that it is seriously contaminated. So I am going to ask whether or not the Government could make an allocation, because this is an emergency. Make an allocation for the trucking of water. The Water Commission has a policy, they don't truck water to areas where they don't have meter, they don't have customers.

Now, you couldn't get a meter because you were able to go to the river, or to the spring and get some water. Now, the springs are not flowing, the Water Commission is not sending water to where they didn't have meter, it becomes the responsibility of the rest of us to carry water in the back of their cars. Little pans all over the place. So, I would want to know whether the Minister can give an assurance that on an emergency basis they can send some - send instruction to the Water

Commission to give water on a broader basis other than just areas where they have meters, because people who could not afford meter need to get some water, and send some money to the Parish Councils or give some money to the representatives of the area so we can truck some water to the people in the area. It is terrible, it is bad and for me, because the Rio Minho runs through the area, and it's a surface river - I learn long time that there was a Rio Minho river. I don't know if there is a river without a head. It couldn't go dry if it was a Rio Minho river. It is surface water from the hills run through to May Pen, into the sea. Now, there is no rain so there is no surface water and only what has been left in the holes as I have said, that has now, I am sure, turn green, so it must be contaminated, that's what the people are using, and I am begging, I am begging the Minister, Minister of Housing and…

Dr. DAVIES: Housing?

Mr. CHARLES: Yes. Senior Minister, to turn an eye on areas in all constituencies. Let us treat this as a national emergency, because as the Member has said, water is more than life, without water you are going to die and with contaminated water you are going to get a similar result. So I beg, Ministers, if you can help us with an allocation, the trucks are out there, we can find some water in other areas where we have wells, we have no wells in my constituency that is now working, they have collapsed because no water, the sand sunk, and therefore, they are going down. Serious problem.

My appeal sir, is for the schools. I am not sure that the schools will be able to go beyond a few more days, because once the black tanks are dry, the toilets cannot flush, it is better to send the children home. So it is a community problem, it is a school problem, and it is all of us problem, and let us join here to see how we can tackle to help in these communities.

Thank you, Mr. Speaker.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, this problem is very widespread, it's an islandwide problem, and I heard the Minister of State in the Ministry of Water speak but it seems to me that the matter requires the urgent attention of the Cabinet starting with an inter-ministerial approach where the Ministers of Water, the Minister of Local Government, and the Minister of Agriculture, all three, at minimum, need to become involved because, you know, $20 Million to be allocated is in the context of the problem that we face. No pun intended, hardly a drop in the bucket in terms of the severity, I think of the problem. And, you know, with all due respect to the hope of the Minister of Agriculture that we will soon have rain, the issue is that we are suffering right now and the matter is urgent and requires a higher level of attention to be placed to it. And I would suggest also that in the same way that an amount has been allocated to Members of Parliament for expenditure for Labour Day, in terms of some Labour Day projects from our CDF, perhaps as a stopgap measure maybe a modest amount could be considered to be released to MPs so they can deal with

genuinely, very urgent situations and that should also be considered.

Thank you, Mr. Speaker.

The SPEAKER: Mr. Kellier.

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

I wish to just acknowledge the suggestions and the questions that the Members have put forward in this very important subject of water. I am sure the Ministry of Water through its Minister of State will take on board those issues relating to drought alleviation as it exists now and is gradually building up. I am sure that they are prepared to take the necessary action to ensure that the circumstances will be mitigated against, by making the necessary allocations where possible, based on the finances that are available.

And I do recognize, Mr. Speaker that this matter has to be addressed in a fulsome way, or more fully, because the truth is, it has been recurring every year and we suffer the losses and every year the losses pile up and we never ever get back to where we were before, after these losses and as a result we have to take a different approach…

(Inaudible comment by Mr. Henry)

Mr. KELLIER: I know the demographics thing, Mike.

And in that light, Mr. Speaker, I wish to address the point made by the Member from North West St. James that spoke about the parish plans that were already laid. We would want to take a look on those because I think they were developed under his watch. We will take a look on those and see exactly where they lead, and see how we can incorporate them in the activity that RADA is going to carry out across the island, and to report back by the end of this month. Just wish to say though that we continue to push for the GAP, which is the good agricultural practices and that is why I intimated, Mr. Speaker, and spoke about the business of climate smart agriculture.

The construction of hillside ditches, trenches, stone and contour barriers to stop erosion and those kinds of things, and terracing. We have to get to those practices so that we can be able to mitigate some of these problems that we see emanating right at this point in time. And replanting of the trees, Mr. Speaker, is very important and crucial now, and once we see the rains start dripping, we make sure that that programme is activated so that we can give forest cover back to these hillsides, because we will have a double whammy if we don't do that. What will happen is that the rains will erode the topsoil and therefore you will have more of the siltation coming down to the lower levels and it will remove the nutrients in the soil to support the vegetation on the hills.

So you know, everything is connected and we are very much aware of it and we will be taking proactive steps to ensure that we can mitigate the circumstances going forward.

So I wish to thank the Members for their support in this matter.

Thank you Mr. Speaker.

Mr. PAULWELL: Mr. Speaker, I move for the recommittal of items, Bills Brought from the Honourable Senate.

The Deputy SPEAKER: The question is that there be a recommittal of item, Bills Brought from the Senate.

Motion put to the House and agreed to.

BILLS BROUGHT FROM THE SENATE (Recommitted)

The Deputy SPEAKER: Bills Brought from the Senate.

The following is a message from President of the Senate:

> "To the Honourable House of Representatives:
>
> I have the honour to advise the Honourable House of Representatives that on the 8th day of May, 2015, A Bill shortly entitled: "The Minimum Business Tax Act, 2015" was passed with two (2) amendments for which the Honourable Senate seeks the concurrence of the Honourable House of Representatives.
>
> Signed: Mr. Lloyd Morris
> President of the Senate"
>
> (And the amendments have been printed and circulated.)

Mr. PAULWELL: Mr. Speaker, on behalf of the Minister of Finance and Planning I beg to move for the Senate amendments to the Bill shortly entitled, "The Minimum Business Tax Act, 2015" be approved.

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

Motion put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, we were scheduled to commence debate on the Copyright (Amendment) Act this afternoon but we are going to postpone that until week after next and instead we will deal only today with Item 11 which is the Resolution on the Anti-Doping in Sport Act.

The Deputy SPEAKER: Minister Neita-Headley.

Mrs. NEITA-HEADLEY: Thank you, Mr. Speaker.

I place before this Honourable House of Representatives for consideration and approval, an Order to Amend Paragraph 4 of the 4th Schedule of the Anti-Doping in Sport Act, 2014.

Mr. Speaker, the Anti-Doping in Sport Act, 2014 came into effect on the 1st of January, 2015. The Act was promulgated in order to ensure alignment and compliance with the revised World anti-doping Code 2015 and its related international standards, as well as to ensure consistency with international best practices in anti-doping.

Section 17(1), Mr. Speaker, of the Anti-doping in Sport Act, establishes the Anti-doping Appeal Tribunal. Section 17(2) provides that the Constitution and procedure of the Appeal Tribunal, and otherwise in relation thereto, is set out in the Fourth Schedule to the Act.

The Fourth Schedule of the Act, of Paragraph 1, sets out the selection criteria for the seven-member appeal tribunal. At Paragraph 2, disqualifying criteria which would render persons ineligible to appointment, to the Appeal Tribunal, is established and this is further elaborated in Paragraph 3.

Mr. Speaker, the Members of the disciplinary panel shall be appointed by the Minister by instrument in writing.

You will note that the reference to disciplinary panel in this paragraph is an error, Mr. Speaker, as it ought properly to have been the Appeal Tribunal. Section 24(b) of the Anti-doping in Sport Act, authorizes the Minister to amend the schedules to the Act by way of an Order subject to affirmative resolution.

Mr. Speaker, I seek approval of this Honourable House of the Order to amend the Fourth Schedule of the Anti-Doping in Sport Act, 2014, at Paragraph 4 by deleting the words, "disciplinary panel" and inserting the words, '*appeal tribunal'*, may it please you.

The Deputy SPEAKER: Ms. Grange.

Miss GRANGE: Mr. Speaker, there is nothing controversial about the proposed amendments. It's simply to make a typographical correction, Mr. Speaker, and so, I can be extremely brief in just saying that I support the amendments that are being put forward now.

(Applause)

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

Motion put to the House and agreed to.

Mr. House Leader.

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 May 19 at 2:00 p.m.

The Deputy SPEAKER: Okay.

Just before the adjournment I just want to advise this Honourable House that the father of Ms. Camika Facey, Legislative Counsel, passed on on Saturday May 9. I suspect that the Clerk to the Houses will convey our condolence.

The question is that this Honourable House adjourns until next Tuesday May, 19 at 2:00 p.m.

Motion put to the House and agreed to.

This Honourable House now stands adjourned.

The House adjourned at approximately 5:21 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2015 – 2016

TUESDAY, May 19, 2015

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:

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. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, Minister of Agriculture and Fisheries, Minister of Labour and Social Security

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, Works and Housing

HON. IAN DAVE HAYLES, (PNP), Hanover, Western, Minister of State in the Ministry of Water, Land, Environment and Climate Change

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. 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

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. AUDLEY FITZ ALBERT SHAW, CD, (JLP), Manchester, North Eastern
MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western
MR. RUDYARD CONRAD SPENCER, (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

PRAYERS

Prayers were offered by Dr. Bloomfield.

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 students and teachers from Haddo Primary and Infant School, York Castle High School and Campion College. (Applause) I hope they find today's sitting interesting.

(MR. WILLIAM JAMES CHARLES HUTCHINSON, CD, (JLP), St. Elizabeth, North Western, entered and took his seat.)

STATEMENT BY MINISTERS

Mrs. NEITA-HEADLEY: Mr. Speaker, we'll take a statement from the Minister of Agriculture, Fisheries, Labour and Social Security at this time.

The SPEAKER: Minister Kellier.

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

Mr. Speaker, as you will recall, I addressed this Honourable House last week on the current dry spell and its impact on the agricultural sector. We have since, thankfully, got a little sprinkling, but we are by no means letting down our guards. In fact, the Government of Jamaica and in particular, the Ministry of Agriculture and Fisheries, has been taking the issue of climate change seriously and has adopted a proactive approach to the reality of persistent droughts.

Mr. Speaker, it is this proactiveness and vision that have inspired our Agro-Parks Programme, under which we have been installing irrigation systems to ensure sustainable production. And I'm happy to report to this Honourable House that by July of this year we would have completed a $300 Million irrigation scheme in the Spring Plain/Ebony Park Agro-Park, which will bring... (Applause) ...which will now bring

some 3,000 acres fully under production. We are already seeing the transformational impact of the new irrigation schemes in the dry areas of Yallahs and New Forest/Duff House, where we are having a bumper production even in the dry season, and thanks to the new irrigation schemes, we're able to achieve this. Proper irrigation systems will be a standard feature of all agro-parks that will become operational in the future.

Mr. Speaker, we are aware that we must also address the needs of our farmers outside of the agro-parks, as was mentioned by my opposite Member some weeks ago. As a Government, we have been addressing small-scale irrigation needs to our farmers across Jamaica. Under the Rural Economic Development Initiative, the (REDI) Project, funded by the Jamaica Social Investment Fund, nearly $30 Million has been invested in procuring and installing drip irrigation systems for farmers in Colbeck, Hounslow, Beacon Little Park, New Forest/Duff House and Yallahs. Some 225 half-acre drip irrigation kits with fittings have been provided to farmers. These farmers have also been provided with 1,000 gallon storage tanks.

I'm happy to report, Mr. Speaker, that another 190 such kits will be provided by the REDI project by the end of this month. An additional $14.4 Million is being spent by REDI to implement drip irrigation and fertigation systems at Braco and Plantain Garden Rivers, on some 30 acres of land. (Applause)

Further, Mr. Speaker, I'm happy to report today that in addition to the above initiatives under the REDI programme, the Ministry of Agriculture and Fisheries, through RADA, will be spending this week, some $10 Million to provide nearly 300 650-gallon tanks to farmers in our most affects areas, that is in the southern belt of the country. (Applause) This $10 Million will also facilitate trucking of water to farmers, which will amount to some 400 loads. This will complement the over $30 Million that we have already allocated earlier this year to provide inputs to farmers islandwide, under the Production Incentive Programme.

(REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston, Central, Minister of Education, entered and took his seat.)

Mr. Speaker, a meteorological drought has not yet been declared and we have started to see a little rain. We all pray for more rains, but while we pray, we are ensuring, through these initiatives, that crops on the ground can be safeguarded. Despite the dry conditions, the domestic food crop sector grew by 2.7% last quarter, and we're doing all in our power to ensure that this growth momentum is sustained. (Applause)

Mr. Speaker, in the meanwhile, I am imploring all our farmers to resist the temptation to use slash and burning methods for land-clearing and employ the necessary agronomic practices that will enable the conservation of moisture in the soil.

It is our fervent hope, Mr. Speaker that these initiatives, although not 100%

comprehensive, will help to assist as time goes by, the whole business of mitigation of the harsh weather conditions that we face.

Thank you.

(Applause)

The SPEAKER: Mr. Hutchinson.

Mr. HUTCHINSON: Mr. Speaker, I take what the Minister has said, but we must understand May month is usually the month of rain, and the dry months are between January and March/April. I see the Minister is being reactive; he needs to be proactive, and he's now doing the thing when rainfall is coming, this should've been done from January. But even with this, even with this, we find that he's catering to the 5,000 farmers who are supposed to be on the agro-parks. The 250,000 farmers who are out there, who have been driving agriculture, what are you doing for them?

St. Elizabeth, the breadbasket, you're saying something here; all the crops in St. Elizabeth have already failed...

A MEMBER: What?

Mr. HUTCHINSON: ...there was nothing that was done for them over the couple months. We are saying now, we are now looking, based on what you're saying here, that what is it that you're going to be putting in place in the future to start in January because at this point in time hopefully, the rains will come and we will hopefully have the farms? Because what has happened now, you know, especially with St. Elizabeth, Manchester has now overtaken as the breadbasket because you have failed to assist and help and correct the problems that we have in St. Elizabeth, and we're asking was is it that you need to start? Because what you've said here does not address the 250,000 small farmers, what is it that you're going to be putting in place?

Mr. KELLIER: Mr. Speaker, I said in the Statement that we were using the irrigation system for the agro-parks, and that this programme, which I just announced, is for the farmers outside of the agro-parks.

The belt that the Member mentioned is part of the area in St. Elizabeth, high productivity areas that we are trying to address to ensure that we save what we can save in terms of the crops that are already in the ground.

There are areas where farmers have called in and asked for - and we have seen it on the television, they've been expressing their concerns and we're responding to those concerns albeit I do agree with him that we need to start much earlier with the programme and we need to do more.

But at the same time, Mr. Speaker, we must acknowledge that something is being done and we have not abandoned the farmers we are doing something. (Applause) And that is part of the reason why we've made sure to send out that $30 Million to the constituencies through the Members of Parliament to ensure that they had a head start to help them to head off some of the problems of drawing water during the drought months that have just passed.

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

(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.)

(MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern, entered and took his seat.)

(MR. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, entered and took his seat.)

But the Comprehensive Programme Mr. Speaker is - I mentioned the consultations last week that will be taking place, because we want to bring to this Parliament, and to the nation, a comprehensive programme that has inputs from everybody that will help to guide a programme that will be sustainable, that we can fund, and that will make a significant difference to the lives of the farming community of this country, so that whether or not there is drought or no drought, we don't have to worry about what is going to happen, because we would have secured the necessary systems, based on the information that we will get to put something in place that will maintain us through drought periods, going into the future.

It is not going to be simple; it is going to take some time, but we have made a significant move, Mr. Speaker, to provide these kinds of equipment to assist the small farmers with the small plots to be able to irrigate and to provide the water and the money to truck water to them.

So I say to the Member, I understand his concerns and maybe we could have started earlier if we had the money, but it so happens that - during that period everybody knows that when you getting to the end of the financial year, there is a crunch, and clearly, we were not able to do then, what we can do now. But having recognized it, we still are being proactive and not reactive.

The SPEAKER: Mr. Hayles.

Mr. HUTCHINSON: Mr. Speaker... Mr. Speaker...

Mr. HAYLES: Mr. Speaker...

(*Sotto voce* comments)

The SPEAKER: Have a seat, Mr. Hayles, have a seat.

Mr. HUTCHINSON: Mr. Speaker, I don't think the Minister quite understands what I am saying. What he is describing...

(*Sotto voce* by Mr. Pickersgill)

Mr. HUTCHINSON: You wouldn't understand. What I am saying, sir, what he has now described is that you are looking at those areas where you have irrigation, and you are looking to see if you can provide. Now, I am saying that there are many areas - let me put it straight - what is the position with water harvesting? This is one of the key areas in which we can develop and what is being done for water harvesting?

The whole thing with agriculture needs proper planning and proper structure. During our time, we had things in place; we knew the drought was coming on, and we had things in place to mitigate it.

(*Sotto voce* comments)

(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. PICKERSGILL: What? What?

Mr. HUTCHINSON: Let me just say, we had growth between 2008 and 2011, of over 10 per cent every year. And this was when we had drought, we had fire, we had hurricane, the great depression, disease, and still we grew when we had all of that. What is being put in place - and I am looking specifically at water harvesting, and what other things do you have that will be able to counteract these things?

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

Mr. KELLIER: Mr. Speaker, in my presentation to this House during the Budget Debate - in the Sectoral Debate, I set out clearly what we intended to do, in terms of water harvesting, and so on, to help to mitigate these circumstances, and to help to drive production. The Member may have missed it; the Member may have missed it, but...

A MEMBER: No, no...!

(*Sotto voce* comment)

Mr. KELLIER: He may have missed it. But the general - the answer to the general question, though, Mr. Speaker is that I indicated that we will be coming with a Comprehensive Programme to present to this House and to the nation as to what we intend to do and where we intend to go.

(*Sotto voce* comment)

Mr. KELLIER: I said that before. I said that we were going to be doing some field work to gather some information by the end of this month. I said that here last week. We are still keeping that...

(*Sotto voce* comment)

Mr. KELLIER: Yes... we are still keeping that alive. And I invited the Member - I told him that I will invite him to participate in those discussions when we are finalizing this issue. I told him last week, and I am sticking to my word, because he has some good ideas. And we want to see if those good ideas can find their way into what we have to present. I would love to have his input, because agriculture is for everybody, you know. Agriculture has no boundaries; it is for everybody.

(*Sotto voce* comment by Mr. Pickersgill)

Mr. HUTCHINSON: You wouldn't understand agriculture.

Mr. KELLIER: So Mr. Speaker, I can assure him that the Comprehensive Programme will be coming, because it is not just a knee-jerk operation that is going to solve this problem; it is a big problem, and we are going to be dealing with it as times go by.

The SPEAKER: Mr. Hayles.

Mr. HAYLES: Mr. Speaker, I would like the Minister to clarify two things for me, and I heard the Opposition Spokesperson spoke about it. Is it that - in terms of the 250,000 farmers that the Opposition Spokesperson spoke to a while ago - is it that the National

Irrigation Commission, in terms of the expansion which is going on, will that be in addition to the tanks which - or now will be in place, under what Minister Kellier spoke about, in terms of also accommodating the rainwater harvesting part of it? So, I would want the Minister to clarify for me, in terms of the National Irrigation Commission, its role, in terms of the 250,000 farmers across the country and, b, in terms of what these tanks will be used for, in terms of rainwater harvesting?

Thank you.

The SPEAKER: Minister.

Mr. D. SMITH: Mr. Speaker... Mr. Speaker, I heard the Minister spoke to $30 Million allocated to constituencies to deal with drought situation. I don't know if, for whatever reason I would have missed it, because in the event that he or his colleagues are not aware, North West St. Andrew is both urban and rural and in the rural section there is farming, and they have been having tremendous problem with the lack of water.

So I would like the Minister to tell us if I missed, or if the $30 Million is on its way?

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

Mr. KELLIER: I am not sure, Mr. Speaker, if I heard correctly what the Member was asking, but really - as far as I am aware, Mr. Speaker, rural and urban constituencies were given allocations from that $30 Million - every single one. If you have not yet contacted your RADA officer, then you should do so, because to the best of my knowledge - and my instructions were followed out - followed to the T - every single constituency received some level of allocation. It was not equal, because they don't have the same equal problems, but it was equitable, and every constituency was given an allocation.

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

So, the urban people would have received less money than the rural people - and that is just natural - because the situation is different, but every constituency received an allocation. I am absolutely sure of that. And that will continue to be so as long as I have the honour to continue in this position by the Prime Minister.

(Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. KELLIER: Equity and fairness is what it is all about.

Mr. CHUCK: A good...

Mr. KELLIER: So the question posed here, Mr. Speaker, by the Member from Western Hanover and the Minister of State, there is a plan that we will also bring to this House to show what the NIC - that's the National Irrigation Commission - intends to do during this financial year, in terms of its roll out of its programme, the areas where we

will be developing - and we have to do that in conjunction in areas where the high productivity - and the areas that are prone to be affected when we have droughts.

So the Irrigation Commission, I have met with them recently - about a week ago - and they are unveiling their Plan, and it will be brought here in due time so that everyone can know exactly, based on the resources available, where we can extend the irrigation systems to.

And also, I spoke about the lining of the ponds, Mr. Speaker, and some of the craters we have in places like Manchester and St. Elizabeth, so we can do the water harvesting. And I think I mentioned an example that is at Noranda, that shows what can be done when you line some of these craters, how we can harvest the water to use back for the development of the farms. That programme will be unveiled when we come to give the Comprehensive Report to the House.

The SPEAKER: Mr. Charles.

Mr. CHARLES: Minister, could you just advise me; I am not too clear on you. You have just stated that this $36 Million - money being allocated now for farmers... mostly farmers on the southern belt, there is problem there, Minister, the farmers on the northern belt. And what was sent to RADA, based on indication from them, was that farmers could not use that to assist them in harvesting water.

Now I wonder if you couldn't make some allocation or adjustment so that farmers in the northern belt, in my - for example, in the Mocho area that is totally dry, without a spring, without a river, without a well, without water, that RADA could assist those farmers with a few of the tanks that are made available for the southern belt. And whether or not, what has been sent there for us, we could use that to assist in the harvesting of water that we expect. As the Member had said, God may help us, and rain may fall.

Mr. KELLIER: Mr. Speaker, the programme which we have announced is not exclusive, in terms of its ability to reach to places on the northern side of the island, but the focus has to be where we have a plethora of farms that are currently under stress. So I take the Member's point, and we will look how it can be tweaked to ensure that those farmers are... this is the first phase of the programme, because the immediate pressure lies within this belt, and we want to try and satisfy it as best as possible, and of course, we are going to move out.

So the seconded phase will be unveiled shortly, Mr. Speaker. As we go along, we want to keep the House informed as to what we are doing to help to satisfy the needs of the farmers out there in the field. So, I accept the point that the Member has made, and we will ensure that RADA works along with those other farmers and areas that are in need of the kind of support that he's speaking about.

ANNOUNCEMENTS

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

- **Ministry Paper Nos. 92 and 93**
  Cabinet Agenda Issues dated April 20 and 27, 2015

- **Ministry Papers Nos. 94-96**
  Government of Jamaica (GOJ) Audit Commission Annual Report for the financial years 2011/2012, 2012/2013 and 2013/2014
- Economic and Social Survey Jamaica 2014 Planning Institute of Jamaica
- **Certified Appropriation Accounts**
  Ministry of National Security for 2010-2011

BILLS BROUGHT FROM THE SENATE

The following is a 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 8th day of May, 2015, a Bill shortly entitled: "The Evidence (Amendment) Act, 2015" was passed in the Senate with ten (10) amendments.

Signed: Mr. Floyd Morris
President of the Senate"

Mr. ATKINSON: Mr. Speaker, I beg to signify my intention to take charge of the Bill.

Bill shortly entitled:

"The Evidence (Amendment) Act, 2015" read a first time.

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

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Dr. Guy.

Dr. GUY: 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 Civil Aviation (Amendment) Act, 2015".

Mr. Anthony HYLTON: I beg to give notice that at the next meeting of the House, I move to introduce and have read a first time, a Bill shortly entitled: "The Weights and Measures (Amendment) Act, 2015".

QUESTIONS AND ANSWERS TO QUESTIONS

(Cross talk/The Speaker gavels)

The SPEAKER: Mr. Smith.

Mr. D. SMITH: Mr. Speaker, just enquiring regarding commitments given -

The SPEAKER: The follow-up questions.

Mr. D. SMITH: The follow-up questions.

The Acting House Leader assured me as recently as about a couple of hours ago that the answers will be forthcoming this afternoon.

The SPEAKER: They should be coming from Dr. Davies?

Mrs. NEITA-HEADLEY: No, from Minister Arscott, Mr. Speaker. I will, therefore, ask for the recommittal when the Minister arrives.

The SPEAKER: Okay, we're still expecting the answers.

PUBLIC BUSINESS

Mr. WARMINGTON: Mr. Speaker.

The SPEAKER: Yes, Mr. Warmington.

Mr. WARMINGTON: Last week I sought the information as to the position and status of the Private Member's Motion from South West St. Catherine that were laid in the House and the Report from the Infrastructure and Physical [Development] Committee. Those Reports were adopted in June 2012, and I draw reference then to letter from the Cabinet Secretary dated May 17, 2013 that Cabinet recommended or instructed the Minister of Local Government to deal with those issues and it's now two years since this letter was written and over two years since the Cabinet sent this to the Minister. Last week, when I raised it the House Leader gave assurance that he would have a response this week. He is absent so I'm wondering if the Acting House Leader has some information to give on this in that the House Leader is not here and he gave the undertaking. So I would assume that if he is not here, he'll give the information to the person substituting this week.

Mrs. NEITA-HEADLEY: Mr. Speaker, as far as I am aware the House Leader is still pursuing same and that he will respond at the next sitting.

Mr. WARMINGTON: I don't know if that is acceptable - pursuing. There is nothing to pursue. The Cabinet sent it to a Minister and I've asked about three or four times about this over the past two years. Therefore, this doesn't take that much for the House Leader to get the Minister within one whole week to get a response for the Minister. It don't take forever. So I can't take it now that you're saying that he is pursuing still and he'll speak at the next - he gave the assurance that he will have the response today. It nuh take forever to get…

The SPEAKER: Well, Mr. Warmington, he's not here today. Can we get the assurance that he will give the answers next week?

Mr. WARMINGTON: That can't work.

Mrs. NEITA-HEADLEY: Mr. Speaker, I will undertake to follow through and follow up on same.

(Cross talk)

The SPEAKER: Okay, thank you.

Mrs. NEITA-HEADLEY: Mr. Speaker, we will commence the Debate on the Amendments to Administrator General's Act, 2015. This will be taken by the Member from North Trelawny, the Attorney General and we'll also commence the Debate on the Report of the Sessional Select Committee on Economy and Production regarding banking fees.

The SPEAKER: Mr. Atkinson.

THE ADMINISTRATOR GENERAL'S (AMENDMENT) BILL

Mr. ATKINSON: May it please you, Mr. Speaker.

I rise to open the Debate in the Administrator General's (Amendment) Bill, which proposes "AN ACT to Amend the Administrator General's Act and certain other Acts to effect reform to the law relating to the administration of estates, and for connected matters".

The administration of estates Mr. Speaker, refers to the laws which governs the transfer

of property to heirs and/or other designated beneficiaries after a person has died and this Bill applies in both cases where the person has died testate, which is to say has left a will, or has died intestate, where there is no will. The public office that is responsible for the distribution of the estate is the Administrator General's office, which is headed by Administrator General. The Act that we seek to amend, although it has been amended on some occasions was first passed in 1873 and the need for significant reform of that Act is evidenced by lengthy delays in processing applications for the distribution of estates.

The Bill, Mr. Speaker, is the product of collaboration between the Government and the private Bar and the prime object is to administer the deceased estate in a timely way. Inadequate resources, Mr. Speaker, and archaic laws have contributed to inefficiencies in the processing of applications for the grants of letters of administration or probate at the Supreme Court and Resident Magistrates' Court and for clarification letters of administration are issued where the person has left no will and probate when there is a will.

One result of the inefficiencies, I mentioned, is that a significant number of parcels of land and other assets to be inherited such as money in bank accounts remain in limbo for very long periods without being transferred to beneficiaries. In many cases, executors and personal representatives and administrators have estate matters in abeyance resulting in a maze that inconvenience successive generations and are difficult to unravel.

The Administrator General's Act mandates that the Administrator General must apply for the letters of administration in estates of persons who die intestate and even if there is a will, the Administrator General must act where there is no executor. Efforts to fulfill its mandate in the Administrator General's Department has been prevented from doing so efficiently and has created a backlog. In fact, the current Administrator General reduced a backlog of some 5,000 cases and reduced it to 2,800 and we congratulate her for that effort, (Applause) but she needs the support of legislation to get rid of the remaining backlog.

This Bill provides a statutory mechanism for the Administrator General to cut the backlog and to get rid of a lot of the maize and morass that prevent the efficient and timely distribution of the assets of estates. The Administrator General will be given expanded authority which will allow for the settlement of over 3,000 estates and by so doing, improve the efficiency of the Department.

The fact is, Mr. Speaker, that we also need to address at some stage the ethic of our people in dealing with their affairs and their property, because very often people purchase lands without getting formal title for it and doing nothing to regularize it, then leave it to their children who sometimes pre-decease them or pass it to grandchildren and they themselves are deceased. And so you have no definition of the estate that is to be left, who is the real owner? And so the Administrator General, before they can go through the process of distributing, has to weave through

all that morass to find out who really owns this land, is this land really a part of the estate and, if so, where are the boundaries to this property? And we need to really improve the ethics of our people to putting their affairs in a more organized manner and to encourage people to leave wills, so that when you find a situation where their children have pre-deceased them and all they are left with are grandchildren to find out exactly who the heirs are in itself is a problem.

A significant benefit of these reforms, Mr. Speaker, would be to reduce the caseload at the Probate Registry in the Supreme Court - that's the section of the Supreme Court Registry that deals with these matters. And also at the Resident Magistrates' Court by taking a vast majority of these cases involving the estate of deceased persons out of the court system.

Rev. THWAITES: Hear, hear!

Mr. ATKINSON: This would also have an effect on the backlog and the smooth flowing of cases in our courts.

In cases where persons who make a will, they have trust in a particular person and they ask them to witness their signature to the will and at the same time will leave a gift to that person under the will. Very often, that person will not be able to inherit that will, because simply because they are a witness to the will. The law will be changed to extend the succession rights of a person who has witnessed a will and who also receives a gift provided that the Administrator is satisfied that there was no undue process or undue influence over the person. (Applause)

A number of other related Acts will have to be amended and amendments are proposed to say the Probate of Deeds Act and the Registration of Titles Act to remove the requirement that a Notary Public who has certified and sealed a document outside of the island provide a certificate attesting to his appointment by a Notary Public. (Applause) And very many people - a significant number of persons who leave property in Jamaica have died abroad.

The Bill also seeks to amend the Probates (Re-sealing) Act by extending the provision of the Act to the resealing of grants of administration issued by non-Commonwealth countries. As we are aware, very often our laws in many areas treat Commonwealth citizens with a little more favour than citizens of other countries.

At present, a grant issued by a court in a commonwealth country may be resealed in the Supreme Court so a grant say in Canada can be given full effect in the courts of Jamaica by just resealing it here. (Applause) Whereas if the person lived in United States, grant issued by a court there cannot be given legal effect in Jamaica. The proposed amendment will allow the Supreme Court of Jamaica to reseal all grants made by any foreign courts of competent protection. (Applause)

A MEMBER: This is the people's test, you know.

Mr. ATKINSON: Another area where a lot of practitioners who handle these matters will find cumbersome, is the Transfer Tax Act...

Mrs. NEITA-HEADLEY: Yes!

Mr. ATKINSON: ...and that will be amended by the Bill to allow for a revenue affidavit to be delivered to the stamp administrator within 90 days of obtaining such a grant of administration. (Applause)

The Act now requires that the personal representative of the deceased must deliver a revenue affidavit to the Commissioner of Taxpayer Audit and Assessment before obtaining representation. This creates a difficulty in the case of intestate estates, as personal representatives are not authorized to act until the Court has issued a grant of administration, so therefore can't submit, and not authorized to submit the revenue affidavit until they've obtained the grant, and very often because they haven't got that certificate there is difficulty in getting the grant in the first place, so you have this circular problem going around. The proposed amendment will address this compliance difficulty being faced by personal representatives of intestate estates.

Mr. Speaker, the Bill has many sections and I will not go through all of them in detail, but will mention a few significant ones. In Clause 15, which is a new clause, it sets out a major substantive change being proposed to be made by the Acts, and the section will provide the category of estates and the circumstances in which the Administrator General may exercise the authority to distribute the assets of an estate without applying to the Court for a grant of administration.

The new section authorizes the Administrator General on being satisfied that there is a minor beneficiary person underage in an intestate estate, to proceed to administer the estate without having to obtain a grant of administration by the Court. And very often minors require - they've lost the parent who is their main support...

A MEMBER: Need the money now.

Mr. ATKINSON: ...and need the money for their education and for their support and having to wait on a court to do this, creates a problem, so now the Administrator General will have the power to do this. (Applause)

One of the problems that they face is what is known as the multi-generational estate, where the original testator - the person who makes the will - has died and the beneficiaries under the will have also died and so you now have a situation where the original testator's will has got to be administered and then the first beneficiary who has since died, has to have their will also executed before it can be distributed amongst the third generation.

What the clause, Section 53 (c) does or will do if this Honourable House finds favour with it...

Mr. CHUCK: What section?

Mr. ATKINSON: 53 (c).

Mr. CHUCK: Okay.

Mr. ATKINSON: ...a person who died not less than 25 years ago, which call the primary estate, in which a grant of administration was obtained by the Administrator General from the Court, for which any of the beneficiaries or the primary estate have also died before the surplus of that estate could be distributed and which includes the respective estates of all beneficiaries whose claims arise through any primary

beneficiary who died before the surplus of the primary beneficiaries estate could be distributed - and then you can see why these things spend so much time in the Administrator General's Office - and it allows the Administrator who will be recognized under a grant of administration as the personal representative of the primary estate, with the authority to distribute the assets of that primary estate, which is already vested in the office.

However, where the primary beneficiaries are deceased, the Administrator General is often unable to distribute the assets because no grant of administration has been obtained. And this also impacts the succeeding generations claiming through the primary beneficiaries. The estates of these deceased primary beneficiaries are described in the Bill as succeeding estates. The Bill will enable the Administrator General to distribute the assets of the primary estate, notwithstanding that a grant of administration has not been obtained in any of the succeeding estates.

(Applause) (Inaudible comments)

Mr. ATKINSON: Not a significant change relates to the determination of cohabitants who are to be recognized as spouses for the purpose of intestate succession. The change is necessary to address the problem that arises, when more than one person claims to have cohabited with an intestate person for a minimum of five years.

A definition of spouse is being inserted, which includes a single woman who cohabited with a man as if she were in law wife for a period of not less than five years, and similarly, a single man who cohabited with a single woman. And in addition for defining spouse, the proposed amendment states that only one person shall be regarded as the spouse of the intestate and identified as the surviving spouse. The relevant single woman or single man must apply to the Court for an order declaring that that person be the surviving spouse.

A MEMBER: Only one yuh nuh. (Inaudible comments)

Mr. ATKINSON: A new Section 13(8) (a) sets out the procedure for a beneficiary to disclaim their interest in an estate, which is currently an unsettled issue in our law. The process begins with the beneficiary receiving formal notification of their entitlement from the Administrator of the intestate estate. Within six months after receiving notification, the beneficiary may disclaim his interest by executing a deed or disclaimer, in the prescribed form set out in a schedule that has been inserted into the Act by this Bill. The disclaimer will have obviously to be recorded in the Records Office and is served on the estate.

Sections 118 and 123 of the Resident Magistrates Judicature Resident Magistrates Act are also being repealed. These sections refer to returned inventories and bonds with sureties where the Resident Magistrates Court has issued a grant of administration. Since the introduction of the Civil Procedure Rules, of new probate rules in 2003, wills, bonds and estate inventories are no longer required in application for grants in the Supreme Court. By removing these sections from the Act, the

Rules Committee of the Resident Magistrates Court will now be able to make rules that are in line with the modernized Probate Rules of the Supreme Court.

Section 55 of the Judicature Supreme Court Act is also being deleted and replaced by a new provision that will no longer require fees for filing in the Supreme Court, to be payable in stamps subject to the provisions of the Stamp Duty Act. (Applause) The Bill will allow the Court fees to be paid at the Courts Office and will eliminate the current procedural inefficiencies of having to move to and from the Courts to the Stamp Office to make the various payments. (Applause)

One of the causes of the delay in the probate system is an anomaly, whereby grants can only be signed by the Registrar, a situation that does not exist in the other sections of the Supreme Court where the Deputy Registrars may also be authorized to sign. Section 2 is therefore being amended to define Deputy Registrar as meaning, a Deputy Registrar of the Supreme Court and to expand the definition of Registrar, to include Deputy Registrars where the Supreme Court - where the Chief Justice exercises the power, conferred under Section 3 of the Act, expanding the responsibilities of the Deputy Registrar. (Applause)

Mr. CHUCK: Section 2?

Mr. ATKINSON: Section 2.

Mr. Speaker, this amendment is one step more in the right direction, one big step, which we hope will cover much ground to making succession easier to reducing backlogs and to releasing valuable assets that could be used to advance the economy of our country. (Applause)

I commend this amendment outlined in the Bill to the House and would invite your comments.

The Deputy SPEAKER: Mr. Chuck.

(Inaudible comments)

Mr. CHUCK: Mr. Speaker, let me first thank the Member from North Trelawny, the Attorney General, for piloting this Bill before the House.

May I just say, Mr. Speaker, finally, because in truth, this is a matter that four years ago or three-and-a-half years ago, I had to deal with when I was Minister of justice, and I attended many meetings on the matter in terms of how can we deal with this process in the Supreme Court that is tying up thousands of estates, Mr. Speaker, really, you know, suffocating tens of thousands of estates where beneficiaries are waiting for their entitlements, but just can't get them.

First of all Mr. Speaker, let me say, I would like to welcome to the House, the Administrator General Mrs. Iona Brown... (Applause) ...the Deputy Administrator General, someone I've had many games of tennis with but unfortunately I haven't seen him in recent times.

Mr. SMITH: Yuh mash dem up man.

Mr. CHUCK: Mr. Robin Gyles and also, Mr. Speaker, the Attorney from the Ministry of Finance and Planning, Miss Nadine Wilkins. Interestingly, Mr. Speaker, a former student of mine in mathematics of over 40 years ago.

MEMBERS: What!

Mr. CHUCK: Of over 40 years ago.

A MEMBER: Maths?

Mr. CHUCK: In mathematics.

(Heckling)

And later on, to the best of my recollection, in law.

But Mr. Speaker, may I just say I could go on, on this Bill, and related matters for hours, but I am going to ask you to control me for 15 minutes. I want to say what I have to say in less than 15 minutes because Mr. Speaker, this is - as the Attorney General had said - a very important step to unleashing a number of very important estates, so that benefits can be obtained, and also capital can be unleashed for development of our society.

Now Mr. Speaker we have a major problem in our society with dead *lef* and nothing gives more problems in a lawyer's office than dead *lef.*

Mr. D. SMITH: You can lose your life over dead *lef.*

Mr. CHUCK: People - as the Leader of the Opposition Business said, lose their lives over dead *lef* because not only do people fight over dead *lef* but also Mr. Speaker, for one reason or another, it is actually - for want of a better word - restricted, stopped in the bureaucracy.

So we have a situation Mr. Speaker that you advise persons to make wills and if a will is made you hope that at the end of the day, the estate can be distributed. But not many people in Jamaica want to make will because they feel that if they make will, it is an impending death, or they are, sort of, hoping that they will die or - you know, it is not something that people like to do, Mr. Speaker, but - those persons who are listening to me - Mr. Speaker, nothing is wrong in making a will.

Mr. Speaker, for the last 20 years, every now and then I renew my will. And my will may basically say: I leave all my real and personal property to my wife and children - one sentence.

A MEMBER: Wise man.

Another MEMBER: That's all it says?

Mr. CHUCK: All it says... I leave all my real and personal property to my wife and children. The only thing that has changed over the last 30, or more, years is that I change the executors. In the past when my children were young, I had my brothers who were the executors. Now that they are old, I make my children the executors. So the only thing that has changed is that...

(*Sotto voce* comment)

Mr. CHUCK: Well, at least I have been under stress. But the point, Mr. Speaker, I urge all Jamaicans, make a will, and all it has to say, I leave my real and personal property to my mother, to my sister, to my spouse, to my children, and it eases the burden on the Administrator General's Office.

(Applause)

And you know, I cannot understand Mr. Speaker why so many Jamaicans refuse to make a will. If you ask, in this Parliament, Mr. Speaker, there are many - more than half, I suspect, don't want to make a will because they think it is a bad sign. It is not a bad sign; make a will so that in the unlikely event that you pass away...

(*Sotto voce* comments/Laughter)

Mr. CHUCK: In the unlikely event, Mr. Speaker that you should pass away, that at least the executors can deal with your estate in an appropriate manner.

Now Mr. Speaker, this Bill is a good one. The position, Mr. Speaker, is that it started many years ago when I know that the then Senator Arthur Williams, under the instructions from the then Minister of Finance, Audley Shaw, we needed to really ensure that all of these properties that were in the Administrator General, in Supreme Court, tied up by bureaucracy, tied up by red tapes, that they could be unleashed, so that people could benefit from them.

And Mr. Speaker, I had the opportunity of visiting the Administrator General when I was then Minister of Justice and you have the tremendous amount of work being done by the Administrator General. They are doing yeoman service, but their hands were tied because they had to depend on the Supreme Court to give Letters of Administration.

And when I met with them Mr. Speaker, they had estates, not years, but decades, Mr. Speaker; estates going back to the 1920s and 1930s, tied up, and they just cannot finalize them. And Mr. Speaker, it is just pure frustration, not only on the part of the Administrator General, but on the part of the beneficiaries.

So Mr. Speaker, this Bill will allow the Administrator General's Department to be able to have Instrument of Administrations, Instrument of distributions that can, hopefully, resolve many, many of these problems.

I say, Mr. Speaker, with the Administrator General and her Deputy here, please, please, put the Bill to good effect. Let us resolve the thousands of cases you have there. If you need further assistance from this Legislature, let us know so that your burden can be eased, but at the moment you have been in participation with the Legislators; this is what you have asked for, you have now got it; let us release the assets of these estates and let us ensure that the beneficiaries get whatever they are entitled to, and your work burden can be released.

At the same time Mr. Speaker, I need to cover a few other matters. We have a problem with probate and Letters of Administration. This Bill, Attorney General, deals with matters coming from the Administrator General's Office. But when lawyers have to the deal with Letters of Administration, or probate, we have not dealt with it as yet.

Now, the then Minister of Finance recognized that tens of thousands of estates were tied up in the Court, and by one Act of Parliament, or one Ministerial Statement, he said that all estates in the Court, they only had to pay $5,000 instead of hundreds of thousands of dollars, Mr. Speaker, so that, if you had a matter in the Court, you pay $5,000 as your probate fees, and you could get the probate right away.

Moreover, Mr. Speaker, the then Minister of Finance in Ministry Paper FY2011 of 2012 reduced probate fees from $5,000 minimum, to $25,000 for all estates over $40 Million, so that $5,000 for estates below $10 Million; $10,000 between Ten and Twenty Million; $15,000, Twenty to Thirty Million; $20,000 -

Thirty Million to Forty Million, and over $40 Million, $25,000.

But most importantly, Mr. Speaker, the debt duties and properties were reduced to one-and-a-half per cent. It started from 15 per cent; Minister Davies reduced it to 7-and-a-half, and then it went down to one and half per cent under Minister Shaw. So persons were not aware that they could get their probate, pay $5,000 to $25,000, and then if they had to pay debt duties, one-and-half per cent.

Mr. Speaker, in many countries debt duties is 50 and 60 per cent. We have reduced it to one-and-a-half per cent. There is no reason, Mr. Speaker why all the estates in Jamaica should not be dealt with expeditiously. All I am saying, Mr. Speaker, I urge, as I speak, that lawyers and estates should try to get these assets back into the formal system, rather than being tied up in the Courts.

But more importantly, Mr. Speaker, we have a problem now, where it is taking about one year when you apply for probate, or apply for Letters of Administration - about one year. My understanding, Mr. Speaker is that it is taking, perhaps, just under one year now when you apply for probate or Letters of Administration, but there are many, many cases, Mr. Speaker, where lawyers can tell you, it is taking years, rather than months.

Now, Mr. Speaker...

The Deputy SPEAKER: (Gavels) Your prescribed 15 minutes - 30 minutes?

(*Sotto voce* comments)

The Deputy SPEAKER: Mr. Chuck, continue... continue...

(*Sotto voce* comments/Laughter)

Mr. CHUCK: Mr. Speaker, I think this matter is so important that it is very - it is not only a matter that the Parliament should be interested in, but the country at large should be interested in because, Mr. Speaker, not tens of millions, not hundreds of millions, but billions of billions are tied up in estates...

A MEMBER: True!

Mr. CHUCK: ...billions of dollars. And, if these billions of dollars were unleashed, we would be talking about serious growth in this country. So the real issue Mr. Speaker, how can we unleash these billions of dollars so they can assist in the growth that we so urgently needed here in Jamaica.

Now, having said that Mr. Speaker, what we are talking about is how can we expedite the probate, the Letters of Administration, because, Mr. Speaker, these are documents that lawyers file in the Courts. You know, Mr. Speaker, it doesn't take more than minutes - hours at most - to read them, approve them, and the matter is finished.

I wonder if my colleagues understand this. When Letters of Administration, when probate documents are filed, it doesn't take more than minutes, at most - hours, to check them, approve them. And Mr. Speaker, within hours at most, days, the probate can be granted. But Mr. Speaker, it is taking not months, years. Now Mr. Speaker, why? And we need to investigate, and check why is it taking years when it can - it can take hours.

Now Mr. Speaker, many years ago, I had the opportunity of dealing with the Registrar of Titles. And when I had to deal with Mrs.

Andrade, and she did a matter for me in one day. I said, but this can be done in a day, and I proposed, Mr. Speaker, to the then Commissioner of Lands, let us have a system where we can do it in a day. And you know, Mr. Speaker, couple years ago, it was instituted that if you want a transfer, all transactions at the Registrar of Titles done within one day, you pay $10,000 and you get back your documents.

Not many of us know this. Not many lawyers know it. But let the information go out; if you want the thing to be done in one day, you pay $10,000 at the Registrar of Titles and you get back your documents in one day. The only problem they have now, which I spoke to the Commissioner when I saw her here last week, you need more staff because many people are paying the $10,000 to get the thing back in one day. And the cost, if you don't get it back in days or weeks, is enormous, so you are willing to pay the $10,000.

Now Mr. Speaker, let us do the same thing with probate and Letters of Administration. You have it at the Passport Office, you pay a premium and you get it back in a day. You have it at the Registrar General; you want your Birth Certificate in one or three days, you pay and you get it. Let us do it, Mr. Speaker, with Letters of Administration and probate. Pull a figure - $20,000... $25,000... and you pay this amount, and you get back your probate or your Letters of Administration within one week.

Mr. Speaker, it is now done within a week. But what you have to do within a week, Mr. Speaker, you have to write the Registrar, and say this is urgent. The executors may die, or something is unlikely why you need it within a week, and you can get it within a week, but you have to write a letter.

Now Mr. Speaker, you can contrive a good reason to write the letter, but - when I was Minister of Justice, you know, Mr. Speaker, I spoke with the Supreme Court and said, I would pay you if you could get them out - as Minister of Justice - on a regular basis, and I will find the money within the Ministry of Justice, so that you can get out all the probates and Letters of Administration. But my time was too short.

A MEMBER: Blame who?

Mr. CHUCK: Not many were done. But I'm now saying, Mr. Speaker, I don't know if the Ministry of Justice has the money, but the lawyers and the clients have the money let them pay to get it out expeditiously just like they do at the Registrar of Titles or the Passport or the Registrar General pay, call a figure and, Mr. Speaker, pay a fee to get it out quickly but make sure that whatever you pay goes to the persons for overtime, for extra - in other words, I don't want it to go to the Consolidated Fund.

Mr. DALLEY: You want to set the rule for the public sector.

Mr. CHUCK: No, no, I don't want to set the rule, Mr. Speaker. If an expedition fee is paid, Mr. Speaker, I don't want it to go to the Consolidated Fund. I want it to be paid to the persons who are doing the work and in time, Mr. Speaker, a proper system/arrangement can be set so they get extra staff, if necessary, or

they work overtime, so that they can get the additional benefit for putting out these probates and letters of administration on a timely basis.

Mr. Speaker, there is no doubt in this country that we have not, with due respect colleagues, not the politicians, although we get all the blame, but the bureaucracy, the Government of this country have not served our people well.

Opposition MEMBER Hear, hear!

Rev. THWAITES: That's a blanket statement.

Mr. CHUCK: It is a blanket statement but in all sincerity, Mr. Speaker, the people of this country need to get better Government service (Applause) whether it is in the hospital, whether it is in the customs, whichever agency of government, we need to serve the people of this country better.

Mr. JACKSON: All of us.

Mr. CHUCK: All of us. And I say, Mr. Speaker, and I ask the Attorney General when he discusses with the Minister of Justice can we work up a system where you can pay additional for an expedition fee and let us get this done on a timely basis?

Mr. Speaker, we, on this side, support this Bill. As I said, it was initiated many years ago by us. It is just so sad that so many Bills are now coming to the House: DNA, Gang, Building Act, Road Traffic, which, you know, we take no credit, Mr. Speaker. A lot can be accomplished if it doesn't matter who gets the credit.

Government MEMBER: Hear, hear!

Mr. CHUCK: I say Mr. Speaker, let's get on with it, so the people of this country can get better service from our Government be it that side or this side. (Applause)

Opposition MEMBER: Hear, hear!

Government Member: Good luck.

The Deputy SPEAKER: Minister Hylton.

Mr. Anthony HYLTON: Mr. Speaker, I rise to participate and to make my brief contribution to this Debate, because, Mr. Speaker, although this Bill emanates from the Ministry of Justice it is very much an economic Bill. It's an economic Bill because it addresses some of the underlying fundamental issues about economic justice and how the decision - the critical decisions that have to be made to ensure that assets that are to be used in the economic process are made available and are unleashed and become part of the economy of this country.

So in a real way, Mr. Speaker, while this is a small step for the legislature, it's a giant for the economy. A small step for this legislature but a giant for the economy, because this will free, as has been said by the speakers before me, will free up assets that are now dead assets; literally dead assets and, as we have heard and it is the case, that some of these assets are dead, literally for years, several years. Multiple of years. It's not available to the persons who are lawfully entitled in the case of persons dying testate nor is it available for those for whom it would eventually become available in the situation where persons die intestate.

But it also makes the point, Mr. Speaker, that in order to address the growth agenda and the growth issues, we don't have to look always in the obvious places. In some of less obvious places like the Administrator General's Chambers and other places, we have now the situation with the new Insolvency Bill and how this will impact on the whole distribution of assets as part of that process. To achieve this, to pass this Bill today is to make possible the unleashing of a number of estates that are now in limbo. And so Mr. Speaker, we need to recognize that as we talk about the growth agenda and what it will take to see growth escalate and multiply in this country that this Bill seemingly unrelated to this growth agenda is one of the keys underpinning the growth agenda and so I'd want to commend the Minister of Justice for following through with this Bill and to delivering this Bill at this very, very critical juncture.

Mr. Speaker, it is also about improving the business environment and we talk about improving the business environment and we look to new legislation often times. We look to what it is, what are the new sets of policies and measures that we must put in place when, in fact, in very many instances we have to look at the things that have encrusted the bureaucracy over years. We have to look to things that have now to move through the court system and our courts have to be modernized and updated and I want to join with the Member opposite...

(Inaudible comment)

(Microphone malfunctions)

Mr. Anthony HYLTON: I was making the point - can you hear me, Mr. Speaker?

The Deputy SPEAKER: Go ahead.

Mr. Anthony HYLTON: I was making the point that I wanted to join with the Member opposite in calling for the institution in well-thought through ways of expedition fees in areas that it can make a big difference and I do believe that this is one of the areas in which expedition fees, as has happened in the case of birth certificates and some other areas, that we may need to look at as a matter of policy and practice to unleash some of these assets that are tied up.

Mr. Speaker, the introducer - the person who introduced the Bill went through a number of areas in which the Bill specifically addresses some concern. I agree that the next step in this process must be to address the matter of probate and letters of administration. Those are linked very much to the court system and how that contributes to the work of the Administrator General and helps us to unleash the assets that we need critically to make a part of the economic and the competitiveness of our economy.

And so Mr. Speaker, I just thought that as Minister of Industry, Investment and Commerce to make the point that this is very much a joined-up approach that the growth agenda and competitiveness of the economy rests in a number of areas in Government and this one is an economy justice not a criminal justice Act but an economic justice Bill that will advance the process tremendously.

Thank you, Mr. Speaker.

The Deputy SPEAKER: Member Phillips.

Mr. Mikael PHILLIPS: Mr. Speaker I too, rise in support of this Bill, but, you know, Mr. Speaker, it begs the question why have we taken so long to bring such an important Bill to this House and it shows that once we have the will, Mr. Speaker, we can find a way because this piece of - this Bill here, Mr. Speaker, will take away quite a bit of the bureaucracy in us getting things done. But a very important aspect, Mr. Speaker, is that even though we are freeing is a lot of the Court's time now. We will see, as the Member before me, Mr. Speaker, spoke about the economic benefit that it will bring to our people. Because as a rural Member of Parliament, Mr. Speaker, just last week Friday in my own constituency office I had more than one member of my constituency coming to me having issues with the multi-generational estates and having challenge with not only family members but for benefits, as most of us in here would have benefited from the programme through the Ministry of Housing and JEEP, that most of these houses that we would have given to our constituents or recommended our constituents for would not have been able to benefit from it unless they showed some ownership or some form of ownership to these lands. So, Mr. Speaker, even though as we go ahead with this important legislation, public education is going to be critical, because it makes no sense that we pass legislation like this, Bills like these and the wider society is not greatly informed about this piece of legislation that we are now moving forward.

But Mr. Speaker, as the Member who opened the Debate had spoken about the aspect of revenue, it is also critical, Mr. Speaker, that before the instrument of distribution is done that we ensure that the land taxes to these properties are also up-to-date. You know, Mr. Speaker, some may owe land taxes for decades but there should be a mechanism where they can also appeal to the relevant minister or ministry for consideration, but we also have to ensure because even though we are creating that way for persons to now have these lands or properties done or given to them easier that we ensure that the revenue is also protected.

Thank you, Mr. Speaker. (Applause)

The Deputy SPEAKER: Mr. Atkinson, you...

Mrs. NEITA-HEADLEY: Mr. Speaker, I now ask for the debate to be suspended to facilitate additional Members being able to contribute next week.

The Deputy SPEAKER: The question is that the Debate be suspended until the next sitting of the House to facilitate other Members' participation.

Put to the House and agreed to.

The Deputy SPEAKER: Mr. Samuda.

BANKING SERVICES FEES

Mr. SAMUDA: Thank you, Mr. Speaker.

Mr. Speaker, I rise to present to this Honourable House a Report and to commence to speak on the Resolution that on the 12th

day of November, 2013, was moved by my colleague from Southern St. Catherine and the Resolution read as follows:

- Whereas there are growing concerns by the public regarding the level of charges being levied by banks and other financial institutions for various inescapable banking services;
- And Whereas there are many transactions that forbid the use of legal currency notes beyond statutory prescribed amounts;
- And Whereas there are Government and private entities that do not allow persons to make transactional payments using the legal currency notes;
- And Whereas the country is in urgent need of greater levels of investment by small and medium size businesses and the creation of new ones in order to realize greater levels of employment production and economic growth;
- And Whereas increasingly businesses of all sizes, private individuals, including pensioners and low-income earners are required and mandated to purchase banking services and instruments for their business operations and their normal day-to-day transactions;
- And Whereas the pass-through of unavoidable and increasing charges to businesses inhibit the growth of small and medium size businesses, prohibit the creation of new ones and contribute to making the lives of pensioners and low-income earners more unbearable;
- And Whereas many banking services are now almost like public utilities affecting the day-to-day lives of many Jamaicans directly or indirectly;
- And Whereas there are reports that almost all the registered and regulated banks are annually reporting mega profits from increasing levels and range of fee charges to the public, particularly in periods of low growth in the economy:
- Be It Resolved that this Honourable House require the Bank of Jamaica to submit to the Economy and Production Committee of Parliament a report on the charges being levied by banks and credit unions as at October 31, 2013, within sixty days or any sooner time possible;
- Be It Further Resolved that where any of the banks registered by the Bank of Jamaica do operate in other Caribbean territories and any other jurisdiction outside the Caribbean, the said Report should provide the charges being levied by those banks for same or similar services;
- And Be It Further Resolved that the Economy and Production Committee of Parliament commence within forty-five days an evaluation of the said Report and submit recommendations to the House on steps to be taken to ensure that fees being charged by

some or all obligatory services to the public by banks and credit unions are not exorbitant, oppressive nor serve as an impediment to national development and improved quality of life for the more vulnerable in particular.

(DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central, entered and took his seat.)

Mr. Speaker, that resolution does not only very timely, but in its composition sought to delve very deeply into this vexed issue of bank charges and fees. It also, in a more veiled way sought that a look be taken at the levels of interest charges being particular referenced to the spread between the deposit rate and the lending rate.

Mr. Speaker, your Committee commenced its deliberations on the Motion on January the 14th 2014 and held nine additional meetings. During the period, your Committee received written and oral submissions from a number of persons, in particular the Jamaica Bankers Association, the Consumer Affairs Commission, the Fair Trading Commission, National Commercial Bank, First Global Bank, Bank of Nova Scotia, Sagicor Bank Jamaica, CIBC, First Caribbean International Bank.

In addition, a public notice was issued asking members of the public to give their views on the matter and on the interim report prepared by the Bank of Jamaica, entitled Survey Fees and Charges of Deposit-taking Institutions, with the deadline of Friday, February the 5th 2014. Your Committee received 13 submissions from a number of persons, and I will not name them all here today. Suffice it to say, we appreciated their submissions and we reviewed them in a most attentive fashion and they were of great help to us in formulating our recommendations to this Honourable House. The work of the Committee was unfortunately delayed for a number of factors, mainly logistical.

In addition, of course, we allowed the Bank of Jamaica an extension on their final report and that was concluded very, very efficiently. We also - the final report which would include information on Credit Unions and comparisons with affiliated regional and international banks was also reported on by the Bank of Jamaica. Your Committee agreed to a 60 day extension accordingly.

The Report was finalized on March the 14th Mr. Speaker, 2014. It looked at 56 serviced items for Commercial Banks, covering a range of transactions which would affect the general public, including current and savings accounts, electronic banking services, credit card services and miscellaneous charges, for example, relating to dormant accounts particularly. Thirty-eight serviced items for building societies and 30 items for credit unions.

In addition, the Report - and this is very important to understand, the way in which this Report was conducted and the details involved as a basis for comparison - fair comparison - in addition the Report adjusted the fees and charges for commercial banks for inflation,

made regional and international comparisons with the fees charged locally and looked at the status of the adoption by the banks survey of the Jamaica Bankers Associations Proposed Voluntary Code of Conduct, on which development began in 2011.

Foremost, your Committee asked that research be conducted on the following:

1. Do bank application forms make reference to fees or charges?
2. What do customers agree to when they sign application forms?
3. Are fees from accounts taxable?
4. What notices are provided as it relates to dormant accounts and what charges will they attract;
5. How frequently are customers advised about credit card interest rates?
6. As it relates to cheque cashing fees, are notices provided to customers? If yes, what is the frequency of conveying these messages? And,
7. Provide information on the reform in the Unites States of America banking system and what does the new piece of legislation which was passed, seeks to address?

Mr. Speaker, let me pause here to say that the Members on the Committee were extremely constructive, and I don't normally...

Mr. SMITH: What you say, destructive?

Mr. SAMUDA: Constructive.

Mr. SMITH: Oh.

Mr. SAMUDA: ...I don't normally make…

(Inaudible comment by Mr. Robinson)

Mr. SAMUDA: All Members that attended were - but I will say that there were certain Members that seldom missed a meeting and participated fully. Among them of course, was the mover of the resolution Fitz Jackson who... (Applause) …on several occasions were asked when I was not able - on the two occasions I couldn't attend he was asked to sit in the Chair, although he is a Member of the governing party. But it was a fair balance and his stewardship was commendable, along with his colleagues.

Mr. CHARLES: I think he is a protector of the PNP; that's all him duh.

Mr. SAMUDA: The Bank of Jamaica, Mr. Speaker, concluded that fees and charges were being set independently and determined by service delivery cost, competitive factors and business strategies. This runs a bit contrary to the general perception that fees are outrageous in their charge - the quantity of the charge, but the Bank of Jamaica claims that is not the case. It was also determined that the fees charged by deposit-taking institutions in Jamaica were not exorbitant in comparison to those being charged within the region and that in most instances the highest overall fees were in jurisdictions outside of Jamaica. Again, as the Resolution asks...

Mr. SHAW: Outside the region.

Mr. SAMUDA: Outside of the region, outside of Jamaica, outside the region outside - because they compared in the region and outside the region.

So the general perception and the concerns of the mover of the resolution must have been, whether or not we compare

favourably with banking practices within the region and outside the region.

The BoJ noted that deposit-taking institutions, with the exception of building societies and credit unions, exhibited declining returns on average assets and average equity over the past five years. In addition, fees accounted for a larger percentage of the revenues by both banks and credit unions, and while the lower income from interest earned had resulted in lower revenues, it was a contributing factor to, but not because, for the fees being charged by banks, careful to understand that.

Your Committee felt strongly that increased access to information regarding fees and charges for services provided by financial institutions would enable customers to make informed decisions and serve to increase competition in the marketplace. In addition, your Committee observed that customers were reluctant to change their financial institutions due to the difficulties encountered in opening a bank account. That has to be one of the greatest challenges facing anyone in Jamaica doing business or for private use, opening a bank account. And it has to do with the bureaucracy that has been put in place and that attends this entire process.

Your Committee is of the view that the information required is onerous and should be reduced if regulations allow it, so that notwithstanding the fact that there are regulations that demand certain information, the Committee is of the view that they should be reduced considerably in the interest of expediting business so that people can get their account and go on, as was the case years ago. Of course times have changed, but we feel that it is important.

Your Committee further observed that local financing institutions did not treat with fixed deposits favourably with respect to their use as collateral for a loan. Mr. Speaker...

(Inaudible comments)

Mr. SAMUDA: Mr. Speaker, banking system operated in Jamaica, and I speak categorically, is out of sync with more developed countries. If you place a cash deposit as collateral in a bank and you request that that cash collateral be used to secure an overdraft, you are charged an interest rate on the overdraft as if you had no cash collateral.

Mr. MAIR: That's correct.

Mr. SAMUDA: Where the risk factor is zero...

MEMBERS: Zero!

Mr. SAMUDA: In the United States if you had a cash deposit against which you wish an overdraft, the charge is usually between 2% and 3%. In Jamaica, it's upward in the region of 20%, twenty-odd percent and you are using your cash as your collateral.

In its survey of 56 service areas, the Bank of Jamaica found that one bank - and I would rather not call the names of the banks - but one bank provided 25 service areas free of charge, another offered 16, and yet another offered in the region of twenty-odd.

Your Committee was told that there were a number of specific overhead costs that were incurred, which should be covered by the income generated for maintaining that account, so that, the charge was related to

maintaining the account. So what we have here is - and what we will have to assess - is the extent to which the banks are to be allowed to rely on charges on the maintenance of an account rather than on the interest that they are charging customers.

In addition, the profitability of maintaining an account was dependent on the account maintaining a minimum credit balance and generating minimum service charges, to contribute towards the costs associated with the range of infrastructure and resources required to provide the particular banking service.

Mr. Speaker, it is through what is said of the rate of return on investment and capital employed by the banks. But I submit to you sir, that a closer examination ought properly to be made of the manner in which these banks are managed - their internal management structures, their efficiency levels. There is always an argument about the productive sector, the manufacturers, other service sectors, as to the efficiency.

We heard today about the efficiency of the public sector. What we need to satisfy ourselves by way of an in-depth analysis is the efficiency of managing the financial institutions of Jamaica... (Applause) ...so that we can be assured that when they say they need to have these fees in order to cover costs, that the costs are the minimal costs under the circumstances, and that they are operating at the most efficient level. That is what has to be done for us to have a thorough look, and perception of what is going on in the banking sector.

Some of the costs in maintaining an account included: interest cost payable on cost accounts, deposit on insurance premiums, licensing costs for software used to maintain and manage accounts, passbook costs, infrastructural costs for maintaining branches - that's an interesting cost - infrastructure meaning, maintenance of the building, maintenance of the equipment, and that sort of thing - the outlay of cash, to acquire the necessary facilities to provide the service - Staff costs for servicing account holders - staff costs...

How can we be satisfied that the staff costs are appropriate, when compared to international standards? That's what has to be answered by these banks - maintenance costs for the core banking system.

Your Committee was informed that there were costs associated - the enhanced level of monitoring of these accounts. Your Committee is cognizant of the costs incurred in maintaining dormant accounts and providing frequent notices to these account holders.

However, your Committee is of the opinion that the account holders should not be penalized for providing this minimal service, notwithstanding the fact that there is a requirement that banks should publish accounts considered dormant in a local newspaper, four time over a one year period.

Your Committee recommended that notices should also be sent to account holders, because many times you have account you don't use it and it remains dormant, and you don't know that every month a deduction is

being made so that when you go to draw out what you thought you had, you have nothing left. So the point is that we feel that it is important that the customers be shown the regard they deserve by being in touch with them, constantly advising them as to exactly what is happening with their account.

To avoid the penalties for inactivity, your Committee also recognizes that financial institutions should be required to freeze the accounts, and require the account holders to go to the Bank in order to reactivate the account. All that we are saying is that your Committee considered the matter and came to the conclusion that consumers must be treated with respect by these banks. (Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. SAMUDA: During that period, the Bank would not be required to provide periodic notices of account balances, *et cetera*, which your Committee understands is a source of increased costs to the operations of the banks for inactive accounts. So that if you have access and the customers go in and they are advised, then you don't have to keep advising them through other means.

And the final recommendation on this, the overall notice should be sent to account holders whose accounts are in danger of being categorized as dormant, three-month period before such classification. Accounts considered dormant should be frozen until the account holder goes to the bank and make arrangements to reactivate, or to close the account.

Minimum Service: Your Committee deliberated at length on the range of services that deposit-taking institutions should provide at no charge to customers. Your Committee's concerns are highlighted by the fact that these institutions that benefit from a license issued by the State, charge fees on the depositor's transactions. Your Committee notes that these fees discourage deposits from - depositors from making deposits, which impact the national savings rate. The savings rate would be increased, and in order to do so, deposits need to be increased.

Your Committee recommends that a minimum of 10 - and I repeat - your Committee recommends that a minimum of 10 transactions should be allowed, inclusive of withdrawals and deposits at no cost, regardless of whether the transaction was done at an ATM or in-branch. In addition a minimum of two or three inquiries should be allowed per month, whether electronically or otherwise, at no cost. (Applause) If you enquire at the bank, you get charged. We are saying, at least two or three per month should be at no cost.

The BoJ has informed your Committee that the enforceable Code of Conduct under the Banking Service Act would require banks to provide a minimum number of services at no costs - it is interesting to note that - including periodic statements to account holders.

Your Committee concurs that that provision, noting that public servants incur substantial costs in obtaining statements of accounts in order to comply with statutory regulations, and so do we as Members of Parliament.

Your Committee strongly disagrees with fees for cheque encashment levied against the

beneficiary at the cheque at the bank on which the cheque was drawn, so you draw a cheque from the bank - you try to cash a cheque at the bank on which the cheque is drawn, and you charge a fee.

Mr. CHUCK: $150 – One-Fifty Dollars.

Mr. JACKSON: More than that!

(*Sotto voce* comments)

Mr. SAMUDA: There should be a minimum of 10 transactions - this is our recommendation - there should be a minimum of 10 transactions allowed per month at no charge, inclusive of deposits and withdrawals regardless of whether that was done at ATM or otherwise.

A MEMBER: Hear, hear!

Mr. SAMUDA: Two or three enquiries, as I said before, would also attract no charge. Statements required for statutory purposes should not incur a cost. And I repeat, Statements required for statutory purposes should not incur a cost.

In addition, should also documentation be required from the Bank, these should also be provided at no costs. In other words, if you need documentation to do business from the banks, it should not be at any additional costs. The payee should not be charged for cheques encashed at the same bank - but I mentioned that before.

Mr. Speaker, based on a review of the Bank of Jamaica's Interim Report prepared by the CAC, your Committee observed that there was an increase in the number of persons utilizing ABMs, and that between 2009 and 2013, there was a substantial increase in ABM user fees, over 200 per cent in some cases, so they are encouraged, they knew it and the fees increase by as much as 200 per cent.

Your Committee also observed that there were dramatic movements in the fees charged by banks since 2009. Your Committee was, however, informed by the Fair Trading Commission that based on studies done, the range in the highest fees charged and the lowest fees charged had been very wide leading up to 2010 - and Mr. Speaker, I didn't write this section - leading up to 2010. But you will know why I say I didn't write this section - but that following the publication of the Consumer Alert Report on Bank Charges, the range had reduced. Your Committee was further informed...

Mr. SHAW: Who was the Minister at the time of that Report - of the Survey?

Mr. SAMUDA: I just think for inflation the fees were the same as they were in 2010. So, it is clear that we need to publicize these fees, these charges, interest rates, the activities of banks, so that our consumers can be informed.

And I implore the Minister of Industry, Investment and Commerce to reactivate the Consumer Alert Report. It was a monthly report - not monthly on banks alone, but it was monthly to help consumers with their shopping in various areas. So it is important that you ask.

(Inaudible comment by Mr. Shaw)

Mr. SAMUDA: You have to stand on your feet, and insist that the Minister of Finance provide the money. You can't afford not to.

(*Sotto voce* comments/Laughter)

Mr. SAMUDA: Mr. Speaker, your Committee requested and received information...

Mr. JACKSON: (Inaudible) ...behave *yu self* man.

Mr. SAMUDA: Mr. Speaker, your committee requested and received information on the Interest Rate Spread in the commercial banks between 2007 and 2013. Mr. Speaker, I have in my hand here - and if you wish I could - I have in my hand here, the Average Interest Rate Spread of 50 countries, but just to give you an indication of where we stand within the CARICOM territories, this is not written in the account, but the Committee reflected on the size of the spread that obtains in Jamaica.

And if we look at the countries within our particular region, our community: Dominica - 6 per cent; Barbados - 6.2 per cent; St. Vincent and Grenadines - 6.7 per cent; St. Lucia - 6.1 per cent; Trinidad and Tobago - 6 per cent; Columbia - 6.8 per cent; Grenada - 6.6; Belize - 8; Dominica Republic - 7.6; Jamaica - 14.1.

Mr. SHAW: Disgraceful! Disgraceful!

Mr. SAMUDA: That's the spread between deposit rate and lending rate; prohibitive.

Mr. SHAW: That's scandal.

Mr. SAMUDA: And you may say, Mr. Speaker that they are able to afford that level of spread, because their economy is mushrooming, nothing could be further from the truth. Let me give you some examples.

(Inaudible comment by Mr. Shaw)

Mr. SAMUDA: Dominica grew on average for the period 2010 to 2013 grew by - 0.3 per cent; Barbados on average 0.4 per cent; St. Vincent and the Grenadines, -0.3 per cent; St. Lucia, -0.5 per cent -

(Inaudible comment by Member)

Mr. SAMUDA: Average growth: Trinidad and Tobago 0.4 per cent; Columbia - of course, that's a separate case - 4.8 per cent; Grenada, 0.4 per cent; Belize, 2.7 per cent; Dominica Republic, 4.6; Jamaica, 0.6 per cent. The point is, Mr. Speaker, here are a set of countries modest in size, smaller many of them than us, who are growing at a slower rate than us yet they can have in their country an Interest Rate Spread in the commercial banking sector of under 8 per cent while ours is over 14 per cent.

Mr. DALLEY: Scandalous!

Mr. SHAW: Something must be done about this; something must be done about this.

Mr. SAMUDA: I would say, Mr. Speaker, time come. (Applause) Mr. Speaker, in all of what we did as a Committee, throughout our deliberations, your Committee sought to balance its responsibility to protect the public's interest and its role in determining whether the fees charged by financial institutions were appropriate. We did not go on any witch hunt. We sought to be responsible and to approach it in a responsible fashion and relying on empirical data rather than anecdotal information at the professional level.

Your Committee was told that under the existing voluntary code of conduct the banks had agreed that all information concerning their fees and charges would be available on their website, brochures and via customer

service representatives. Indeed, according to research undertaken by your Committee information regarding fees and charges were available, but mostly online. Mr. Speaker, we urge the community to be more direct in their relationship with giving information to their customers, because not all of us go online. And so, when you have a society that has limited resources to be online to extract information you must put yourself out of the way as the providers of a service to communicate information to all the people.

Your Committee notes that agreements between financial institutions and their customers occasionally state that interest rate charges are subject to change without notice. In many instances reports came in to advise that interest rates were put up without any notice. You just simply see it appear and you wonder why it's so high, and that is not acceptable. The Committee took strong exception to approach.

Our Recommendations: Institutions that offer credit cards should advise customers of any changes to the annual rate charged and customers should be required to acknowledge receipt of such notification in order to make further transactions. You have to know what you're being charged. You just going around merrily and feel that everything all right and you don't realize the rate and you don't have a basis on which to compare it, because not all our people have access to the kind of resources we have to determine the comparative analysis.

Mr. Speaker, your Committee remains concerned with the access to information on banking services and their fees and charges. Consequently, your Committee agrees that the CAC should continue the publication of its Report on the Bank Rates. Minister, I implore you to adopt immediately this recommendation. You don't need any approval from anybody. Just do internal adjustments and get it done, because it's that valuable.

Your Committee notes that there is a need for a consumer complaints authority preferably with the CAC and suggests the consideration of an Ombudsman similar to what exists in the United Kingdom who would have the power to intervene in disputes between financial institutions and customers. That today is impossible. They wouldn't even be allowed through the door let alone to ask a question, let alone, above all, to get an answer.

Your Committee remains concerned about micro-lending institutions and suggests the timely review of their operations or legislation to that effect. There is a need for a consumer complaints authority, very desperate need.

Your Committee recommends that banking facilities should be made accessible for persons with disabilities.

(Inaudible comment by Miss Hanna)

Mr. SAMUDA: Accessible for person with disabilities...

Miss HANNA: Hear, hear!

(Applause)

Mr. SAMUDA: ...and the elderly...

Miss HANNA: Hear, hear!

(Applause)

Mr. SAMUDA: ...in accordance with the recently passed Disabilities Act.

(Applause)

And Mr. Speaker, in bringing this Report to a close I give very briefly a summary of our observations and recommendations:

- Customers are reluctant to change their financial institutions, as I mentioned, because of the difficulties in opening an account.
- Local financial institutions do not treat the fixed deposit favourably as a collateral, as I mentioned.
- The fees charged by State-licenced deposit taking institutions on the transaction of depositors discourage deposits and negatively impact the savings rate of the country. Customers who do not have internet access would need to visit their financial institutions or contact a representative in order to obtain information on a regular basis.
- The ratio of income from fees as opposed to the income generating from core banking activities is a cause of concern.

Mr. JACKSON: Great concern.

Mr. SAMUDA: Great concern.

- The operations of micro-lending institutions and legislation concerning them require review. (Applause)
- Two or three enquiries per month should be allowed on an account transaction, whether electronically or otherwise.
- There should be a minimum of ten transactions allowed per month at no charge.
- Statements required for statutory purposes should not incur a cost.
- The payee should not be charged for cheques encashed at the bank on which the cheque was drawn.
- Notice should be sent to account holders where accounts are in danger of being categorized as dormant, three month period before such classification.
- Accounts considered dormant should be frozen until the account holder goes to the bank to reactivate the account.
- Institutions that offer credit cards should advise customers of any changes to their annual interest rates and customers should be required to acknowledge receipt of such notification in order to make further transactions.
- ATM and point of sale transactions fees and charges should be deployed prior to the completion of transactions to allow customers to decide whether to incur the charge and proceed with the transaction.
- The CAC should continue the publication of its Reports on the Bank Rates.
- There is a need for a consumer complaints authority preferably with the CAC. In addition, the role of an Ombudsman similar to what exists in the United Kingdom should be considered.
- Banking facilities should be made accessible for persons with disabilities, as I mentioned.

- There needs to be 72-hour cooling off period after the signing of agreements between customers and financial institution, so that if you change your mind you're not charged a fee for it.

Mr. Speaker, in closing I wish to acknowledge and express our sincerest gratitude to the Clerk and her staff, the Bank of Jamaica, the CAC, the FTC, the JBA (Jamaica Bankers' Association), the financial institutions that presented to the Committee, Mrs. Reniesha Robinson, members of the public who made submission and all other persons who assisted the Committee in its deliberations. Mr. Speaker, this has been an extremely informative, useful and productive Committee and I commend it to this Honourable House.

(Applause)

The Deputy SPEAKER: Mr. Jackson.

Mr. JACKSON: Mr. Speaker, I am going to be relatively brief. The Chairman has done a very able job Mr. Speaker of presenting the very comprehensive and exhaustive work of the Committee on the matter before us. My own regret, Mr. Speaker, is that it has taken us this long to get to this point given that the urgency of the matter.

(Inaudible comment by Mr. D. Smith)

Mrs. NEITA-HEADLEY: Oh, shut up.

Mr. JACKSON: Mr. Speaker, as we sit here today there are Jamaicans who are experiencing these unreasonable and exorbitant charges on their accounts. (Applause)

Mr. Speaker, in the Motion it was deliberate to ensure that we had empirical data to support the deliberations of the Committee and to inform the recommendations that would come from those deliberations. And I say so Mr. Speaker because quite often people see us in Parliament as just giving an opinion. The work that the Committee did was not the mere opinion of its Members. The work of the Committee was guided by the professional work of the Bank of Jamaica who provided the background study to what we considered. (Applause)

The work of the Committee was guided by the professional work of the Bank of Jamaica, who provided the background study to what we consider. The work of the Committee involved presentations from the very financial institutions themselves; they had an opportunity to present their case for examination. The process allows ordinary citizens to make written submissions and to appear before the Committee and submit their case. This is the people's court, Mr. Speaker, this is where the people present their position and it is for us to adjudicate as we see fit.

Mr. Speaker, there are a couple items in the Report that I want to just highlight and for us to be a little bit reflective. Now the state has licensed financial institutions to operate banking operations. In fact, just last year we passed the Banking Services Act that sought to overhaul a number of legislations affecting certain financial institutions, building societies, commercial banks and merchant banks.

And what we say as a State, Mr. Speaker, is that you now have the privilege to go and take people's hard earned monies as deposits from which you can conduct the business of

making money of your own. It's a privilege we give them - the institutions and we licensed them. We licensed them because we're setting standards of transactions on those deposits.

And I want to emphasize, Mr. Speaker, as it relates to depositors' money, not on the lending side of their operation, on the deposit-taking side of the operation, people's hard earned monies. These licensed institutions are given an opportunity to make money. And then we say to them, we as the State, by doing nothing, it is okay for you to get the privilege and charge the people who give you the benefit to make any transactions on their own money.

When a Bank charge - the Bank says a cheque is a legal tender, you can write a cheque and you can encash it and get the face value of it. What the Banks have done you know, Mr. Speaker, is to say the face value of that cheque is not what it says anymore, they arbitrarily impose a fee for themselves for encashing the money from your account.

A MEMBER: Yes.

Mr. JACKSON: So when I write a cheque to you for a thousand dollars, Mr. Speaker, because you gave me a thousand dollars in service or a commodity, yuh not gwine get a thousand dollars, yuh gonna get a thousand less 150 or 240, not what you and I agreed to. That's the reality of it.

Mr. SHAW: People don't want cheque.

Mr. JACKSON: And then we had one financial institution came to this Parliament and say this whole thing about fee is just tea in a storm cup, it is nothing.

Dr. BAUGH: Storm in a teacup.

Mr. JACKSON: Storm in a teacup, thank you, storm in a teacup thank you.

(Inaudible comments)

Mr. JACKSON: They put me in a storm. That is grossly unfair, Mr. Speaker, grossly unfair. And we as a State do nothing, we say it's okay, we become complicit in that act by doing anything. Can we as Members of Parliament sit here and say to the Jamaican people - that is fair?

A MEMBER: No.

Mr. JACKSON: And that is okay? That's the result of us doing nothing.

Another one I wish to highlight, Mr. Speaker, is the question of the dormancy fee. In effect, you know, Mr. Speaker, what the Banks - what the institutions are saying, if yuh have yuh money on deposit and you don't make any transaction on it for two years it is now - and the two years might vary with institution for some - some arbitrarily prescribed period, if yuh don't make any transaction on it, it is now deemed dormant. The money is sitting there you know, it is now part of their reserve, part of the subtotal of what they can lend to make money from, but because yuh never make any transaction on it, it's now deemed dormant and they charge you a fee for doing no transaction.

Mr. SHAW: Is that a dormant fee?

Mr. JACKSON: No, not a dormant fee, a very active fee, a dormant account but a very active fee.

I made a little calculation in one financial institution, Mr. Speaker, and based on the charges say on a ten thousand dollars deposit, after 15 years that account will now come to

zero. But there is something interesting about the 15 years. In the Banking Services Act, after a deposit on an account is dormant for up to 15 years, it now has to go to the accountant under the control of the Accountant General. So what they effectively do is to minimize by the fee deduction, the amount that is going to go to the Accountant General. Just because you never make any transaction you end up losing what you have.

Mr. Speaker, one of the functional realities of this yuh nuh, is that we have pensioners; we have many of our people who save dem little money and then grow up thinking and knowing that the bank is a safe place that the monies can be kept. So if you have a ten thousand or a twenty thousand put it in the bank, don't put it under the mattress because it should be safer. Not so, Mr. Speaker, if you put it away in the bank and do nothing with it you will lose it. You will lose it.

Mr. Speaker, that translates to actual expropriation of those deposits by the institutions; they arbitrarily take it away from you. And what we've recommended is to say - by the way when they came here and we argued about this, what was the response we get? Well, Members, look here, it cost us to maintain these accounts for which there are no transaction. It's so costly that we have to impose a fee. What are these charges? Well, there are some risks involved. When the accounts remain dormant for a long time and people recognize that they're dormant, they go and commit fraudulent transaction and the bank remain liable.

(Inaudible comments)

Mr. JACKSON: That's the argument that they gave us; that is not our opinion or our argument on the Committee, Mr. Speaker, that's the presentation made to us. Mr. Speaker, the Committee assessed it and the Committee acknowledged that there will be charges involved if you have to send out these monthly statements *et cetera*, *et cetera*, notwithstanding the fact that they having the money on which to lend and earn money.

So what did your Committee say in response to that, Mr. Speaker? The Committee says okay, this money on deposit is the people's money and it should be kept safe. So guess what? For one year if no transaction - if you're gonna deem an account dormant after one year or two years, by three months before that one year or two year period comes around, you notify the customer that the account is now going to be deemed dormant, one notice. So one year you send in the monthly statement - because it cost them to send out these monthly statements - after you send out the notice that the account is going to be dormant, if nothing is done, the Bank then automatically puts the account into a dormancy state and no transaction can be made on it unless the account holder comes back to activate the account.

What does that do, Mr. Speaker? It locks the account from any transaction so it removes the issue of fraud being conducted on the account because nothing is taking place on the account. So nobody in the bank can collude with anybody outside the bank or collude with others in the bank to make these withdrawals. So that risk, we believe, Mr. Speaker, will be

removed as they have claimed. So when the person after two, three years, five years, ten years come, want to make a transaction, come with their ID, all the necessary requirement to say you are John Brown that the account say owns the account and you reactivate the account, no risk and the persons continue to earn the interest on their accounts.

Mr. Speaker, you don't need a genius to find a way to protect yourself, as the financial institution, while carrying out the age-old expectation of making sure that the people's deposits are safe in the bank.

A MEMBER: Hear! Hear!

Mr. JACKSON: And Mr. Speaker, this one hurts me a lot. You know why it hurts me? It's a lot of our pensioners' money, people who can't earn anymore, people who stop earn, they inherit some money or what have you and they putting it down for when they get sick, or even to bury themselves when they die, and they put it there and think it is safe. And our institutions by their conduct, not by an allegation against them, have expropriated these deposits from these un-earning persons. That's not fair, Mr. Speaker.

(Inaudible comment by a Member)

Mr. JACKSON: By doing nothing, that's what we comport to, that's what we say it's okay to, and that cannot be allowed to continue. (Applause)

MEMBERS: Hear! Hear!

Mr. JACKSON: Mr. Speaker, one other - much is said about return on assets, big argument yuh nuh, the return on assets. But when I speak to my friends in the banking industry experts, they say Fitz look here, the bank's assets is the people's deposits. When you talk about return on asset you're talking about return on the deposits.

(Inaudible comment by a Member)

Mr. JACKSON: Not their fixed asset, that's different. That's what you're talking about.

But Mr. Speaker, the Chairman made a point about the income that is earned from interest transaction by the Bank and the non-interest. In the Report that the Bank gave us based on the Survey in December 2013, the interest income of the financial institutions that were surveyed was $52.9 Billion from interest income. You know what it is for non-interest income? Eighteen point Six Billion Dollars.

So what you see there, Mr. Speaker, is that income earning from the banks is no more from the business of lending, it is about from earning from the money that people already earned and put inside of the banks. That is how significant the non-interest earning has become; it has become a major component. This is not my opinion; this is what the Report from the Bank of Jamaica has said to us. This is empirical data.

Now if the Banks are then earning - and of course, for that year the gross - the pretax profit $11.5 Million. So what you have is that you have an increase income earning when there is less money being earned from the productive sector, because you see, in a banking transaction, yuh nuh, Mr. Speaker, when you lend money there are two beneficiaries - the Bank earned from interest charges on the loan and the person who

borrow earns from whatever they buy with it even for leisure, you get the benefit of the leisure so there is a benefit on both sides of that transaction. With the fee income there is one beneficiary, the banks. On the other side of it the depositors, they have less money. This $18.6 Billion it comes from money already earned, not money out there earning more money and providing employment and growing the economy; it is from money sitting in the banks.

Mr. Speaker, it is much more than what meets the eye.

Mr. SHAW: For which they earned the interest of $52 Billion.

Mr. JACKSON: Say that again?

Mr. SHAW: For which they earned the interest of $52 Billion.

Mr. JACKSON: Indeed! Indeed! So it's a double earning, the interest plus the fee on the money that they put in - those depositors put in. This is how significant this is, Mr. Speaker, we can't sit idly by. This is not just about depositors now, you know, Mr. Speaker, this is about the whole economy, because we're not putting more money in there out in the economy in loans to stimulate more economic activity, we're now concentrating on making money from monies already made.

The last one I want to highlight Mr. Speaker, is the whole thing about the credit card. The interest, as the Chairman indicated, the interest being charged is enormous. And you wonder, Mr. Speaker, you wonder, Mr. Speaker, what genius does it take? What genius is required in saying - in setting up a system to say, if we're going to change the interest rate on your credit card from 25% to 26%...

Mr. MAIR: Forty-five percent they charge.

Mr. JACKSON: ...from 40% to 42%, whatever the number is, you can't put a system in place to say, as of the 31st of such and such a month, the interest on your credit card will be such and such. In order for you to use your credit card you have to call and reactivate it and some way acknowledge that you know what the new charges is and you accept it. That's what the recommendation seeks to do; in a practical way, that's what the recommendation in this Report is seeking to do, to say you can't just, as the Chairman said, you believe that everything is nice and cozy or you're just using the card only to realize that you have an interest rate that is taller than you. What genius was required? What sense of fairness could have provided that to happen, it never needs to come here?

You know when I talk about it coming here, Mr. Speaker, what hurts me more than anything else is while the Parliament is deliberating on the fairness of these, one institution increase one of the fees by 300%.

MEMBERS: Wow!

Mr. JACKSON: That shows the contempt for the people and the contempt for the Parliament of this country.

A MEMBER: Hear! Hear!

Another MEMBER: Wow!

Mr. JACKSON: That is how it hurts, Mr. Speaker.

That is what our people are experiencing out there. I must tell you, quite frankly, Mr.

Speaker, when I moved this Motion, I never knew that it runs so deep in so many people. I never knew, to tell you the truth. I knew of it encountering people here and there, but it's after it was tabled, I realized how strongly people felt about it, which is how affected they have been about it. We cannot do anything.

Mr. Speaker, when we debated the Banking Services Act last year, the Minister of Finance assured the House that under the Code of Conduct Provision in the Banking Services Act, the recommendations that we made will be incorporate - considered and incorporated in it. I don't know how far the Bank of Jamaica has reached in completing the draft for the regulations that will accompany the Act which would incorporate whatever recommendations came from this Committee.

Mr. Speaker, the Report is now in; the work has been done. The work was done with the assistance and support of the Bank of Jamaica. I believe that in many instances if there is any conscience on the part of many of these institutions, they do not wait until they are qualified in the Regulation, but as of tomorrow morning, they proceed to implement some of these recommendations, because it is going to become a reality. And I give my undertaking, if I am the lone voice in this House, I will continue to raise this matter until...

MEMBERS: You won't be alone.

Mr. JACKSON: ...these provisions become the law of the land, and our unprotected banking public will get some protection, and we can see an end to this unfair practice over a protracted period.

I thank you, Mr. Speaker. (Applause)

The Deputy SPEAKER: Mr. Paul Buchanan.

(*Sotto voce* comments)

Mr. Paul BUCHANAN: Mr. Speaker, my concern involves a broader question of the intent of the Banking Act. We have seen, from the deliberations of the Committee that banking activity - and more specifically, the revenues of commercial banks have moved significantly from loans - productive loans, to financial services, that is, trading in Paper and fee income. More specifically, banking fees have moved exponentially in relation to the other activities.

The data presented shows that the banking fees and commissions have moved from single digits to 18 per cent over the past two decades as a percentage of total bank income in respect of the two major banks.

The most damning indictment presented in the Report is that in some instances, fees have moved from one per cent to 72 per cent. The outturn of all this, Mr. Speaker, is dramatized by the 13.9 per cent decline in interest income from loans between 2009 to 2013, while income from fees over the same period has increased by 56 per cent.

Mr. Speaker, there is no greater admission, dramatically so, as we heard in the Committee when I asked the question of one of the major banks in this country; if they move the fees in response to JDX and NDX, if they move fees upwards. The answer was a definitive yes. And you recall, Mr. Speaker, this was while the country was hailing these

banks for the great sacrifices towards macroeconomic stability under those two financial interventions.

Mr. Speaker, despite the fee movements, there was a conscious effort of the Committee, not to mandate too much regulations on bank activity. As a result, the Report involves specific recommendations to protect the consumers, which I believe is at a bare minimum. And, my position in Committee sought greater regulation, but the majority view prevailed.

Having said that, Mr. Speaker, the grave danger to the economy and the productive sector presented by the movement away from core banking activities cannot be over emphasized in the context of our critical search for growth. When you break out the numbers, bank loan allocations to manufacturing - and agriculture in particular - shows a dangerous trend downwards, which directly imperils the Growth Agenda.

Another, Mr. Speaker, dangerous development out of all of this is the impact of these fees and cost-push inflation, as they form a major component of our inflationary situation. And before I close on this issue, Mr. Speaker, my colleagues have been reluctant to widen the debate to include the full impact of all of this. But, I say consider this: One of the major issues of our time has been the impact of the banking sector on our inner cities and our depressed rural areas. And these fees tell a story.

Remittances which might be, perhaps at various times, one of our major foreign exchange earners, you find the deposits of the poor that go into a formal banking system, not just the fees that are imposed on them, the fact that they can't get a loan - they can't get a loan.

So you have the movement away from our inner cities, the savings of the poor, the paradox of thrift applies there, where savings which were supposed to be productive not even - and helpful to people, not even helpful because they can't even - from their own funds, which is used for the spread of loans to other people - these enormous spreads - the poor who it originates... the barrel generation, the remittances, they can't even access a loan.

And Mr. Speaker, for all this, it makes the case for the adoption of the recommendations in the Report to be part of the enforceable Code of Conduct for the banking sector non-negotiable.

May it please you, Mr. Speaker.

(Applause)

The SPEAKER: Mrs. Sharon Ffolkes-Abrahams.

Mrs. FFOLKES-ABRAHAMS: Mr. Speaker, I rise to address the issue of the banking services, and the attendant fees that have been considered by all of us to be exorbitant and unwarranted in many of the circumstances.

As a member of the Committee, I am grateful to the mover of the Motion, Fitz Jackson, and to the Chairman, as well, for steering this Committee in a very positive direction.

(Applause)

I want to say that there are a number of concerns which I will raise from the point of

view of the Consumer Affairs Commission at the Ministry of Industry, Investment and Commerce. For many years, the CAC has been working on these matters, and ignored in a large part, by the banks of this country.

I want to bring to your attention, Mr. Speaker, the issue of the ATM, and the point of sale transaction fees and charges which are not being displayed prior to the completion of the transactions, to allow customers and consumers to decide whether to incur the charges and proceed with the transactions. Need I say that transparency is of the utmost importance. One must know what one is paying for before one incurs the charges. And if these charges remain in secret, Mr. Speaker, then the consumer is at a grave and unfair disadvantage.

Secondly, there needs to be a Consumer Complaints Authority which, along with an Ombudsman, deals with the issues of the banking sector, and the problems that customers are experiencing.

On the issue of accessibility, for the disabled, the banks have not stepped up to the plate, and agreed in their voluntary Code of Conduct that they should provide accessible services for the disabled, although they make such large profits year in and year out.

In addition, there needs to be a cooling-off period of at least 72 hours after the signing of agreements between customers and financial institutions. This is for the protection of the customer, Mr. Speaker because of course, there is a large imbalance between the service provider, the bank, and the customer. The customer may, in some instances, not have received the right financial advice, nor the right legal advice.

And so, we are requesting Mr. Speaker, that there be a cooling-off period of at least 72 hours, so that persons can reconsider and make sure that what they have signed is something that they want to be attached to them in a permanent and legal manner. (Applause)

I want to say, Mr. Speaker, that there are some other issues outside of what we dealt with, which I think are germane to the services being offered by the banks. First of all, the hours of operation are archaic. If we want to move this country forward, in terms of business, then the banking hours must be more compatible with those persons who have to work and do banking within the hours. To close at 2:00 o'clock and 2:30 is way back in the 1940s, 50s, 60s, but certainly, not concurrent with this Century.

And I would like to urge the banks, while they are wreaking in the profits, and also charging these exorbitant fees, to give more service to the persons who are doing business in this nation. And, we intend to attract more business, and so, therefore, we have to have more accessible hours of service. Also, the banks refuse to sign any agreements about waiting times in the banking halls. I dare say I dread to go into the bank, because of the long lines. We don't have the time in this day and age to be waiting in the banking halls for hours and hours and hours, and we all know that time is money. And so, therefore, Mr. Speaker, I'm asking and imploring that the banks have more consideration for the

customers of this country and provide better service.

Those are my remarks and I want to thank you. (Applause)

The Deputy SPEAKER: House Leader.

Mrs. NEITA-HEADLEY: Mr. Speaker, we will suspend the Debate on this matter. Other Members have indicated an interest to participate next week and so we, therefore, ask for the suspension at this time.

The Deputy SPEAKER: The question is that the Debate be suspended until the next sitting of the House, so as to facilitate other Members' contributions.

Put to the House and agreed to.

Mrs. NEITA-HEADLEY: Mr. Speaker, I now ask for the recommittal of the item: Announcements.

The Deputy SPEAKER: The question is for the recommittal of item: Announcements.

Put to the House and agreed to.

ANNOUNCEMENTS
(Recommitted)

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

- Document entitled Riverton Disposal Site Fire - Summary Report from the Ministry of Local Government & Community Development

Mrs. NEITA-HEADLEY: Mr. Speaker, I now ask for the recommittal of the item: Questions and Answers to Questions and the Minister of Local Government will answer questions posed.

The Deputy SPEAKER: The question is that there be a recommittal of Questions and Answers to Questions.

Put to the House and agreed to.

Mrs. NEITA-HEADLEY: Mr. Speaker I further ask for the suspension of Standing Orders as we have passed the time allotted for questions.

The Deputy SPEAKER: Okay, the question is that the Standing Orders be suspended so as to allow Questions and Answers to be answered in the time allowed.

Put to the House and agreed to.

QUESTIONS AND ANSWERS TO QUESTIONS
(Recommitted)

The Deputy SPEAKER: Minister - who goes first? Well, yes.

Mr. McKENZIE: Well, Mr. Speaker, the Minister had indicated that he would have responded to the questions - the follow-up questions.

Minister.

The Deputy SPEAKER: Minister Arscott.

Mr. ARSCOTT: Mr. Speaker -

Mr. McKENZIE: Mr. Speaker, it is customary that...

The Deputy SPEAKER: Minister Arscott, what is the Opposition...

Mr. McKENZIE: Mr. Speaker, it is customary that a copy of the response...

Mrs. NEITA-HEADLEY: Mr. Speaker, it is in the possession of the Orderlies. I believe they're seeking to locate you at this time.

The Deputy SPEAKER: Mr. McKenzie, you will exercise a little patience. Proceed, Minister.

(Cross talk)

Mr. ARSCOTT: Thank you, Mr. Speaker.

Question:

Will the Minister tell this Honourable House how much money been spent since January 2012, on fires at the Riverton City Dump?

Answer:

The total amount spent to deal with fires at the Riverton Disposal Site from January 1, 2012 to May 4, 2015, is $304,595,491.64. Of that amount, Mr. Speaker, $167,898,331.00 has been spent for the March 2015 fire.

Mr. Speaker, the amount spent in 2012 was $60,801,160.00. There was no fire in 2013. In 2014 $75,896,000.00 and in 2015 - as at May 6, $235 Million. I'd like to advise this Honourable House that subsequent to last week we received additional invoices broken out as follows:

Total invoices - $286,048,602.00. Of this amount, the verified amount was $252,607,677.00. Of this amount we have already paid $167,898,331.00.

The Deputy SPEAKER: Mr. McKenzie.

Mr. McKENZIE: Mr. Speaker, the Minister has sought to explain in response to the questions. In fairness there is nothing much in terms of the information to be fair to the Minister that has been presented.

Mr. DALLEY: Hear, hear! Thank you for that.

Mr. McKENZIE: But the fact is that, Minister, you indicated, but there are outstanding vouchers that have been submitted, so the figure would probably exceed the amount stated. You would agree, because even - there was - the possibly was there was a small fire subsequent to the larger fire and that also would have incurred some level of expense.

(Inaudible comment by Mr. Dalley)

Mr. McKENZIE: Still money to extinguish it.

Mr. ARSCOTT: Mr. Speaker, that was fire was when in-house facilities that we had put in and addition to the Jamaica Fire Brigade.

(Applause)

Mr. DALLEY: Hear, hear!

Mr. McKENZIE: Mr. Speaker I had asked the Minister in the original sets of questions if he was in possession of a documented report on fires at Riverton and the Minister did say that there was a report that he would make the report available to the Parliament. Is the Minister in a position to say if that report is ready and when it will be presented to the Parliament?

Mr. ARSCOTT: Mr. Speaker, the Report was already presented. I don't know if the Member wasn't paying attention. The Clerk to the Houses has said that the document has been laid.

Mr. McKENZIE: In today's sitting? Well, I was out of the Chamber for a while.

(Cross talk)

Oh, you just did. Well, all right. So Minister...

(Cross talk)

Please relax *nuh* man. You're still not in a position to answer the questions as it relates to the fire wardens? I have submitted some questions subsequent to, because you weren't in a position. You could just get it out of the way now. I mean no big thing. You *sey* a fool, fool question, so it shouldn't take you another week to respond to those questions.

Mr. ARSCOTT: I could say in respect of the number of wardens, Mr. Speaker, I will share that information privately with the Member. It has security implications I wouldn't want to give that information publicly, so I'll share that information with you privately.

Mr. McKENZIE: Mr. Speaker, while I appreciate the importance – I don't want to say sensitivity - while I appreciate the concerns that the Minister has raised, we're talking about public expenditure and we are talking about persons that are employed to carry out a specify level of responsibility. I don't know how much secrecy Mr. Speaker there can be in, Mr. Speaker, in probably saying the numbers, because you have indicate that there is a need to employ more and the question was how many is presently employed and how many more, Mr. Speaker, the Government intends to employ and to what cost? So I don't want you to give me names of individuals but I don't think there is anything wrong, Mr. Speaker, in the Minister saying what the numbers are. Well, I don't know if I want to in the Parliament to say that it is going to accept a secret discussion on the matter, but I will take it.

(Cross talk)

He says in private. He says in private. Mr. Speaker, all I will do I will consult with the House Leader on this side and I will get his opinion and I will relate to the Minister my position.

The Deputy SPEAKER: This is in order. That is in order. Mr. Shaw, you rise to...?

Mr. SHAW: To ask a question - a follow up question.

The Deputy SPEAKER: Okay.

Mr. SHAW: Minister you have indicated that the total invoices for the Riverton - the latest Riverton fire is now at $286 Million with verified invoices at 252 Million. I take note however that of that amount only $107 Million has so far been paid out. Can you indicate when the remainder at least of the verified invoices, which would be another $145 Million will be paid out? And the question comes in the context that we have a build-up in arrears in the system and I'm sure that the suppliers of services here would like to know when they can be paid?

Mr. ARSCOTT: Member, the amount paid is $167 Million - approximately $168 Million made out.

Mr. SHAW: I'm going by what you have here on the paper, you know.

Mr. ARSCOTT: Oh, yes. Okay, if you notice I think it would have said NSWMA would have paid 107; the other remainder has $68 Million approximately has been paid by ODPEM. So the total payout would have been $168 Million.

Mr. SHAW: All right. My clarification would be in relation to the NSWMA obligation.

Mr. ARSCOTT: Yes, oh. We expect as soon as they have been verified, we have sent in the request for the additional resources from the Ministry of Finance and we expect that there wouldn't be too extensive a delay and we expect to be able to clear all the expenses at the end of the month.

Mr. SHAW: By what?

Mr. ARSCOTT: By the end of this month.

Mr. SHAW: Of May?

Mr. ARSCOTT: Yes.

The Deputy SPEAKER: Mr. Smith.

Mr. D. SMITH: Thank you, Mr. Speaker.

Mr. Minister, when you originally distributed a schedule, based on the original question the schedule suggested that the work being done on west main the contract was $11.8 Million. Today, you are reporting that the contract is $10.5 Million. Can you account for the missing $1.3 Million.

Mr. ARSCOTT: The Report I have is that the job is 95 per cent complete so I think therein probably would be the difference. That could be retention, but that's the information I have but...

The Deputy SPEAKER: You're through Minister? You're through?

Mr. ARSCOTT: No, Mr. Smith, he had asked some additional questions I will proceed to answer.

Mr. SMITH: Mr. Speaker?

The Deputy SPEAKER: Yes, Mr. Smith.

Mr. D. SMITH: I'm not satisfied with the response Mr. Speaker, but there's something quite odd - and I used a mild word - quite odd about this missing $1.3 Million.

Now, Mr. Speaker, to the Minister. Minister, I also mentioned at the time that when I saw the work - commencement of the work - and I enquired at the highest administrative level in the Ministry, they denied that their agency was not involved in any work in the constituency. I'd asked the other Minister who got involved, to clarify that situation, and I'm hoping that you can clarify it now, why the - at the highest administrative level there is a denial about the work being done in the constituency; one.

Two, and also there is a breach in the established protocol in terms of whenever the work agency is doing any work in any MP's constituency, that they're informed in advance. And I did state that that was not done. Now you perhaps would like to satisfy us; one, why there was a denial; and two, why we breached the protocol?

Mr. ARSCOTT: Mr. Speaker, this - the Member asked some questions and I would want to respond to them in the way he asked them but - so his variation has to do with either the cheque, fee or the 95% completion.

I want to say that the question was, Mr. Speaker, how was the West Main Drive selected?

Mr. D. SMITH: That's not my question; I don't business with that.

Mr. ARSCOTT: This was follow-up question asked by you last week and I'm responding to those, and I told you that I'll be returning to give the answer.

Mr. DALLEY: You asked the question.

Mr. ARSCOTT: Mr. Speaker, West Main...

The Deputy SPEAKER: Minister kindly proceed with the answers as submitted please.

Mr. ARSCOTT: Yes, yes.

Mr. Speaker, the parochial road of West Main Drive is one of three projects submitted by the KSAC for JEEP Phase 4 parochial roads. West Main Drive is situated in the Hughenden Division in North West St. Andrew.

Question:

How was West Main Drive selected?

Answer:

In response to the call for projects under the Programme, the KSAC selected three of its priority projects based on deteriorating road conditions. The other two projects were Retreat Avenue in the Waterloo Division, and Red Ground Bridge in the Red Hills Division.

The KSAC was allocated approximately $27 Million for the three projects implemented by the JEEP Secretariat at the National Works Agency.

Question:

Was the contractor - how was the contractor for West Main Drive selected?

Answer:

The main contractor for the JEEP Programme is China Harbour Engineering Company. Each Parish Council was asked to nominate a local subcontractor that was already prequalified by China Harbour to carry out works on their behalf; the list of prequalified contractors is maintained by the National Works Agency. The nominating contractors then went through the formal process of signing a subcontract with China Harbour for the execution of the work.

Mr. Speaker, this is similar to normal constituency programme under JEEP. In this case the contractor for West Main Drive was Surrey Paving and Aggregate Company Limited.

Question:

What is the cost for the repairs to West Main Drive?

Answer:

As at May 10 2015, West Main Drive was completed at a cost of Ten Million Five Thirty Five Thousand, Five Thirty-three Dollars and Two cents ($10,535,533.02)

Mr. SHAW: Say tax. Say tax.

Mr. ARSCOTT:

Question:

A section of the road was totally resurfaced while some sections were patched.

Mr. Speaker, this Honourable House would want to know that between June and September 2010, the Local Authorities gave up 50%...

Mr. McKENZIE: Mr. Speaker, on a point of order; Mr. Speaker, on a point of order.

The Deputy SPEAKER: Okay, Minister, sit.

Mr. McKENZIE: On a point of order.

The Deputy SPEAKER: Yes, what is the point of order?

Mr. McKENZIE: The Minister has responded to the questions tabled by the Member...

The Deputy SPEAKER: Minister could you please sit?

Mr. McKENZIE: ...and I would like to follow up.

Mr. PARCHMENT: The man not finished.

Mr. McKENZIE: Yuh don't know what is happening man.

(The Speaker gavels)

And I would like to follow up, Mr. Speaker, because he's going on to a separate question.

(Inaudible comment by Mr. Shaw)

Mr. PARCHMENT: Yuh think this is Christiana?

Mr. SHAW: Don't be rude, must have some manners.

(Inaudible comments)

The Deputy SPEAKER: Okay, your intervention is understood, but what is the point of order?

Mr. McKENZIE: The point of order is - Mr. Speaker, is that...

(Cross talk)

(The Speaker gavels)

Mr. McKENZIE: ...I would like to continue the line of questioning started by the Member from North West. The Minister had gone on to a different question and has not concluded the response to the original question.

The Deputy SPEAKER: Okay Minister, could you accommodate the questions prior to your point please.

Mr. ARSCOTT: Mr. Speaker...

The Deputy SPEAKER: Go ahead.

Mr. McKENZIE: ...Mr. Speaker, I want to bring - to just get some clarity from the Minister in response to the questions. He said that as of May 10th 2015 West Main Drive is 100% completed at a cost of over $10 Million. But originally he said, when Mr. Smith asked - the Member asked of the remaining one point something million, he said that the work is almost 95% complete. So could the Minister just clarify that before we move on? Just clarify.

Mr. ARSCOTT: No problem.

(Cross talk)

Mr. McKENZIE: Come on, come on, come on, come on man.

The Deputy SPEAKER: Minister Arscott.

Mr. PARCHMENT: Amidst of time and within budget.

Mr. ARSCOTT: I've looked at an update; the final report was the updated version which says the work is 100% complete.

Mr. McKENZIE: Okay. Minister, in my original question to you I asked you, can the Minister say if $140 Million was provided by the Jamaica Employment Programme (JEEP), to the Ministry of Local Government to be spent on roads.

Mr. SHAW: Which his answer was no.

Mr. McKENZIE: And Minister you said no funding was provided by JEEP and you went on to - it was provided under this new programme. But in your response here, Minister, you have indicated that this amount was in fact provided under JEEP 4 to the Parish Councils. So is it to the Parish Councils or is it not to the Parish Councils?

Mr. SHAW: The Minister misled the House. The Minister misled the House.

Mr. McKENZIE: Because you see, Minister, you're not clear in your response.

And I also, Minister, I also, Minister would like you to clarify and to be clear; I asked you about the sum involved...

(Inaudible comment by Mr. Pryce)

Mr. McKENZIE: Member! Member!

Mrs. NEITA-HEADLEY: Yield to the General Secretary.

Mr. McKENZIE: I asked you about the precise amount of 140; you responded 140. But subsequent to that, Minister, you provided the House with a list of the roads - the amounts, coming from the National Works Agency JEEP Phase 4 parochial roads, and you responded that the amounts was $140 Million. But on this document that you presented on response to the original question, the total amount that is spent, or is supposed to be spent, because this document gives an outline of the works that are completed - those that are 100%, those that are 20% - the total figure on this, Mr. Speaker, is $152, 436,810.54. So I would like the Minister to clarify; is it $140 Million or is it in excess of $152 Million?

I'm not being contentious we just need clarification. Because if you look, Mr. Speaker, let us use the KSAC as an example the subcontract sum, Mr. Speaker, to the KSAC is over $28 Million, but the total contract sum is down to some twenty seven million something, Mr. Speaker. So the document, Mr. Speaker, the document needs clarification. The document does not reflect, Minister, the response you gave to the questions, and that is all I'm asking you to do.

Mr. ARSCOTT: Part of it has to do with CHEC mark-up and if you're aware how CHEC operates you'd understand.

(Cross talk)

Mr. ARSCOTT: So I'm sorry the Member from Central Clarendon isn't here, he's an expert with CHEC.

(Inaudible comment by Mr. McKenzie)

Mr. DALLEY: Wait, wait, why yuh so anxious? What's wrong with you?

Mr. ARSCOTT: In respect to the - the funds were - based on your question, the funds were never sent to the Council. Remember now, funds were not sent to the Council. All the funds were paid by CHEC, operated by CHEC through its JEEP Secretariat at the Works Agency, so all I was responding to is that the funds were not sent to the Councils.

Mr. McKENZIE: Mr. Speaker, I want to make the Opposition's position very clear. We are not opposed, and we could never be opposed, Mr. Speaker, for roads that fall under the Local Authority to get some assistance...

Mr. DALLEY: Hear, hear!

Mr. McKENZIE: ...out of whatever resources, Mr. Speaker that is available.

(Applause by Government Members)

That is not up for dispute, Mr. Speaker, but what we are concerned about, Mr. Speaker, is the inaccuracy in the response to the questions. And Mr. Speaker, the Minister could have indicated in his response what the markup in the contract is, to the contractors, and what the actual contract sum would be. That would have, Mr. Speaker, ended all speculations.

I have one final question on this matter, Mr. Speaker, to the Minister. I would like the Minister to explain to the House how the

money, in terms of the divisions, was chosen, because you know, Mr. Speaker, we can take the position here in this Honourable House as Members of the Opposition, that there are clear political intent as to how the funds were spent, because, Mr. Speaker - and, you know, I am not going to be bombarded by you, okay - because, Mr. Speaker, of that one-hundred-and-fifty-odd million that was allocated to be spent on parochial roads, Mr. Speaker, out of the forty-odd roads that were involved in the project, Mr. Speaker, six were in divisions controlled by the Jamaica Labour Party...

(*Sotto voce* comments)

Mr. McKENZIE: ...and the remainder, Mr. Speaker, well in excess of $100 out of One Hundred-and-fifty-odd Million Mr. Speaker, a mere $17.8 Million was spent in divisions...

A MEMBER: More than that.

Mr. McKENZIE: ...or probably a little bit more than that. Let me clarify it, Mr. Speaker. Over $130 Million spent in divisions that are controlled... and what is significant, Mr. Speaker... what is significant is that when I look at the divisions, they are marginal divisions that can go either way, Mr. Speaker.

(*Sotto voce* comments)

Mr. McKENZIE: All I am saying, Mr. Speaker, there is the smell of politics. And the last thing I want to say on it, Mr. Speaker, I heard Members over there saying about what took place during JDIP. If it was wrong then, Mr. Speaker, it is wrong now. You can't be critical of us for doing something and come back and doing the same thing that you were criticizing us about. It can't be. It can't be, Mr. Speaker.

The Deputy SPEAKER: Okay Mr. McKenzie, ask the question.

Mr. McKENZIE: I have asked the question; I would like the Minister to explain the imbalance in the allocation.

The Deputy SPEAKER: Okay... Minister...

Mr. ARSCOTT: Mr. Speaker, the Member made a political speech on the matter. I am not aware of any political bias, in terms of selection. In fact, the allocation that were made to the Councils and the Councils selected the - however, I want to bring this - maybe the Member has forgotten about the genesis of this programme. I want to explain to this House...

MEMBERS: Yes...

Mr. ARSCOT: In 2010, Councils were asked to give up 1-2-3-4-5 months of their - 50 per cent of their PR allocation.

Mrs. NEITA-HEADLEY: Yes, that is correct.

Mr. ARSCOTT: Amounted to $315,105,000 to facilitate the JDIP programme.

Mr. FAGAN: Listen to this now; you asked the question.

Mr. ARSCOTT: There were a lot of complaints from the Councils that they did not get any road, or got no refund.

A MEMBER: That's right... nothing!

Mr. ARSCOTT: In fact, Mr. Speaker, no road was done in Westmoreland; no road in Portmore; nothing in Hanover. At that time, we knew how the thing...

(*Sotto voce* comments)

Mrs. NEITA-HEADLEY: No!

(Cross talk)

Mr. FAGAN: Read out the numbers.

Mr. ARSCOTT: I want to - look, I want you to listen. Since you raised the argument...

(The Speaker gavels)

You raised it, let's hear it then, let's hear it.

Mr. McKENZIE: So you come back and do the same thing. How different are you?

Mr. ARSCOTT: I want you to listen, since you raised the argument.

Mr. PARCHMENT: Can't take the heat.

Mr. ARSCOTT: You raised it, let's hear it. He said that monies were refunded to the councils.

Mr. McKENZIE: You can beat me with *macka* and *mi nuh* feel it.

Mr. ARSCOTT: So the RMF sent back to the Councils, $100 Million out of their $315.15 Million. But, of the $100 Million, Mr. Speaker - I want you to listen carefully about the breakdown of the money that they sent back. Of the $100 Million they sent back, 16.5 Million went to the NSWMA.

Mr. FAGAN: Not the Council.

Mr. ARSCOTT: To the KSAC...

(*Sotto voce* comments)

Mr. ARSCOTT: Hold on, to the KSAC...

(Cross talk)

Mr. ARSCOTT: Listen... listen! You raised it *yuh nuh*, you raised it, so listen.

(*Sotto voce* comment by Mr. McKenzie)

Mr. ARSCOTT: The KSAC where you were the Mayor at the time, got $12.7 Million.

Mrs. NEITA-HEADLEY: *Jeezum* peace!

A MEMBER: So much!

Mr. ARSCOTT: St. Catherine Parish Council, $21 Million.

A MEMBER: Where... what!

Mr. FAGAN: Wheatley was the Mayor.

Mr. ARSCOTT: Ocho Rios market, the Minister at the time was who?

A MEMBER: Shahine Robinson.

Mr. ARSCOTT: $7 Million - $8 Million

A MEMBER: Road Maintenance Fund sent back those money?

(*Sotto voce* comment by Mr. McKenzie)

Mr. ARSCOTT: So of the $100 Million that you said was sent back to the Council, $68 Million was clearly allocated on a basis of political preference. In fact, it didn't go to do any road, all of it was to do the bushing - drain cleaning activities.

(*Sotto voce* comments)

Mr. McKENZIE: So what is the point you are making?

Mr. PARCHMENT: I want to hear.

Mr. FAGAN: Under $1 Million at Portmore.

Mr. ARSCOTT: Portmore... Portmore... $960,000 was sent back. How much did Portmore send? Portmore's contribution was 16 - almost $17 Million.

Mr. FAGAN: Seventeen Million, and you gave back less than $1 Million.

Mr. ARSCOTT: So they got back less than $1 Million; no road was done, and $17 Million of their allocation was taken away.

Mr. FAGAN: They don't spend $1 in Westmoreland.

Mr. ARSCOTT: So, you can't come around here and talk about politics. You knew what was done, so that's why you ascribe political motive to everything. But, we are not like you.

Mrs. NEITA-HEADLEY: That's right!

Mr. ARSCOTT: The People's National Party Government is objective and fair, and transparent. (Applause)

Thank you, Mr. Speaker.

Mr. McKENZIE: Mr. Speaker, I would like to... Mr. Speaker, you know, I listened to the Minister, and the thunderous applause and support coming from the choir over there.

Mr. Speaker, what the Minister has just outlined is saying to the people of Jamaica that, as a country with two political parties that we have not matured...

(Heckling)

Mr. McKENZIE: ...because, Mr. Speaker... because it is felt that it was done while we were in Government, it is okay for them to do so, Mr. Speaker.

Government MEMBERS: No... no!

Mr. McKENZIE: That is the justification. And one of the things, Mr. Speaker... one of the things that the Minister is forgetting... the Minister is forgetting...

(The Deputy Speaker gavels)

...that they campaigned on the basis that they are more accountable...

A MEMBER: Point of order, Mr. Speaker.

Mr. McKENZIE: ...and you come back to do the same; you should be ashamed; you should be ashamed a *yuself*.

The Deputy SPEAKER: (Gavels) Mr. McKenzie, enough... enough!

A MEMBER: Sit down!

Mr. McKENZIE: You should be ashamed of yourself. You spent $130 Million of taxpayer's money...

The Deputy SPEAKER: House Leader...

Mr. McKENZIE: ...and *yuh* coming here to justify...

Mrs. NEITA-HEADLEY: Mr. Speaker...

Mr. McKENZIE: ...you should be ashamed!

Mr. PARCHMENT: I am ashamed of you.

The Deputy SPEAKER: Mr. McKenzie...

Mr. McKENZIE: You should be ashamed.

Mrs. NEITA-HEADLEY: Mr. Speaker...

Mr. McKENZIE: You should be fired as the Minister of Local Government.

(The Speaker gavels)

You are incompetent; you are incompetent, Minister.

The SPEAKER: Mr. McKenzie, please...

Mr. DALLEY: Sit down and don't get up back!

The Deputy SPEAKER: Minister, I will not entertain any further discussion on this matter.

Mr. SHAW: Mr. Speaker, I have an important point of clarification here.

Mr. McKENZIE: When they were crucifying me, you never come to my defence.

The Deputy SPEAKER: Yes, but I will not allow any further vilification of any Member.

Mr. SHAW: On what?

The Deputy SPEAKER: Any vilification.

Mr. SHAW: No, no, I am not in that. I just want clarification.

The Deputy SPEAKER: No, but... please...

Mr. SHAW: All right, you're finished; you are through now?

A MEMBER: Yeah man.

The Deputy SPEAKER: Mr. Shaw, go ahead.

Mr. SHAW: Thank you.

Mr. Speaker, I think it is important that in this Honourable House we do not - there is no confusion - or worse, that the House is not misled. And therefore, I would like to bring to the attention of the House that in the answer provided last week to the first question, concerning JEEP Funds being directed to the Ministry of Local Government, the Minister was correct in saying that it wasn't sent to the Ministry of Local Government, but he went on in his answer to say - after he said:

"No funding was provided to the Ministry of Local Government and Community Development by JEEP. However, between January and March 2015, a total of $140 Million was allocated to the Parish Councils and the KSAC under the Major Infrastructure Development Programme".

Mr. Speaker, at that time, I asked both the Minister and the Minister of Transport and Works who was also in the House that the listing that was provided to us, the very topic - the heading of the listing says: JEEP Phase IV - Parochial Roads.

The Minister then comes today, in answering the Member from North West St. Andrew. He says:

"*Mr. Speaker, the parochial road of West Main Drive is one of three projects submitted by the KSAC for the JEEP Phase IV Parochial Roads Programme".*

It is therefore clear that the allocation was from the JEEP money, and not from the MIDP other funds. And I think that the Minister of...

Government MEMBNERS: Awe... awe... awe!

Mr. SHAW: No, no, the Minister said that there was no allocation from JEEP. And I think the Minister needs to clear up, for this Honourable House that the funding for this $140 Million was indeed from the JEEP Phase IV project. He needs to admit that to this House. And don't mislead the House.

The Deputy SPEAKER: Minister, you have any...

Mr. D. SMITH: There was a big cover-up, and you don't know how to get around it.

Mr. ARSCOTT: Mr. Speaker, as I pointed out earlier, the Minister responsible for Transport and Works responded to plea from Councils about their allocation which was taken away from them in 2010. This was only an attempt by the Minister to address that anomaly.

Mr. SHAW: You coming back under JEEP programme.

(*Sotto voce* comments)

Mr. ARSCOTT: It still... well, it still... it's still woefully... It's still... (Inaudible) ...money, Mr. Speaker.

The Deputy SPEAKER: Okay, House Leader.

(*Sotto voce* comments)

(The Speaker gavels)

ADJOURNMENT

Mrs. NEITA-HEADLEY: Mr. Speaker, it is not intended to do any further business today. I, therefore, ask for the adjournment of the House until next Tuesday, May 26, at 2:00 p.m.

The Deputy SPEAKER: I will seek advice on that.

The question is that this Honourable House now adjourns until Tuesday 26th May at 2:00 p.m.

TUESDAY, May 26, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:42 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

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

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

HON. RICHARD EDWARD 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 Water, Land, Environment and Climate Change

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
MRS. MARISA COLLEEN DALRYMPLE-PHILIBERT, (JLP), Trelawny, Southern
MISS JOYCE DENISE DALEY, (PNP), St. Catherine, 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. 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. AUDLEY FITZ ALBERT SHAW, CD, (JLP), Manchester, 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
DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central

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 students from Happy Grove High School and Mannings High School who are visiting with us today. (Applause) I hope they find today's sitting interesting.

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

STATEMENT BY MINISTERS

Mrs. NEITA-HEADLEY: Mr. Speaker, we will have the statement by the Minister of Transport and Works at this time.

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

The SPEAKER: Minister Davies.

Dr. DAVIES: Mr. Speaker, during a recent sitting of the House, the Members from St. Andrew North West and Manchester North-East raised a query regarding the allocation of funds to the Parish Councils and the Kingston and St. Andrew Corporation under the...

Mr. WARMINGTON: A point of order, Mr. - just a minute - I was saying that it's customary for the Act - the Leader here and for the Opposition spokesman to get a copy.

(MR. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, entered and took his seat.)

Dr. DAVIES: You have it, you have it, you can sit down, sit down, you're premature.

Mr. ROBINSON: One day busha sit down.

(Inaudible comments by Dr. Davies)

(REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston, Central, Minister of Education, entered and took his seat.)

Mr. WARMINGTON: No, no, I did not get one, I know that I get it before, and the Opposition Spokesman ought to have gotten one.

Mr. ROBINSON: One day busha.

Mr. WARMINGTON: Whether it's one day or half day it's a principle here.

A MEMBER: Give it your best.

Dr. DAVIES: Agree, agree.

(Laughter/Heckling)

(MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern, entered and took his seat.)

Dr. DAVIES: We don't deal with Bollywood here.

In term with the - these two MPs raised a query regarding the allocation of funds to the Parish Council and the Kingston and St. Andrew Corporation under the JEEP programme. Their queries were specifically regarding the projects that were undertaken in their constituencies through the local authorities. The Members stated that they were unaware of the allocations and the nature of the works that were undertaken through funds provided by the JEEP Secretariat.

Mr. Speaker, you will recall that in January 2013, the Ministry of Transport, Works and Housing and the China EX-IM Bank, signed a concessionary loan agreement for the implementation of the Major Infrastructure Development Programme (MIDP). The Programme is being financed by a US$300 Million loan from the China EX-IM Bank with counterpart funding of approximately US$52.9 Million from the Government of Jamaica.

The US$352.9 Million is being utilized as follows:

- US$220 Million for works to be undertaken by CHEC, which is the main contractor and that allocation is for major works. And projects to be included would be the addition of a third lane in each direction on Mandela; that's the sort of major works. Yes.

  (Applause)

A Hundred and Thirty-two point Nine Million for works to be undertaken by local contractors, to be allocated as follows:

- US$82.9 Million for medium-sized projects sub-contracted by CHEC. And secondly,
- A JEEP component of US$50 Million.

So that gives the full count for the US$352.94 Million.

The funds allocated to the local component of MIDP, inclusive of JEEP, are designed for implementation under the following areas:

- Projects approved by the M - my Ministry; secondly
- Constituency projects submitted by Members of Parliament; and thirdly
- Projects submitted by the Parish Councils and the KSAC.

During the financial year 2014/2015, a total of JA$1.26 Million was allocated to Members of Parliament under JEEP 3 and JEEP 4. Each Member of Parliament was allocated $10 Million for each Phase. Mr. Speaker, all the projects under JEEP 3 have been completed while the works under JEEP 4 are close to completion. (Applause)

A MEMBER: Hear, hear!

Dr. DAVIES: Please note, Mr. Speaker, that there was no allocation to the Parish Councils or to the KSAC under JEEP. However, several Parish Councils approached me and requested assistance with projects that they wished to undertake, but did not have enough funds to implement. As a result, a decision was taken to partner with the local authorities during JEEP 4 to undertake various .infrastructure works totaling $159.8 Million, inclusive of contractor's 12.5% mark-up.

And Mr. Speaker, that sum was divided as follows:

- The Manchester Parish Council, $10.36 Million;
- St. James Parish Council, $11.73 Million;
- The KSAC, $27.59 Million;
- St. Catherine Parish Council, $29.9 Million;
- The St. Ann Parish Council, $11 Million;
- St. Mary Parish Council, $8.9 Million;
- The Portland Parish Council, $6.2 Million;
- The Trelawny Parish Council, $6.2 Million;
- Clarendon Parish Council, $15.98 Million;
- Hanover Parish Council, $4.83 Million;
- St. Elizabeth, $10.36 Million;
- The Westmoreland, $9.65 Million.

The allocation to each Parish Council as well as the KSAC was determined by using the existing model established for the division of resources from the Parish Development Fund. So we did not seek to reinvent the wheel, we took the formula used in the division of the Parish Development Fund.

Mr. Speaker, let me outline just for the clarity, the steps that were taken in allocating funds to undertake the works through the Parish Councils and the KSAC.

The Parish Councils and the KSAC were advised of the amounts available to them and they were invited to submit proposals for use

of these funds. The Parish Councils and the KSAC then submitted proposals to the JEEP Secretariat, together with a suggested contractor.

The JEEP Secretariat notified the National Works Agency of the projects which had been submitted by the Parish Councils and the KSAC along with the budgetary allocations.

The NWA conducted their investigations and prepared the Bills of Quantities for each project. The NWA sent the signed Contract along with the Bills of Quantities to the JEEP Secretariat. The projects were then implemented. The NWA supervised the work and the JEEP Secretariat conducted joint inspections with the NWA and the Contractors. The Payment Certificates were sent to the JEEP Secretariat for review and approval. The JEEP Secretariat verified that the works were completed to scope prior to payment being made to the contractor and these were returned to the NWA. The NWA submitted the Payment Certificates to CHEC for payment.

In the instances of KSAC St. Andrew North-West and Manchester North East, the amounts contracted were $10,535 for the KSAC St. Andrew North West, and $5.86 to Manchester North East respectively.

Mr. CHUCK: How much for North East St. Andrew?

Dr. DAVIES: North East?

Mr. CHUCK: St. Andrew.

Dr. DAVIES: No, this was - the KSAC made no application on behalf of North East St. Andrew.

In the case of the proposed project in the constituency of St. Andrew North-West, the scope of work for West Main Drive included the following:

- To clean side drains;
- To patch and repair potholes;
- To apply base material;
- To apply MCO - and I learnt it's MC nought, which is a mix used to encourage bonding of the surface layer when conducting repairs

(Inaudible comment by Mr. Shaw)

Dr. DAVIES: (Laughs) bonding? (Laughs) I was most interesting in the nought.

(Laughter/Inaudible comments)

Dr. DAVIES: Several qualify.

- To apply asphaltic concrete of...

(Inaudible comment by Mr. Shaw)

Dr. DAVIES: More than you, more than you, you're scoring some minus 44% more than you.

Mr. SHAW: Carry on.

Dr. DAVIES: Zero would've been a high achievement for you.

Mr. WARMINGTON: Nuh badda wid dat.

Dr. DAVIES:

- To improve the side roads.

The contract for these works was awarded to Surrey Paving and Aggregate Company.

In the case of Manchester North-East, the scope of works for West Road-Cobbla included the following:

- To construct a V-drain;
- To apply base material;

- To apply MC nought; and
- To apply double surface dressing.

The contract for these works was awarded to Pryce Construction Company Limited.

Mr. Speaker, the Parish Councils recommended the contractors to the NWA...

(Inaudible comment by Mr. Samuda)

Dr. DAVIES: It is his constituency.

...and this arrangement is similar to that for projects that are done at the constituency level where the Members of Parliament recommend contractors to the NWA.

Mr. Speaker, the Programme will continue under JEEP 5 for Financial Year 2015/2016 and is currently being developed with an overall allocation of $929.9 Million, disaggregated as follows:

- For Members of Parliament, $630 Million;
- For the Parish Councils and the KSAC, $70 Million;
- For Special Projects, $126.6 Million

The balance of $103 Million is the contractor's markup.

Members of Parliament, as we all know, have already been advised of their $10 Million allocation. The Parish Councils and the KSAC will shortly be advised of their allocation.

Mr. Speaker, as regards to projects implemented in collaboration with the Local Authorities, I have advised the JEEP Secretariat that, in future the relevant Member of Parliament should be provided with full details of the project to be implemented in his or her constituency. However, Mr. Speaker - and I want this noted carefully - it should be made abundantly clear that this step is being taken simply to provide information to the MP and not to include him or her in the process which I've outlined for the project which has been selected.

This project is a collaboration between the JEEP Secretariat and the Parish Councils, but this is not…

(Inaudible comment by Miss Grange)

Dr. DAVIES: ...but this is not part of the MPs allocation of $10 Million.

Miss GRANGE: There must be consultation or else they are collaborating.

Dr. PHILLIPS: Not a thing wrong with that.

(MR. FITZ ARTHUR JACKSON, (PNP), St. Catherine, Southern, entered and took his seat.)

Mr. Speaker when questions had been raised by the Member from North East Manchester and the Member from St. Andrew North West, I committed that I would have the matter researched; I have done that, and presented it.

Thank you, Mr. Speaker.

The SPEAKER: Mr. McKenzie.

Mr. McKENZIE: Thank you, Mr. Speaker.

Mr. Speaker, I welcome further clarification from the Minister on this very vexed issue.

(*Sotto voce* comments)

Dr. DAVIES: Audley not vexed.

Mr. McKENZIE: Mr. Speaker, I want to, again, place the position of the Opposition on this matter, squarely.

(*Sotto voce* comments)

Mr. McKENZIE: We welcome the support from the JEEP Secretariat to the parish councils at this time. It is a welcome move, and it is something that we support wholeheartedly, Mr. Speaker, and we will continue to support every effort that is made to strengthen the local authorities by providing the resources that at times they find difficult in coming up with, Mr. Speaker.

But Mr. Speaker, I must again raise the concerns as it relates to the distribution of the funds, Mr. Speaker.

Mr. CHARLES: The politicization of it.

Mr. McKENZIE: If something was wrong before, Mr. Speaker, two wrongs don't make a right.

A MEMBER: What was wrong before?

(*Sotto voce* comments)

Mr. McKENZIE: Close to $135 Million of this amount, Mr. Speaker has been allocated to divisions - to divisions in the parish councils represented, Mr. Speaker, by councillors of the People's National Party.

(Cross talk)

Only six divisions, Mr. Speaker... only six divisions... and what is - I said it last week, and I am going to say it again, Mr. Speaker. It was used in a way that the divisions that are marginal divisions, Mr. Speaker - in the case of the Old Harbour Central, $19 Million, Mr. Speaker. Mr. Speaker, we are not saying that the funds are not needed, Mr. Speaker, but if there is to be a level playing field, Mr. Speaker, where the country will feel...

(Heckling)

(The Speaker gavels)

Mr. McKENZIE: ...where the country, Mr. Speaker, that the resources that are made available by the State is distributed in a manner that is reflected, based on the needs and not on the political advantage of the party in power at the point in time, Mr. Speaker.

Minister, I am glad that you made the clarification also, as it relates to the final costs...

(*Sotto voce* comments)

(The Speaker gavels)

Mr. McKENZIE: …including the amount - the mark-up for China Harbour. And I can only say, Minister, since the funds are going to be provided out of your Ministry that you take into consideration the points that I have made about the manner in which it is done. Close collaboration with the Ministry of Local Government - because you see, Minister, at the end of the day, it is service we are offering to the people, and it must be done in a way that the people are comfortable.

So, as I said before, we welcome the assistance but the manner in which it is done, Mr. Speaker, the Opposition can't support it - can't support it, Minister. So, you know, Mr. Minister, we will see how the other seventy-odd million go when the new programme comes about.

Mr. CHARLES: Balance the scale, man.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker... Mr. Speaker...

(The Speaker gavels)

Mr. SHAW: Mr. Speaker, I would like to acknowledge the formal statement of the Minister that in future the relevant Member of

Parliament should be provided with full details of projects to be implemented in the constituency, and I welcome that announcement by the Minister, and hope that it will be honoured.

Mr. SHAW: I just wanted to ask the Minister, Mr. Speaker if he would like to - if he care to elaborate a bit on what is the criteria that governs special projects. How are they selected?

Dr. DAVIES: In terms of the - perhaps it is best if I give an example. The issue of sidewalks which accommodate the disabled, whether - which challenges physical challenges or sighted - it is a vexed question - right Desmond? And there is a matter which, for example, the JEEP Secretariat is seeking to engage the Member of Parliament for South East St. Andrew, and also the Member of Parliament for Eastern...?

A MEMBER: For Eastern.

Dr. DAVIES: Yes... in terms of them coming up with some of their resources to join with the JEEP Secretariat to fix the sidewalks, like in the Liguanea area. That's one of the areas. So that becomes - that is provided for in any other area of Government expenditure, and that's one I know the JEEP Secretariat is actively pursuing. That is an example of a Special Project, and it will be something dealt with at the technical level until there's a need for a determination as to how much can be allocated from that amount which is been so allocated. But anything which we do, we can - once it's done - we can provide you with justification. As regards questions raised by the Opposition Spokesman on Local Government, having been a vigorous advocate - and at times convincing - for increased empowerment of the local authorities, I thought he would be the last person...

(Applause by Government Members)

Dr. DAVIES: ...to question the independence of the local authorities.

Mr. WARMINGTON: He spoke about... (Inaudible)

Dr. DAVIES: No, no, I heard when he said it, and he spoke English; I don't need your help in hearing him.

(*Sotto voce* comments by Mr. Warmington)

Dr. DAVIES: I don't need your help in hearing him.

(Cross talk) (The Speaker gavels)

The SPEAKER: Mr. Warmington, remember the seat you are in; remember the seat you are in.

Mr. CHARLES: Deal *wid 'im.*

Dr. DAVIES: (Laughs) And so, this - I don't want to push any political line, but certainly the request which came from the local authorities, bar none, were based on the fact that they gave up their contributions, got nothing in return, and complaining about a constituency such as South St. Andrew, which got nothing out of JDIP...

(*Sotto voce* comments)

Dr. DAVIES: ...and in their contribution to help to pay the 15 per cent of the funds which had to be provided for JDIP, and they came and said, *so what is there for the local authorities, either from JDIP or from MIDP.* And in response I said, I don't want to be selecting projects in local government

divisions. A Council must meet amongst themselves - either the Parish Council or the KSAC - and determine what they consider as a project which they would wish to submit to the JEEP Secretariat for support.

Now if what the Opposition Spokesman is saying that the JEEP Secretariat must now start dividing is that a JLP Division or a PNP Division, no, it will not - thy will, will not be done.

Mr. CHARLES: Thy will, will not be granted.

Dr. DAVIES: Yes, it will not be done. We will continue to work with the local authorities in this way. And so Mr. Speaker, I presented - we have nothing to hide. I have presented the full information requested. I am glad that the Member from North East Manchester noted - we accept that the Member of Parliament should be informed, but not - he doesn't have veto powers; he should be informed of what are the projects being pursued.

A MEMBER: I agree.

(HON. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern, Minister of State in the Ministry of Agriculture and Fisheries, entered and took his seat.)

Mr. WARMINGTON: Mr. Speaker.

The SPEAKER: Mr. Warmington.

(Heckling)

(The Speaker gavels)

Mr. WARMINGTON: Don't you dare, don't you dare. Mr. Speaker, the last time I mentioned to the Minister that the - for St. Catherine was incorrect, because... Minister if you don't listen, you *gwine mek* the pothole free for 2003 distract you; you won't hear what I am saying. I am saying that what I said to you then, that the allocation as it was on your sheet for St. Catherine was incorrect. It mentioned Old Harbour Central only, and did not mention Old Harbour South. Kelly Pen was done also under the JEEP programme. I was advised by the Minister, so I had said then that what you had in here be corrected, but it still is not corrected.

The Member - the Opposition Spokesman spoke about the inequity in the allocation; just mentioned that the councillors or the councils met. In St. Catherine, the JLP Councillors were never included in the decisions, okay. So, it was done behind closed doors. They were never included, they didn't even know that a JEEP project was in place.

Where Old Harbour Central is concerned, I have no problem; I am happy that the road was done. Where Kelly Pen is concerned, I am happy that the road was done. The Member just mentioned...

(*Sotto voce* comments)

Mr. WARMINGTON: Yes, because I have been asking JEEP - NWA just to do that road in Old Harbour and they have never done it. And when you mentioned that the funds in the Parish Council - where Parish Council is concerned, they allocate the funds where you have marginal Parish Council seats hoping to hold in the next Election. What I can say, is that the Old Harbour he is asking about, he...

(*Sotto voce* comments by Dr. Davies)

Mr. WARMINGTON: He is mentioning that... who is the Member of Parliament and the other one is - yes, a Jamaica Labour Party Member of Parliament, but where Old Harbour Central is concerned, you have a JLP Council who crossed the floor.

(*Sotto voce* comment)

Mr. WARMINGTON: Yes, but I can assure you, if you spend all the money you have in JDIP, and what have you, you can never, ever, take that Division in the next Election, I can assure you. (Applause)

(*Sotto voce* comments/Laugher)

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: Mr. Speaker... Mr. Speaker, I may be controversial this afternoon, but I think - I find myself involved in a situation that is working at cross purposes. Number one, each Member of Parliament is allocated $10 Million per tranche. There is no similar structure for the Parish Council, yet we speak of the preeminence, or the emergence of the Parish Council that is due respect, but no respect is shown; Seventy-two Million Dollars ($72M) for 228 Parish Councils, and $630 Million for 63 Members of Parliament.

(*Sotto voce* comment)

Mr. SAMUDA: I would have thought Mr. Speaker, that a far less stressful mechanism could have been devised by the Minister, to have allocated a fixed amount for each - because there is no single Parish Council that has any prior right over the kinds of repairs that are needed in their division. I would have thought that an equitable allocation per Parish Council, in the same way that you have per constituency. If you don't have that you are showing pre-eminent rights to the MP that is not shown to the Parish Councillor and then you come here and tell us how wonderful Parish Council and how important Parish Council is. So it is time we get away from this unilateral division of resources as we see fit for the Parish Council and allocate them on an equitable basis across the board, so that they can plan along with their Members of Parliament a programme of work for the respective constituencies.

This is...

(*Sotto voce* comments by a Member)

Mr. SAMUDA: ...constituencies because you have two, three sometimes four divisions within a constituency, it is a geographical area that - and you have resources. Don't arbitrarily decide who gets what when and where, establish a structure within which all Parish Councils must comply, so it is not left to some Member using the corridors for favouritism. Let us work in an open and transparent manner where the allocation is known and it can be easily monitored. And Minister you will would be relieved of the burden of having to come and defend a report of one road versus another that have been requested and cannot get it done.

(*Sotto voce* comments by Members)

(The Speaker gavels)

Mr. SAMUDA: Mr. Speaker, I recommend to the Minister that he cancels that arrangement and set up a proper arrangement. And God Almighty, if you give MPs Six Hundred and Thirty Million, ($630M) good God, you can give the Parish Councils less than half of that, Two Hundred and Twenty-

eight Million ($228M), One Million ($1M) per Parish Council, One Million ($1M) per Parish Council.

(*Sotto voce* comments by Members)

Mr. SAMUDA: But that is what you need to run the country, you think democracy cheap, whoever told you democracy was cheap.

So Minister, throw it out the window, remove the controversy, allocate on the basis of the right of every Parish Council to have a certain amount of money and you can pre-determine that and hand it to them.

Dr. DAVIES: Mr. Speaker, the suggestion from the Member is an excellent one; it is a pity he didn't even think about it in 2007. (Applause)

Yes, this programme came about that the JDIP was the most wicked, clandestine and many of you there for whom I had the greatest of respect, bowed and refusal to take a principled stand when I sought to ask for the matter to be debated... (Applause) ...Four Hundred Million US (US400) being determined without the Parliament, even having a word to say. Four Hundred Million Dollars ($400M) Prime Minister, Minister of Finance, all Ministers stood and back that - wicked, it is a good word not a better word, yes, allocation of resources without the representatives of the people having a word to say in that discussion.

So I welcome your proposal. The only point I should make though, the one point I should make is that we deliberately inserted both the JEEP Programme and the extension to the JEEP Programme whereby the local authorities also benefitted in what is called the Major Infrastructure Development Programme, because one of the things we have discovered, and you know it, we all know it to be true, you can have a zillion dollar highway next door, but a project of Ten Million Dollars ($10M) can have a bigger impact on the lives of people.

So I welcome the suggestion which you have made. But unfortunately, you are not the person to say it, unless you confess and say yes, I should have shown courage when there was a need for courage.

(*Sotto voce* comments by Mr. Charles)

Dr. DAVIES: You are the most irrelevant relic ever in the history of....

(*Sotto voce* comments by Members)

(The Speaker gavels)

Mr. WARMINGTON: Mr. Speaker...

Dr. DAVIES: Mr. Speaker, can I help he is not an irrelevant relic.

Mr. WARMINGTON: We cannot have the Member saying that, he needs to withdraw that statement.

Dr. DAVIES: He is not an irrelevant relic; he may be a relic but not an irrelevant relic.

The SPEAKER: No, no, Dr. Davies.

Dr. DAVIES: Maybe irrelevant but not a relic.

Mr. WARMINGTON: You need to withdraw everything you just said in that regards.

Dr. DAVIES: Okay, I withdraw that he is an irrelevant relic.

The SPEAKER: Thank you, thank you. Mr. Chuck.

(*Sotto voce* comments by Members)

The SPEAKER: (Gavels) We have work to do today, you know.

Mr. CHUCK: Mr. Speaker, let me say, Mr. Speaker, how disappointed I am to hear this fight over scare benefit. I can assure you, Mr. Speaker that I benefitted enormously. (Applause)

I can tell you, Mr. Speaker, speaking personally Delroy Chuck don't get one dollar, but the constituency of North East St. Andrew benefitted enormously. Because I don't want it, I don't need it, right. The point, Mr. Speaker, I would like to make is that when resources are provided for the benefit of this country, we don't have to fight over whether it is spent in North East St. Andrew or North East Manchester or St. Elizabeth, the position, Mr. Speaker, is that, don't care how much money is available, it will not be enough, it will just not be enough to cater to the needs of this country.

Mr. Speaker, I don't think we need to fight over how it is spent and allocated. What is important is that it should be open and transparent. And whether the priorities, and whether the priorities have been dealt with. There can be no doubt, Mr. Speaker, that in North East St. Andrew after the hurricanes and the flooding that took place 2008 - 2005 up to 2008 there was a great need to really fix all these gullies which were creating havoc and endangering lives. There is no doubt that North East St. Andrew benefited, enormously more than any other constituency and thanks to the Member from Central Clarendon, who saw the importance because lives were endangered. And even now, Mr. Speaker, there is still work to be done in North East St. Andrew because a lot of the gullies have not been completely - have not been fixed completely. Because, Mr. Speaker, one of the great problems in this country is that we don't adhere to the most important principle that maintenance is the best investment. So we maintain nothing in this country. Gullies are not maintained, roads are not maintained, air conditions are maintained, offices are not maintained, nothing is maintained until it gets to a crisis and then you have to spend billions of dollars in order to get things properly fixed and adjusted.

Now, Mr. Speaker, I would urge our colleagues, don't let us get into this division about MPs and Councillors (Applause) because, Mr. Speaker, I can assure you that this is one MP that gets along with his Councillors, in truth, I get along by allowing them to spend everything, because I just supervise and make sure that it is spent prudently.

(*Sotto voce* comments by Members)

Mr. CHUCK: Everywhere. But Mr. Speaker, the position is that you know, Mr. Speaker, and every MP in this Parliament knows that there is very often a bit of friction between MPs and Councillors because each Councillor and MP feel that they were elected by the people and each of them must control their corner.

Mr. PICKERSGILL: Did you say fiction or friction?

Mr. CHUCK: Friction. And I say, Mr. Speaker, what is important, if we are going to

work for the betterment and the benefits of this country we have pull together the Councillors and MPs, and I hate to see us pulling and fighting one another over this scare benefit. So I would urge, Mr. Speaker, let us cut out this division between Parish Councils and Members of Parliament. My only position Minister, this allocation that we have been given, there is no doubt that the emphasis should be on labour intensive. But when I speak to the JEEP Secretariat they want small or limited number of programmes because they want an impact, I have no problem with that...

(*Sotto voce* comments by Members)

Mr. CHUCK: No, I accept that. I need to fix some gullies that have not been fixed; the smaller gullies and I need to finish some sidewalks that need to be finished. I need to remove a few zinc fences in a little area in the community because, you know, the Zinc Removal Programme, you know, Mr. Chairman is something that I started over ten years ago, so you don't see...

(*Sotto voce* comments by Members)

Mr. CHUCK: With due respect I started first.

The SPEAKER: Mr. Chuck, you come to the question now?

Mr. CHUCK: The question, Mr. Speaker, and I want the Minister....

(*Sotto voce* comments by Members)

Mr. CHUCK: Minister, it is very important that we informed the JEEP Secretariat that the majority of this money should be spent in assisting people in the community to do work. In other words, I would hope that sixty per cent minimum is spent for labour and probably forty or less person per cent on material. But the way that the JEEP secretariat is pushing it, the way the JEEP secretariat is pushing it, you could spend sixty per cent on material and less on labour. It seems to me that we have more programmes - labour intensive rather than material incentives.

So, Minister, could you emphasize and confirm that this programme must be labour intensive rather than capital expenditure. (Applause)

The SPEAKER: Mr. Daryl Vaz.

Mr. Daryl VAZ: Thank you, Mr. Speaker, on the issue that my colleague last mentioned, I would like to put to the Minister that I have received the same outline from the JEEP Secretariat and I believe it is important that we understand that different constituencies require different treatment especially in light of the various infrastructure projects that they have done. Whereas, my colleague speaks about sidewalks and zinc removal *et cetera*. I have a fundamental difference because I am of the opinion that if we don't maintain the infrastructure that we have put in, i.e. JADEP and MIDP projects out of the first JEEP project plus JDIP then we stand to lose significantly more than we are we are going to gain.

And therefore, Minister, the issue that I have is that they have asked that we identify two or three small projects for the Ten Million Dollars ($10M) whereas I would love to, in the constituency that I represent, to be able to do some maintenance on some of the major

roads that have been facilitated and accommodated through the programmes. On top of which, Mr. Speaker, there are many farm roads in my constituency in the Buff Bay Valley that have nowhere to turn for maintenance outside of the CDF and the JEEP, there is no other funds provided neither RADA or anybody else.

And therefore, Mr. Speaker, through you to the Minister, I am saying to you that whereas I accept and understand the principle of substantive jobs that can be seen as infrastructure programmes that a little bending and flexibility be accorded to specific cases and specific constituencies. Because I, like Member Chuck, can say that I have used both my JDIP allocations and my MIDP for which I am eternally grateful to be able to improve some of the infrastructure, i.e. roads in West Portland, and I see them starting to deteriorate and if we could spend some money to just patch them, or to clean them, or to fix them you're talking about spending a million dollars or two to save hundreds of millions of taxpayers' money that have been spent. So I raise it, because of what is being spoken here today in your Statement and ask that - not that the policy be changed, but that some flexibility according to the MPs and to the proposals.

Thank you.

The SPEAKER: Mr. Charles.

Mr. CHARLES: Thank you, Mr. Speaker.

The SPEAKER: Mr. Charles, question.

Mr. CHARLES: I would like to address the Speaker when the Members are giving us an opportunity to talk. Mr. Speaker, the presentation by the Member from North Central St. Andrew has to be taken seriously. JEEP, if you ask probably 50 per cent of people what does this JEEP mean, they don't even remember.

Dr. DAVIES: How about the MPs?

Mr. CHARLES: Jamaica Emergency Employment, Emergency Employment. Now, all constituencies have problems and the Government has to understand that. Now when you take $160 Million and assign it to constituency represented by People's National Party Members and $20 Million to those represented by the JLP. That cannot be fair.

(Cross talk)

That is unacceptable in every quarter of reason, because poverty and hardship in Jamaica is not running along PNP and JLP line. It is the people who are suffering and that is why the presentation by the Member from North Central that if you make $10 Million available to Members of the House then you ought to look at the councillors and give a presentation on their behalf that represent their division. It is not just PNP having a hard time. And Minister, I am going to be accepting that you say that the presentation and the suggestion from the ember from North Central St. Andrew is something that you're going to look at. But, Minister, if we continue to - if you continue to be - you used to do this so, me *gwine* do this, *yuh neva* talk and *yuh* - we're not managing. That is not proper.

(Inaudible comment by Mr. L. Buchanan)

Mr. CHARLES: (Referring to Mr. Buchanan) You ought to keep quiet, you

ought to keep quiet while I'm speaking. You're disturbing me.

The SPEAKER: (Gavels) Come to the question, Mr. Charles.

(Cross talk)

Mr. CHARLES: Mr. Speaker, I have the authority given to me by the people to speak in this House and once I'm recognized to do so by the Speaker I would like to do so with respect. Particularly, that we are speaking with a group of future leaders who come here hoping to see what we are doing so that they can know what to do in the future. What we are demonstrating here, I am sure when they are going back they complain to their teachers. Some don't want to come back.

Mrs. NEITA-HEADLEY: What is your question?

Mr. CHARLES: The Minister was ashamed to go last week to meet them after what we go on with in here.

Dr. DAVIES: He told that?

Mr. CHARLES: Minister, I hope I not giving trouble you, because I saw *yuh* going downstairs and *yuh* turn back when *yuh* see them coming, and I know why. We ought to at least pay some respect to the young people who will have to lead this country (Applause) when we come here and behave like that and we call ourselves leaders.

(Cross talk)

I want the press to recognize that when this is going on I am not involved.

Mr. L. BUCHANAN: Vaz, *sey yuh* have to resign mek the...

Mr. CHARLES: There are many of us inside here who are not involved.

Mr. Daryl VAZ: How dem a guh do that and some of *yuh* a do 90?

Mr. L. BUCHANAN: Vaz, ***sey*** *yuh* to leave for them to get a chance for *yuh* a hold on to...

Mr. CHARLES: I am not hearing you.

(Laughter) (Cross talk)

I am not hearing you. The fact is it's not a laughing matter and I am not suggesting that it's only Members on this side recognize it. There are Members over there who I have been watching who are uncomfortable with what we are going on with.

Mrs. NEITA-HEADLEY: What is the question?

Mr. CHARLES: But to go back to the...

Mrs. NEITA-HEADLEY: What is the question?

Mr. CHARLES: ...I ask you to take a look at it, because - and we must stop saying JEEP, because it is an emergency employment programme for the country. Start to call it what it is so that people can expect to get some assistance. It's not a PNP programme; is not a JLP Programme. It's the taxpayers of Jamaica money that will be distributed fairly and Minister of Finance I see you sometime - I don't want to say it publicly, because it might get you in trouble...

(Cross talk)

Look here there are a lot of things...

Mrs. NEITA-HEADLEY: What's the question?

The SPEAKER: Mr. Charles, Mr. Charles....

Mr. CHARLES: ...that has passed with the last sunset.

The SPEAKER: Mr. Charles, Mr. Charles...

Mr. CHARLES: A lot of things that has gone with the sunset from both sides that we're not too proud about. So let us go forward and try and do better.

Thank you, Mr. Speaker.

The SPEAKER: Thank you, Mr. Charles.

(Cross talk)

Mr. Henry.

Mr. HENRY: Mr. Speaker, Members of the House, it falls to me, my duty seeing that I was the Minister of Transport under which JDIP actually called Jamaica Infrastructure Development Programme (sic) which has... forensically audited to ask the Minister to ensure - I think I heard him say and people are here that he had said that $400 Million was spent. I want to just make - and I'm not going to be controversial except to say that $400 Million right off the top of my head included the Rio Grande bridge, the Christiana development road, the Eleven Mile culverts...

(Cross talk)

...the John's Hall bridge and I could go on. And I am going to merely ask leave of the House since I don't have the right to bring a Statement here I'll come with the detailed response that relates to where that $400 Million and I'll equally speak to the policy that was being followed, because the first thing we had to correct as a Government was the infrastructure development which related to the main roads and gullies which were in a total disrepair.

The present Government has changed from how we would have approached JDIP by going to a MIDP, because under the JDIP we were fully aware of the support of the parish councils in allowing us to access under the similar issues we faced but this second tranche, which is now MIDP, which would have been JDIP II, was meant to deal more with all the parochial roads, because it was meant to be financed by the uncollected taxes that relate to lands just as we leverage the gas tax to finance the JDIP programme. I could go on, but I reserve the right to speak to the press or to speak to those issues. But for the Minister to come here and make the Statement as if the Parish Council got nothing for $400 Million. One of my colleagues had spoken about the drains that relate, which are not all National Works Agency drains, the various bridges that we had to build in Kingston and St. Andrew relates to that expenditure.

I'm going to ask the Minister, so that we really keep this on the reality of what we are, the most heavily roaded country in the world next to Japan with an inability to find the resources to maintain. Let us not play *quid pro quo* with anything. Let us really seek to see how we can move forward to really improve the road surfaces of the country and I reserve to bring the details, or ask the Minister himself to do the research between the [National] Works Agency and what is spent at the KSAC.

Thank you very much.

Mr. L. BUCHANAN: JDIP should have done that; JDIP should have done that that.

(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.)

The SPEAKER: Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker, there are just a couple of points that have arisen that I think for the sake of clarity need to be stated. First of all, no one should be of the view that the only resources available to the parish councils for roads and works are going to be from the JEEP programme nor is anybody saying that. But the implication in much of what is said could be drawn.

Secondly Mr. Speaker, we are not here able to determine the procedure of the parish councils each one of them in how they want to spend their resources. It may be that you have questions about that, but those questions don't arise here, and so maybe they should be taken up elsewhere. I think it is also - we have to - comment was made by the Member from North Central St. Andrew and I think we have to be careful about an approach - it has been followed in many respects that says let's give every person an amount of money to spend and that has the appearance of equity. But at the same time it can be counterproductive to actual task of improving infrastructure and of maintenance, because it may be there is a vital road in Central Clarendon that involve hundreds of millions of dollars of expenditure or Christiana.

Mr. PICKERSGILL: Or Christiana, yes.

Dr. PHILLIPS: ...that involves hundreds of millions of dollars provides an essential function but which will never get done if you decide that you're just going to give out a money to each place. I think we have to find ways of separating the issue of representation from the issue of just having a money to spend.

(Applause)

Mrs. NEITA-HEADLEY: Yes.

Dr. PHILLIPS: And so, Mr. Speaker, while I believe we do ourselves a disservice if we simply try to infer political victimization for every discrepancy in an allocation. It didn't happen here. There is no basis - no evidentiary basis for the allegation to be made from what I have heard and I would want to -

Mr. McKENZIE: I brought the facts, I brought the facts.

Dr. PHILLIPS: No, (Chuckles) you know, you know I would want to - I'd simply say that correlation does not equal causation. To say that simply because -

(Cross talk)

Government MEMBER: Somebody *gwine* explain it to him.

Dr. PHILLIPS: No, I'm telling- no, Desmond can figure it out.

(Laughter)

(Cross talk)

I could state it in Latin but I don't want to.

Government MEMBER: Don't confuse him.

Mrs. NEITA-HEADLEY: Don't confuse him

Dr. PHILLIPS: *Post hoc ergo propter hoc.* That would be Latin. That is saying because it happens after does not mean it happens because.

(Inaudible comment by Mr. Shaw)

Dr. PHILLIPS: Right. But, Mr. Speaker, to simply say that because there were more spent in divisions represented by one means that there was an intention to cause harm to the other is not making a point. There is no point there except in that more was spent because there are more representatives of one side than another.

I think if we have that problem let's take it up with parish councils, and let's deal with it there.

Mr. Speaker -

Mr. CHARLES: (Inaudible comment) - direct it. It's our money.

Dr. PHILLIPS: Direct what?

(Inaudible comment by Mr. Charles)

Dr. PHILLIPS: Whose money? It is the money of the taxpayer of Jamaica -

Mr. CHARLES: Exactly. Me too.

Dr. PHILLIPS: - and it needs to be done transparently -

Mr. CHARLES: I pay tax. Me pay tax.

Dr. PHILLIPS - that's why the Minister came here to ensure that you have the transparency, but we must stop going about because in the end we are damaging the reputations of the system as a whole, and we ought to be careful about how we do it, because we do it to the detriment of the country.

Mr. Speaker, I thank you.

The SPEAKER: Thank you.

Mr. SAMUDA: Mr. Speaker, if I may crave your indulgence.

I think that the Member's comments demand a response because he directed at the comments I made. The fact is, I think he has been very disingenuous to what I tried to project. One, if the principle is that there must be no equality in distribution, then abandon the equality that obtains in the case of the Members of Parliament. If you are going to deny the principle of equality, then reject the Members of Parliament allocation of $10 Million. If you are going to place them at a level of preeminence over parish councils, it is an insult to suggest that because you have them at $10 Million the parish councillors must go down and try to sell their particular project against the background of national interest. The same thing applies with Members of Parliament in the very same way that a highway may be required.

(Inaudible comment by Dr. Phillips)

Mr. SAMUDA: You know, you made a lot in quotation but I have a little one for you, and I think that's what you are suffering from.

Dr. DAVIES: In Latin?

Mr. SAMUDA: It’s called "ex nihil nihil fit” (sic), it means out of nothing, nothing can come, and that's what you have, nothing. You have no money.

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: That's your problem.

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: Yes.

The SPEAKER: This debate has to continue somewhere else.

Mr. SAMUDA: No, Mr. Speaker, the arguments raised by the Minister of Finance, the credit manager of the country, is a spurious argument and must be rejected by the Member of Parliament from Southern St. Andrew. It's an argument that is based on erroneous concepts and you can't be dealing

with a principle at the level of the Member of Parliament and you abandon it at the level of the parish council. If you want to be consistent and transparent the same principles that apply to the Member of Parliament must apply to the parish councillors.

The SPEAKER: Thank you, sir.

ANNOUNCEMENTS

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

- The Commission for the Prevention of Corruption Annual Report for the financial year 2013/2014; and
- The Financial Statements for the financial year ending 31st March, 2015.

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 22nd day of May, 2015, a Bill shortly entitled, "The Revenue Appeals Division Act, 2015" was passed in the Senate with one amendment for which the Honourable Senate seeks the concurrence of the Honourable House of Representatives, and the amendment is in Clause 14 in sub clause (1). Delete the words, *"The relevant Revenue Commissioner or".*

Signed: Floyd E. Morris.
President of the Senate"

Dr. PHILLIPS: Mr. Speaker.

The SPEAKER: Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker, I beg to move that the Senate amendments to the Bill shortly entitled, "The Revenue Appeals Division Act, 2015", be approved. It is essentially a minimal adjustment by deleting the words, *"The relevant Revenue Commissioner"*, and I put the question - I move that the amendment be accepted.

Motion put to the House and agreed to.

NOTICES OF MOTIONS GIVEN ORALLY

Mrs. NEITA-HEADLEY: Mr. Speaker, I beg to give notice on behalf of the Minister of Science, Technology, Energy and Mining, that at the next meeting of the House I will move to introduce and have read a first time "A Bill shortly entitled, "The Cyber Crimes Act, 2015".

QUESTIONS AND ANSWERS TO QUESTIONS

Mrs. NEITA-HEADLEY: Mr. Speaker, I ask that the Standing Orders be suspended to allow for us to take Questions and Answers to Questions as we have passed the time for same.

The SPEAKER: The question is for the suspension of the Standing Orders to allow question time to go beyond the scheduled time.

Motion put to the House and agreed to.

Mr. SAMUDA: Mr. Speaker, I beg to give notice that at the expiration of 21 days I will ask the Minister of Industry, Investment and Commerce the following questions:

Question 1:

Has the Cabinet received and assessed the recently announced investment projects estimated at US$5 Billion?

If so will the Minister please present the findings to Parliament prior to any final decisions being arrived at?

Will the Minister provide specific answers to the following:

a) The names and locations of the projects to be undertaken and the associated costs;
b) The names of the entities and/or principals that will undertake the identified projects;
c) The source of financing and the extent to which the Government of Jamaica will be required to provide any form of equity;
d) The timeframe within which any of the proposed projects will begin and the anticipated time of completion; and
e) The role of JAMPRO in the development, facilitation and marketing of these projects.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

The SPEAKER: Minister Davies.

Dr. DAVIES: Mr. Speaker, I move to introduce and have read a first time, a Bill shortly entitled, "The Civil Aviation (Amendment) Act, 2015".

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

Bill shortly entitled:

"The Civil Aviation (Amendment) Act, 2015"

read a first time.

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

The SPEAKER: Minister Hylton.

Mr. HYLTON: Mr. Speaker, I beg to move to introduce and have read a first time, a Bill shortly entitled: "The Weights and Measures (Amendment) Act, 2015".

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

Bill shortly entitled:

"The Weights and Measures (Amendment) Act, 2015"

read a first time.

Mr. HYLTON: 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 conclude the debate on the Administrator General's (Amendment) Act, 2015, we will be taking three contributions and then we will take the Copyright (Amendment) Act, and that debate will be opened today and concluded next week.

In addition Mr. Speaker, we will conclude debate on the report of the Sessional Select

Committee on Economy and Production regarding bank fees, and a contribution will be made from the Opposition spokesperson on Finance.

THE ADMINISTRATOR GENERAL'S ACT

The SPEAKER: Minister Pickersgill.

Mr. PICKERSGILL: Thank you, Mr. Speaker.

Yes, Mr. Speaker, I rise to add my voice in praise of this historic amendment to the Administrator General's Act tabled in this Honourable House on the 14th of April, this year. This Bill, Mr. Speaker, resolves several issues that have long negatively impacted the ability of beneficiaries to use assets inherited by them in a productive way. However, I should have added my word of welcome to the students from Happy Grove and Mannings High School. I am sure you are enjoying what is taking place here, and I hope that you will come back again.

Mr. Speaker, for many landowners this hurdle has to be cleared before they can even consider registering their land. The efficient and effective administration of estates, Mr. Speaker, is therefore of critical importance in our efforts to deliver security of tenure to land. I am particularly pleased with this Bill because it has achieved something dear to my heart. Mr. Speaker, it has been specifically tailored to address the peculiar cultural, social and economic realities of Jamaica as they relate to the passing of property from one generation to the next.

We have often lamented that our laws are antiquated. This one in particular, Mr. Speaker, is anti poor. Anti poor.

When an estate remains unadministered for decades it becomes a lengthy and costly exercise for a small land owner to wade through the legal quagmire to obtain some document to prove that he owns the land so that he can successfully register his land. Little wonder, Mr. Speaker that they often give up this pursuit and as a result nearly half of the over 800,000 land parcels in Jamaica today remain unregistered. Half of 800,000, Mr. Speaker. These legitimate landowners lack security of tenure and their assets cannot be effectively used as capital to benefit themselves, their families and to build the nation. Mr. Speaker, this amendment Bill is a step in the right direction, and it is a direction in which our other land related laws must follow if we are to have growth.

This reform of the law will facilitate the transfer and the productive use of assets that have been in a dormant state for decades, due to the inability to formally distribute them to beneficiaries. Mr. Speaker, as is the case with many of our laws, the system of probate and administration of estates inherited from our colonial past is largely out of touch with our cultural norms. It can no longer effectively satisfy the needs of a significant number of our people, in particular, Mr. Speaker, the effect on the land portfolio is that it does not lend itself to the speedy resolution of matters necessary for efficient and effective land administration.

Mr. Speaker, I want to highlight some of the game-changing provisions of this Bill. Of significance, Mr. Speaker, is that the Bill expands the powers of the Administrator General in a most revolutionary manner. As it is now, a significant number of parcels of land as well as money in the bank and other assets, I am sure, remain in limbo for years because estates are not administered. As for land, it passes by word of mouth, word of mouth, a situation that exacerbates the problem…

Mr. CHUCK: Land can't pass by word of mouth, it has to be written.

Mr. PICKERSGILL: …and of course you know, Mr. Speaker, land cannot be passed by word of mouth, it has to be documented.

Mr. CHUCK: In writing.

Mr. PICKERSGILL: In writing. That's what I meant. (Laughter) And as counsel you should know that.

Mr. Speaker, after two or more generations and several informal dispositions, sometimes in part, unravelling the complex legal issues becomes an expensive, lengthy and frustrating exercise that many balk at. The net result is that land assets remain largely dormant and beneficiaries are unable to effectively use the land as capital, Mr. Speaker. As you know, Mr. Speaker, in the constituency that you represent so well.

The Bill, Mr. Speaker, confronts this issue head-on and eliminates the challenges that will prevent the Administrator General from proceeding to administer the estates. These are: The primary beneficiaries, that is children of the original deceased person, and the secondary beneficiaries. Children of those children have died without grants of representation in the estates being applied for. The Legislation refers to these estates as multigenerational estates. Multigenerational estates.

The Legislation refers to these estates as multigenerational estates, multigenerational estates. The beneficiaries are unable to obtain required certificates from the Registrar General's Department, the continuing problem of beneficiaries not being able to produce proof of paternity and the delays in obtaining grant of administration from the courts.

Mr. Speaker, the Bill empowers the Administrator General to cut through the quagmire of multigenerational intestate estates involving minors and proceed to distribute the assets of such estates. This provision, Mr. Speaker, alone will speed up the settlement of thousands of dormant estates and have a positive effect on the lives of people.

A MEMBER: Hear, hear!

Mr. PICKERSGILL: Further, Mr. Speaker, the Bill gives the Administrator General power to have - to move rather immediately to issue an instrument of administration in intestate estates where minors are involved. This replaces the time consuming procedure of obtaining a grant of administration from the courts. This measure can only have a positive effect; this measure, Mr. Speaker can only have a positive effect on our children as they will be able to access in a reasonable timeframe the support they need to provide shelter, food, education and clothing.

The spin-off effect, Mr. Speaker, of this amendment is that it will reduce the caseload

of the overburdened courts and result in efficiency gains in the processing of estates in the courts. In addition, Mr. Speaker, the Bill amends Section 2 of the Judicature Court Additional Powers of Registrar Act to expand the definition of registrar to include Deputy Registrar. This simple amendment will help to speed up the pace at which estates are granted in the probate registry of the Supreme Court, as the Deputy Registrar will now be able to sign grants where previously only the Registrar was able to do so.

Another significant change made by the Bill is the amendments made to the Wills Act, the Wills Act, rights of a witness to a will, very important, Mr. Speaker. It also happens that a testator fully intends to make a gift to someone, often his family member, but being ignorant of the law, he allows that beneficiary to witness his will. This has worked hardship on many, as the gift will fail. It is well known, Mr. Speaker, that we only ask persons we know and trust to witness our wills. The law in this case operates to defeat the testator's wishes.

The Amendment Bill, Mr. Speaker, relieves this hardship and allows the beneficiary - witness that is, to receive the gift after the executor receives authorization from the Court. The Bill, Mr. Speaker, also further amends the Will Act and the Intestate Estates and Property Charges Act to make provision for the first time, first time at last, for a beneficiary to disclaim a gift by deed. This effectively fills a vacuum in the law and resolves these issues.

Mr. Speaker, regarding the authentication of documents executed in foreign jurisdictions, in foreign jurisdictions, another game-changing provision in the Bill is the amendment being made to the Probate of Deeds Act and the Registration of Titles Act. It removes the necessity of having to secure a further document from a County Court or from the Secretary of State in the USA to verify that a notary's appointment is still in force. This requirement has caused many delays...

A MEMBER: Very important.

Mr. PICKERSGILL: ...in not just probate matters, but also land registration transactions.

A MEMBER: Absolutely.

Mr. PICKERSGILL: Of major significance too, is the change in the law to enable our courts to reseal grants from courts of competent jurisdiction in non-commonwealth countries. This gives it legal effect in Jamaica, just as if the Supreme Court had issued the grant.

Mr. Speaker, the administration of estates is one large area of law which impacts land registration and security of tenure. This Bill will transform lives, as it will release productive assets to the rightful owners which have been tied up for years. It provides too, Mr. Speaker, the groundwork to expedite the process of administering intestate estates where minors are involved.

Mr. Speaker, this Bill will help us to transform Jamaica into an ownership society, ownership society... (Applause) ...where all landowners can have their ownership evidenced by a state guaranteed Certificate of Title and that is good against the world. This

amendment Bill has broken significant ground in paving the way to make this a reality.

Mr. Speaker, after these amendments have been achieved we will greatly facilitate the land titling process and indeed, as I said before, the achievement of the ownership society.

Mr. Speaker, I have a clause by clause but I will not go through it this evening. As it is now, it enjoys my full support.

I thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mrs. Dalrymple.

Mrs. DALRYMPLE-PHILIBERT: Mr. Speaker, I rise briefly also to support the Bill as my colleagues have said. But you know, Mr. Speaker, I urge the Minister, that we have to go off on a little tangent, because the reforms, as it speaks to with administration is great, and we welcome it and it will have great movement in the society. But as Members of the Private Bar, we have to move and work around this Bill if we're to achieve what is important in terms of probates and the filing of probates which relates to people's estates and moving forward. As I said, I'm going off on a tangent because the Bill does not deal with probates, but we do have an urgent situation both for the Private Bar and our citizens, where the probates are filed and they can be completed within a short time, but it isn't happening.

So I think there's an urgency needed Minister, to do whatever is necessary to have the movement of probates in the Supreme Court addressed immediately. All of us as Members of the Private Bar suffer from a poor reputation because you filed it and you can't get it. And you have people in the society whose lives are lost because we're not moving with the probates.

So I rise in support of the Bill, but urge that while we do this, as lawyers we have to work around it and we're going off on a tangent, but it is very important that the steps be put in place to deal with estates in its entirety, and what is happening in the filing of probates.

Probably, Minister, as an urgent measure you may do something to clear the backlog and set in place a system, whether it is that we file - pay for an expedition fee, set up something or do something to release the situation as it relates to the filing of probates dealing with people's estates.

But, like my colleagues, we welcome the Bill and we do believe that it has broken significant grounds, but we'd like to clear everything in terms of people's estates and we ask that we address this situation as it relates to probates.

Thank you, Mr. Speaker. (Applause)

The SPEAKER: Dr. Guy.

Dr. GUY: Mr. Speaker, I rise today to make my contribution to the debate on the Administrator General's (Amendment) Bill. This piece of legislation as has been expressed so far in the debate, is one of the most significant piece of social legislation to be tabled in this House in a long time, and one which will have significant reach on the citizens of this country. Other speakers have spoken to the many areas that this piece of legislation will affect. Today, I want to speak

to the implications and effects this will have on the empowering of our people and the furtherance of the ownership society.

I speak specifically, Mr. Speaker, to the provisions in Clause 15 where the new Section 53 introduces the concept of the multigenerational estate and provides a new mechanism for the distribution of the assets of such an estate. The multigenerational estate as defined in Clause 2 (2), briefly is an estate of a person who died not less than 25 years ago, called the primary estate, in which a grant of administration was obtained by the Administrator General from the Court for which any of the beneficiaries of the primary estate have also died before the surplus of that primary estate could be distributed. And this includes the respective estates of all beneficiaries whose claim arise through any primary beneficiary, who died before the surplus of the primary beneficiary's estate could be distributed.

As the Administrator General is recognized under a grant of administration as the personal representative of the primary estate, authority to distribute the assets of that primary estate is already vested in that office. However, where primary beneficiaries are deceased, the Administrator General is often unable to distribute the assets because no grant of administration has been obtained by the personal representatives of the primary beneficiaries. And this also impacts any succeeding generations came in through the primary deceased beneficiaries. The estates of these deceased primary beneficiaries are described in the Bill as succeeding estates.

This Bill, Mr. Speaker, will enable the Administrator General to distribute the assets of the primary estate, notwithstanding that a grant of administration has not been obtained in any of the succeeding estates.

In essence, Mr. Speaker, the Bill will empower the Administrator General to transfer properties to secondary beneficiaries as long as they are able to prove their relationship to the deceased owner. This amendment will also empower the Administrator General to allow her to issue an instrument of administration under her own signature. That is to say, the Administrator General will no longer be required to apply to the Court for a grant. This instrument will have the same authority as the grant of administration by the Court and will allow a more timely distribution of realty in estates and reduce the backlog of applications before the Court.

With the promulgation of the amendments to the Administrator General's Act, Mr. Speaker, the Minister will now be in a better position to readily transfer more titles to its many beneficiaries who have, because of the death of the original landowner and or the death of subsequent beneficiaries being unable to have the duplicate titles transfer to them. It will allow the Minister to have a significant impact in improving the social status of the ordinary Jamaican citizen, by empowering them with a tool, that is, a land title needed to unlock economic and social advancement.

It is also anticipated that the benefits the Minister of Housing will derive from a more efficient and timely administration of estate

process, and consequently, the transfer of duplicate titles to its clients will be replicated in other government entities - the Minister spoke to that earlier on - the National Land Agency, LAMP, the Ministry of Agriculture and Fisheries, the Housing Agency of Jamaica, which are a part of the National Land Titling Programme started by this Government in 2014.

This Programme, Mr. Speaker, will see the delivery of over 45,000 titles over a three year period to purchasers and their beneficiaries. As has been said before, the Administrator General's Department has over 2,000 multigenerational estate matters, which can now be settled with the passage of this amendment. And this will go a far way in vesting ownership in the beneficiaries of these estates.

Mr. Speaker, this is, however, only one element of the challenge. In fact, it may be only the tip of the iceberg in terms of the magnitude of the problem. Many persons come to the Ministry and other Government departments seeking land titles for land they live on, most times only to find that their names cannot be put on the titles because there is no legal connection to the original purchaser. Many times they will pay the outstanding balance and then expect the legal officers to endorse their names on the titles without understanding the legal implications.

As a consequence, Mr. Speaker, many of these officials are abused and disrespected by ignorant individuals who feel that there is some plot to reclaim the land by the Government.

I will give a few examples to outline the magnitude, Mr. Speaker. For schemes developed by the Minister of Housing in the parish of Clarendon, we currently have 916 duplicate Certificates of Titles in the vaults. Out of that total, only 118 have been endorsed in the purchaser's name. Of the remaining 798 duplicate titles, just a little over 25 per cent are classified as estate matters where the Ministry is unable to deliver titles until we are furnished with Grants of Administration in the estates.

Similarly, in my own parish, in the parish of St. Mary, the Housing Scheme in Dover produced a total of 79 duplicate titles. Today, we still have a total of 17 titles to be transferred. However, 16 of them are estate matters and cannot be transferred until we have obtained the requisite Grants of Administration. These, Mr. Speaker, are but two examples, but these estate matters are replete across the entire country.

Recently, in Flankers, in the constituency of North West St. James, there is a request to have names endorsed on titles of primary, and in some cases, secondary beneficiaries, but that could not be done because there were no legal instructions so to do. I am happy to say that with this amendment, those matters can be disposed of by straightforward action, by the Administrator General.

Even in the partnership that the Ministry of Transport, Works and Housing, and Food For the Poor have with the provision of these wooden houses, there are many cases where houses have to be cited on family land, but there is no one to give permission because the

original owner had died many years ago, and the estate has not been settled.

This amendment, Mr. Speaker, will now make it easier for those matters to be settled and proper ownership established.

A MEMBER: Hear, hear!

Dr. GUY: The amendment to this Act will see to the expeditious transfer of those titles which are now dormant tools of economic growth and development at both the micro and macro levels.

This also, Mr. Speaker is a result of joined-up Government working in tandem to achieve an objective. (Applause) This is of empowerment of our people through policies and programmes which put power into the hands of the people.

For this, and many other reasons, Mr. Speaker, I support the amendment and commend it to the House for its support. (Applause)

Thank you.

The SPEAKER: Mr. Charles.

Mr. CHARLES: Mr. Speaker, I rise to give support to the Bill, and to bring two situations to the attention of the Minister, partly touched by the last Speaker.

The bauxite companies, Mr. Speaker - and I am sure I could make the statement that would involve you in your own constituency, where hundreds - where people who have been resettled are unable, for years, to get a title to their resettlement. Their title is their asset; it's what they use to improve their estates, and to get some assistance from. Minister, I am going to ask you to take a look as to whether you can assist in the... I have two more; just hold it... (Inaudible)

The next one, Minister, is where government itself - for example, on the road from Sour Sop Turn to Chapelton that is now being worked on. Government requires the lands for the expansion of the road, but the people who say they own the land, have been living there for generations, are unable to present, as far as the Government is concerned, facts, to support that they can sell the land to the Government and be paid.

Now, Minister, the Government has gone ahead and taken the land. Now, some of these people have been put in other areas, but they are now without the land they had, and the money to get the titles. I have a solution. Since the Government is going to pay them for the land, and since most of the work that is to be done is in Government anyhow; most of the money is taxes that is being charged, I'm going to implore on you Minister to look as to whether or not the Government could not proceed to assist them to get the title, and when payment is to be made for the land, they could get that money back. These people cannot find hundreds of thousands of dollars to go through the system of lawyers and...

Mr. PICKERSGILL: Surveyors.

Mr. CHARLES: ...surveyors, and... So, to help them Minister... to help them, the Government must do something. The bauxite...

A MEMBER: Yes.

Mr. CHARLES: ...and the Government purchasing of it.

The challenge to the people that they face, Mr. Minister, is great, and if you can do something for them to get their titles, they could have a better life.

Thank you.

Mr. PICKERSGILL: Mr. Speaker, on a point of information, re: the bauxite companies, LAMP is now working out an MOU - in fact, it has done so with one already, Mr. Speaker, and we will be proceeding to deal with the other in a few days, so be not...

(*Sotto voce* comment)

Mr. CHUCK: Let's have a Ministerial statement on that.

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: You know, Mr. Speaker, one of the greatest deficits of the Post-Independence Period in this country is the fact that the Mother Country has changed and modernized their laws in so many areas where we remained the back water of colonial history. Nowhere is this more apparent than in the laws relating to the administration of estates and probate.

And in fact, this is to be supported - this piece of Legislation, as a small step, but a significant step to redress that situation. But it only will have great merit if it is followed up by far more comprehensive legislation in respect of probates and administration.

Mr. Speaker, when the Budget is weak and you can do limited things which involve financial commitments, the role of social legislation takes on extreme importance, and areas of legal reform are most prone and suitable for this kind of reform. And I really urge my colleagues as we applaud this Bill to move much further in this regard.

Are you familiar with the work of Hernando De Soto, Mr. Speaker, the great Peruvian economist?

(*Sotto voce* comment)

Rev. THWAITES: Because he addresses this exact point. What we have done with this tissue of laws, born in a period where women had no property rights, where the lifespan and the literacy was so much lower than it is at present, we have erected a construct of law which is confusing, which is dilatory and which is expensive.

Mr. Speaker, we need to be in a position where we can settle estates within six months of anybody's death. (Applause)

Mr. CHUCK: Or less.

Rev. THWAITES: Or less. I am being generous. The Member is right. The same time that you get a Death Certificate, unless there is a clear testamentary disposition, which can go through a process of probate and distribution, unless that is clear, there should be a provision in law, where you can apply to the Court for directions, and you look at all of the competing claims, and you make directions in order that assets can be freed up to be fungible and to be useful.

De Soto argues Mr. Speaker that in fact, if you look at the assets of the poor, once you remove them from the position of being dead assets you do in fact increase the wealth of those people and their ability to function in a modern economy.

Mr. Speaker, our laws right now, in respect of probate and administration - and in

other respects too, which I would love the occasion to really discuss - drive people into the informal economy.

Mr. CHUCK: Exactly.

Rev. THWAITES: Yes. They drive people into the informal economy. Nowhere is this more true than the constituency I have the honour to represent, where two-thirds of the properties have registered titles which are vested in people who are either dead, who have gone abroad and have no interest any longer, and where squatting has become the order of the day, creating an informal economy, fraught with all of the difficulties of capricious break-up, where families - family life - the upbringing of children is compromised because the basic economic structures that inure to the upliftment of family life are so compromised.

So Mr. Speaker, my view is that we need to go with the surgeon's knife much more radically than we have done in this instance. But it is a step in the right direction, and the rules, in relation to the protection of private property, the assumption that there were certain classes and types of people who really ought not to own property, are subject to radical review by any progressive Parliament.

One instance that I would have loved to have seen enshrined in law at this time, has to do with the jurisdiction of the Courts in respect of probate administration. I regret that the jurisdiction of the Resident Magistrates Court for probate is still ridiculously low, and therefore everything has to come to the Supreme Court, whether through the Administrator General or not, and as a consequence, the length of time, the expenditure involved is confusing and difficult sir.

The reason why land is often transferred by word of mouth, the reason why you have this ubiquitous family land situation is because the legal requirements are so absolutely convoluted that the ordinary person cannot deal with them or get so frustrated that you end up finding an informal solution to your problem. This is a most serious thing.

My own view is if we looked at the value of the assets of the informal economy in land, and other property - in chattels, in Jamaica, we would find that the Gross National Product of this country was much greater than we calculate under informal circumstances. (Applause)

(*Sotto voce* comment)

Rev. THWAITES: Twice as much. I accept the Member's calculation or estimates. And you know, sir, we would be able to free up a whole class of people who own something, but have no capacity, in law, to use it... (Applause) ...most stringently, the issue of land, because what has God given us in this world? He has given us the land that we live on, and he has given us the human wit. And what we face in Jamaica, without noticing it, and accepting it as normative, rather than questioning its validity as time changes, we have accepted a construct of legal obstruction.

I feel that it is important for us to see this context. Other countries that have made land transfer - the settlement of deceased estates far more congenial than we have, are prospering more so, than we are. And I urge us to take

this particular Bill as merely one step towards the formalization of the right to property, and the disposition of property, and the settlement of assets for the majority of our people.

I commend the Legislation as a first step.

Thank you.

The SPEAKER: Mr. Bartlett.

Mr. BARTLETT: Mr. Speaker, I rise to support the amendments to this measure, and indeed, I share the view that this is, indeed, a very significant and critical improvement to the social legislations relating to how we empower our citizens.

It is true that the wealth of our country essentially is locked into these dead assets which are in need of conversion, and the absence of what I think, in law, they call representation, stands between the ability of those people to convert this capital into wealth.

And it is not just Jamaica that we have had this problem; this seems to be phenomena in much of the developing countries and the poorer countries of the world so described. And when you look, for example, at the innercity areas in some of the large cities where there is poverty, there shouldn't be, simply because the wealth of those cities have been locked up into the bureaucracy and the process - an inordinately long process, a tedious process, a time-consuming and expensive process that the occupiers of those lands - indeed those who should be the real beneficiaries do not have the capacity to deal with.

Indeed, those who should be the real beneficiaries do not have the capacity to deal with. And so, this bit of legislation now, Mr. Speaker, will provide for a shorter timeframe in which conversion can take place; when the representation which is required for the conversion of capital into wealth will be made available. The issue, however, has to be cost because even if we make the process shorter and it is not affordable to the little man, he will still have a problem getting his title.

The second thing that must be dealt are the intermediaries, those who professionally have responsibility to facilitate the process of getting the representation in the hands of these people.

And Mr. Speaker, it is regrettable that we hear stories and we read of cases where people have been less than honourable in dealing with those transactions. But, Mr. Speaker, the truth is that thousands and thousands and thousands of applications for titles, by little people whose parents have died donkey years ago, whose grandmother has died, grandfather has died, cousin, senior cousin died and the land so to speak ought to have passed down, and they were administered on to by some older relative years and years ago and that administration is locked into the vault and into the file cabinet of some of our professional brothers and sisters and not released. Mr. Speaker, there has to be a mechanism to enable a faster turnaround from those who have that professional responsibility.

And Jamaica could find itself significantly better off if this bit of legislation is made to happen with the speed and efficacy that it promises. Because now the little man in Georges Plain, good place, who has been

living on this land for all his life, rear his children, they rear children too but can't pass on the land to them, can't provide a piece of paper, a representation as you call it, so he can take it to the bank, and the bank can provide now a loan so that he can expand and build and convert, that is what the process of convention of capital into wealth is, you know, is when you have the cash to be able now to improve the land, to invest in it and to be able to get a return for yourself and your family.

So I think, Mr. Speaker, that this is a piece of legislation which will enable enrichment of the people of this country properly used.

Finally, I believe that the legislation, however, would be useless if the knowledge of it is not common. And so it is the responsibility now of us starting here today, and the Administrator General's Department whose officers are here with us today. And, the issue of JIS and the other instruments of public education to promote the Bill and to enable the rest of Jamaica to know it, to understand it to be able to use its and to benefits from it, and while we are promoting, let us remember to put in place the mechanisms to protect the little people from professionals whose job it is to facilitate speed and ease, but who sometimes are not as good doing what they should do as they are being paid to do it.

I thank you, Mr. Speaker.

(Applause)

Mr. ATKINSON: Mr. Speaker, I wish to thank my colleagues for the support they have given to this Bill. Indeed, as the Member from, Trelawny South and I think Kingston Central indicated that this should really be a start, and indeed this is what it is.

It is indicative of the recognition of the Government that in the administration of estates both in cases where persons died intestate and also in cases where they leave Wills, really needs to be amended and brought up-to-date.

In fact, Mr. Speaker, the problem is so egregious that there are cases and not just one or two, but several cases where estates are being delayed for over twenty-five years. And particularly those that suffer from the *ishbud* that are described as multi-generational problems.

The complexity of it also, Mr. Speaker, is shown by the fact that this Bill, which it reads, with its principal Bill, the Administrator General Act after it is passed, makes consequential amendments to some ten other Acts of Parliament; the Intestate Estate and Property Charges Act, the Judicature Resident Magistrate's Act, the Judicature Supreme Court Act, the Judicator Supreme Court Additional Powers of the Registrar Act, the Limitation of Actions Act, the Probate of Deeds Act, the Probates (Resealing) Act, the Registration of Titles Act, the Transfer Tax Act and the Wills Act, it is that complex an issue that we are dealing with.

The importance of the Bill, indeed, Mr. Speaker, is self-evident and addresses some of the issues that we face. And it is not intended to by any means to be a panacea for all the

problems that are there, but what it does is to allow relief to some beneficiaries in terms of time to free up some estates and at the same time to protect the rights of minors and children under wills, or intestacies in the case of multi-generational situation.

The impact on our economy, I think everyone recognizes. It is interesting to note that both the Ministers with responsibility for Land and Housing recognized the importance of this Act to their portfolios, and indeed, I think the Minister of Finance himself will recognize that what it will do is it will free up billions of dollars worth of assets into our economy. And I think the Minister of Industry also should have an interest because people will be able to raise funds to invest in various enterprises.

Mr. Speaker, in the circumstances, I would ask at this stage to respectfully close this debate and would move that the Bill be read a second time.

The SPEAKER: The question is that the Bill be read a second time.

Motion put to House and agreed to.

Bill entitled:

"An Act to Amend the Administrator General's Act and certain other Acts to effect reform of the law relating to the administration of estates 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

Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 put to the Committee and agreed to.

The Title and the Enacting clause put to the Committee and agreed to.

The CHAIRMAN: 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 amendment.

Motion put to House and greed to.

The SPEAKER: Mr. Atkinson.

Mr. ATKINSON: Mr. Speaker, I now move 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 greed to.

Bill entitled:

"The Administrator General's Act and certain other Acts to effect reform of the law relating to the administration of estates and for connected matters",

read third time and passed.

(Applause)

Mrs. NEITA-HEADLEY: Mr. Speaker, we will now have the contributions on the Report from the Sectional Committee, two Members have indicated - I am so sorry. The

Minister of Industry and Commerce will now take the Copyright Amendment Act.

The SPEAKER: Mr. Hylton.

THE COPYRIGHT ACT

Mr. Anthony HYLTON: Mr. Speaker, as I rise to begin the debate on what I think is, as perhaps is important a set of amendments as the one just before us. I would like to recognize with us this evening members of the creative community, particularly, in the music industry. We have some of the greats in the industry, Mr. Lloyd James, otherwise called "King Jammings' who is with us. (Applause) Mr. Sleng Teng (Applause) and this Bill relates directly to some of what he has done and he is doing.

I would also like to recognize another great this time, on the female side of the industry Ms. Nadine Sutherland, (Applause) reminding us that it is *'Action not a bag of mouth'.*

I would also like to recognize Mr. Clyde McKenzie, who is also... (Applause) Mr. Evans Mullings who is from JAMMS which is a collecting society, critical to the music industry.

(Applause)

I am sure the other members of the fraternity who is with us, I don't know all the names, I cannot see them all from here, but I would like to welcome them to what has been a very long haul for them, and I am sure they are relieved at the end of this to see that we are finally getting going on this critical amendment to the Copyright Act.

But, Mr. Speaker, I'd also like to recognize perhaps some of the greatest – the largest beneficiary, potentially largest beneficiary of these amendments as well and that is members of the Fourth Estate, the media, because the copyright and particularly the internet aspects of it are very critical to the media industry particularly the print media, but not exclusively so. The book industry and the printing industry will also be significant beneficiaries of these amendments and, of course, the entertainment industry.

Mr. Speaker, we spent some time on the Bill before us having to do with estates and I just want to make the link between the amendments affecting our industry - the estate - the Auditor General's Department - the Administrator General's Department and the attempt at modernization of that department as it affects testate and intestate administration of these Bills. Because in a real sense, Mr. Speaker, these amendments modernizes the copyright and address some fundamental issues in the intellectual property realm and the beneficiaries as I said, will be significant and the economic impact of this would be on the creative industries, which is, I believe, Jamaica's best prospects for economic growth going forward. And so I believe that these amendments are certainly as significant as the real estate - that which we have just dealt with, which is about real estate assets these being intellectual property assets.

Mr. Speaker, we are members of a creative society with each of us being creators in our own right. The role of Jamaica as a creative society in the global music industry is

recognized locally and internationally. And this year, Mr. Speaker, the theme for the World Intellectual Property Rights Organization, WIPO, for the Intellectual Property Rights Day celebrated on April 26 under the theme: "Get up, Stand up for music" is a nod to the famed music '*Get Up, Stand Up* [for your rights]' written by Peter Tosh and Bob Marley.

Mr. Speaker, we have always recognized the creativity of our people and our mandate is to continue the progression from creations to innovations. An appropriate and effective intellectual legislative framework, Mr. Speaker, is especially important to the development of the creative industries which is a central pillar of Jamaica's economic growth agenda. The amendments to the Copyright Act recognize the work of our creators and the significant impact that they have had on the music industry and on popular culture in Jamaica and the rest of the world.

Mr. Speaker, this industry has potential for economic growth and the creation of wealth across all sections of our society. Copyright provisions should manage the fragile balance of trade and public interest and with the proposal of an extension of the copyright term, we have succeeded in supporting Jamaican corporations and individuals who own and continuously create copyrighted works. Mr. Speaker, this extension will move protection of any copyright content belonging to corporations from fifty years to ninety-five years since the end of the calendar in which it was published - it was first published.

The related rights under copyrights, Mr. Speaker, vested in works like sound recordings and performances will also gain extension of protection from fifty years to ninety-five years since the end of the calendar year in which they were released. Mr. Speaker, this also means that individual copyright owners will now benefit from protection for their lifetime plus ninety-five years allowing for their families and estates to continue earning income from these works for multiple generations after the death of the creator. (Applause)

A MEMBER: Hear, hear!

Mrs. FFOLKES-ABRAHAMS: Hear, hear!

Mr. Anthony HYLTON: With this additional time, Mr. Speaker, Jamaicans can become innovative in developing and expanding the reach of these works. Mr. Speaker, we recognize the concern regarding works being available in the public domain. However, it is unlikely that the permission for the use of the works referred to as fair use, which includes educational purposes, would be unreasonably withheld. And in any event, Mr. Speaker, what is so fair about a fee and a reasonable fee for the creative works of our people? It has to be encouraged. It has to be stimulated, because the view that creativity rests elsewhere and not with our people simply belies the fact. The fact is our people are as creative as any other people and will themselves become the producers of creative works.

(Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. Anthony HYLTON: The extension of time, Mr. Speaker, together with the support of provision under the Security Interest in Personal Property Act passed in 2013 in which an owner of copyright now has options in seeking financing based on the collateral his or her copyright provides. Mr. Speaker, this ability is one which has never before existed to an intellectual property owner and is a key for enterprising Jamaicans to gain wealth from these intangible assets. (Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. Anthony HYLTON: Mr. Speaker, let us discount the incentive for innovation that protection of rights brings by encouraging - let me repeat, let us not discount the incentive for innovation that protection of rights brings to encouraging research and development concepts. A perfect example, Mr. Speaker, is the potential we currently face and which is now before us in the emerging ganja or marijuana industry which will be rooted in research and development. And, Mr. Speaker, it should be noted that licensing of intellectual property will enable this new emerging sector to succeed. Indeed, it has already been noted, Mr. Speaker, Jamaica has the opportunity to lead this segment of emerging industry, research and development. (Applause)

Mrs. FFOLKES-ABRAHAMS: Yes, yes. Hear, hear!

Mr. Anthony HYLTON: This industry, Mr. Speaker, like others, deserve an opportunity to exclusively train in its copyright for a period which will allow capital investment in further research and content creation.

Mr. Speaker, not only do individuals and companies benefit but as we move towards attracting investors to contribute to a logistics-centred economy it is an added incentive to them that content created here and utilized here in Jamaica will enjoy one of the longest terms of protection in the world. Mr. Speaker, I can confidently say that this will be one of the longest terms of protection within the region and certainly one of the longest in the world. (Applause)

Mrs. FFOLKES-ABRAHAMS: Hear, hear! Hear, hear!

Mr. Anthony HYLTON: Mr. Speaker, companies will undoubtedly consider the longevity of protection of their creative expressions and utilize the extended time to properly developed and to manage global portfolios. Mr. Speaker, in recognition of this potential we have become signatory to a number of international treaties. The Bill seeks to reflect the provision of these treaties and to recognize the provision included in the Disabilities Act passed by this Honourable House only last year.

A Government MEMBER: Hear, hear!

Mr. Anthony HYLTON: And that is how modern and updated the Bill is so that although sections of the Bill has taken some ten years or so to be changed and to be transformed, we, because of the delay we used that delay, that opportunity to include the most elements of legislation, which is the Disabilities Act.

(Applause)

Mr. KELLIER: Hear, hear!

Mr. Anthony HYLTON: Mr. Speaker the World Intellectual Property Rights Organization. WIPO, the Copyright Treaty of 1996 or the WCT Treaty and the Performances of Phonograms Treaty, WPPT of 1996 together called the Internet Treaties as well as the Marrakesh Treaty of 2013 which has a clear humanitarian and social development dimension. Mr. Speaker, its main goal is to create a set of mandatory limitation and exceptions for the benefit of the blind, the visually impaired or otherwise print disabled to facilitate access to published works for these persons and also, Mr. Speaker, protection to copyright owners including authors, publishers, producers and performers in the digital and electronic environment.

The specific feature, Mr. Speaker of the Bill includes among other things to seek to provide the following:

a. The establishment of a voluntary deposit or registration system for copyright works to be hosted by the Jamaica Intellectual Property Office, JIPO;
b. establishing the duration of copyright for works created by the Crown and corporate bodies;
c. making provision for access to so-called orphan works;
d. empowering the Minister to make regulations for prescribing fees;

And orphan works here, Mr. Speaker, is really works for which the authors are not clear or there is - either for historical reasons they were not properly captured.

e. extending the rights of libraries and archivists to archive material that was in digital format; and
f. protecting first importers of sound recordings in Jamaica by ensuring that the first right - by ensuring that the first right - by ensuring them the first right of distribution of same.

Mr. Speaker, I think the Bill is sufficiently important that the clause by clause is an important part and I will go briefly through the key sections of the Bill.

In Clause 2, Mr. Speaker, the amendment to Section 2 allows for access to copyright, to copyrighted works by the blind and visually impaired. This will fulfill the need for the provision exemptions to copy principles in order to allow for such access. The exemption for the print disabled will allow a designated body such as the National Library of Jamaica or the Jamaica Society for the Blind to convert copyrighted works into accessible formats such as Braille or Digital Accessible Information System otherwise called DAISY.

Mr. Speaker, the amendments also recognize Jamaica's obligation on the international agreements, such as the United Nations Convention and the Rights of Persons with Disabilities, the Berne Convention, the World Intellectual Property Organization WIPO Copyright Treaty, and the WIPO Performances and Phonogram Treaty, collectively referred, as I said before to, as the WIPO Internet Treaties. Further, Mr. Speaker, the amendments introduced new terms, clarified existing ones and reflect changes in technology.

In Clause 3 of the, Bill, Mr. Speaker, the current section gives the copyright owners or persons they have authorized, the right to do certain actions, whether to copyright the work, to perform the work, broadcast the work, or make an adaptation of the work. The amendment seeks to widen the provision in the section to give the copyright owner the power to allow the public access to the work, including communication to the public of the work and for adaptation of a work to be protected as an original work.

Clause 4 of the Bill, Mr. Speaker, introduces a new Section 9A. The new provision deals with the register of copyright and related rights kept at the Jamaica Intellectual Property Office right here in Kingston. It allows for the voluntary deposit or registration of works and of other subject matters, in which copyright is presumed to subsist to be entered into the Register. It was inserted, Mr. Speaker, in response to requests from the public, to have a system where copyright works may be deposited and registered.

There is also a new Section 9B, Mr. Speaker. This provision speaks to the application process, to enter particulars in the Register referred to in the new Clause 9A. There are three forms in the First Schedule that relate to the application process - Forms A, B and C. Form A outlines the method and application requirements to the Jamaica Intellectual Property Office, the payment of fees to obtain voluntary copyright registration, and the information to be entered in the copyright Register.

Form B, Mr. Speaker, addresses the need to obtain proof by way of declaration, that the applicant has the authority to apply. Form C is the certificate of registration that is issued to the author, or owner of copyright, as proof that a work is being held by the JIPO office, and will be held for the term of copyright protection. This is very critical, Mr. Speaker, especially when it comes to contracting and to negotiating arrangement and agreement between parties.

There is a new Section 9C of the amendment as well. This new section provides that the absence of voluntary registration does not deprive an author or owner of copyright and related rights.

New Section 9D. This provision empowers the Executive Director of JIPO to make clerical alterations that is clerical alterations meaning minor alterations, or amendments to the Register following the advice of the applicant. New Section 9E, Mr. Speaker, addresses provision which allows the author or owner to request changes to their registration details using the request to change details form, which is form 9D of the First Schedule.

The new Section 9F, Mr. Speaker, gives the public access to examine the register of copyright and related rights kept at JIPO.

New Section 9G provides for the publication of any correction to the Register made by JIPO.

New Section 9H provides for damages to be recoverable through the court, by the copyright owner, or owner of related rights as a result of fraud or error by a person who

applies for copyright registration on behalf of another.

The new Section 91, Mr. Speaker, provides for the immunity of JIPO in respect of any action done or omission made in good faith in relation to the Register.

Mr. Speaker, Clause 5 and 8 of the Bill addresses these sections - these current sections of the principal Act address the duration of copyright protection. With respect to Section 10, 11 and 12, the duration of 50 years were extended, as I said earlier, to 95 years in each case, and in Section 13 the duration of copyright protection was extended from 25 years to 50 years. And Clause 9, the new Section 13A is introduced and this new section addresses duration of copyright protection in instances where, in accordance with an agreement the copyright is a work created by an employee vest in the employer, and this is important for Government in particular, but more widely incorporation as well. It stipulates that the copyright expires 95 years from the day of the death of the employee.

The new Section 13B stipulates that the Crown is the first owner of any copyright in a work made by any of its employees or persons that it has pursuant to a contract engaged to work for any particular purpose. Furthermore, Mr. Speaker, it extends copyright protection to the following: A Bill introduced into either Houses of Parliament or any report of a committee of Parliament; an Act of Jamaica or any subsidiary legislation or the **Hansard** report of parliamentary debates, and this is of significance to all of us here, I am sure.

The new Section 13C, Mr. Speaker, provides that the Act is subject to provisions made thereunder, applies to Crown copyright as to other copyright.

Clause 10. Where the current section deals with an order in civil proceedings, to deliver the infringing copy or article, to the copyright owner, the amendment expands the section to reflect the provisions of the WIPO Internet Treaties, which addresses the use and delivery of a circumvention device. So it's not only the copyrighted article or material, but the device that is the offending article, must also be presented as well. A circumvention device, Mr. Speaker, is designed or produced to circumvent or bypass a technological protection measure that controls access to a protected work or performance.

In Clause 11. Whereas the current subsection speaks to acts that shall not amount to infringement, the amendment itself makes a provision that allows for the use of work when the copyright owner cannot be identified, or located after reasonable inquiry. This amendment allows for so-called orphan works to be used and facilitates access to works by the public. Orphan works, Mr. Speaker -

(Inaudible comment by Mr. Henry)

Mr. Anthony HYLTON: Well, these are some of the arrangements and perhaps regulation can provide for some of these.

(Inaudible comment by Miss Grange)

Mr. Anthony HYLTON: No. We will discuss it. We say we will discuss it, right?

Miss GRANGE: We will discuss it.

Mr. Anthony HYLTON: Yes.

Orphan works, Mr. Speaker, is defined as: "A protected work in relation to which the author or copyright owner cannot be identified or located after reasonable effort to identify or locate the author or copyright owner."

In Clause 12, Mr. Speaker, the current section establishes the acts and penalties for dealing with infringed copyright. The amendment was made to reflect provisions of the WIPO Internet Treaties and to create an offence where infringement of a copyright owner's work occurred by the use of a circumvention device.

Clause 13, Mr. Speaker, provides that, whereas the current section deals with an order in criminal proceedings, to deliver the infringing copyright or article, the previous spoke to a civil proceeding. In the criminal proceeding it mandates that it should deliver the infringing copy or article to the copyright owner that the offending person has in his control or possession. The amendment was made to expand the section to reflect WIPO Internet Treaties, and to empower the courts to order the seizure of the offending circumvention device. The courts may, Mr. Speaker, further order that the copyright owner or such other person as the court may direct, be given custody of the offending device.

In Clause 14, Mr. Speaker, the current section provides occasions where copyright in a work is not infringed by accidental use. The amendment seeks to expand these incidental, or insubstantial uses which do not attract infringement in order to facilitate public access and education.

In Clause 15. The purpose of this new section, Mr. Speaker is to allow access to published literary or dramatic works for disabled persons, specifically the visually impaired. It facilitates the conversion of works protected by copyright including the circumvention of a technological protection measure, to a format that is easily accessible to persons with a "print disability". "Print disability", Mr. Speaker, was defined to include the blind, those with severe impairment of sight, those unable to hold or manipulate books, those unable to focus or move their eyes, and those with a disability in terms of visual perception.

The new Section 65B, Mr. Speaker, allows for a person with a hearing disability or a charitable organization acting on his behalf, to translate, adapt or reproduce in sign language a literary or dramatic work, or perform in public literary or dramatic work without infringing any copyright in the work. A definition, Mr. Speaker, was provided for "hearing disability", to mean a person who suffers from severe or profound deafness, or is not able to discriminate speech in a meaningful way from other sounds.

In Clause 16, Mr. Speaker, the current section provides that an author's work is not infringed when it had been used without his permission, because he cannot be found.

The new section outlines the steps that must be taken to prove that reasonable efforts were made to identify or locate the copyright owner. And I would imagine, Mr. Speaker, that this, in the current provision, this would create a lot of mischief where people,

someone wanting to infringe others work will simply assert that they looked and couldn't find the person. We are saying that there must be put in place a specific procedure which they must comply with in order to claim the benefit of that exception.

The new section outlines the steps, as I said, Mr. Speaker, and also provides for compensation to be made to the copyright owner if the owner is located or identified before six years have passed, since the end of calendar year in which the act takes place, and again this is another protection device to ensure that copyright owners are protected even further.

In Clause 17, Mr. Speaker, the current section deals with making sound recordings in musical work previously made or imported for the retail sale. The amendment, Mr. Speaker, expands the section to also apply to sound recordings that have been first distributed in Jamaica for retail sale.

In Clause 18, this new provision allows for the archiving of a work. It also allows for the circumvention of technological protection measures to archive work which will not amount to an offence, or infringement of any copyright in the work. Circumvention in relation to a technological protection measure, Mr. Speaker, means: (a), the descrambling of a scrambled work; the decryption of an encrypted work, or other action to avoid, bypass, remove, deactivate, or impair a technological protection measure without the authority of the copyright owner.

Clause 19. This provision protects the internet service provider from being charged for infringing copyright when their internet service is used to make a copy or recording.

In Clause 20, the section is interpretation section for Part VII of the Act that deals with copyright licensing. The term "licensing body" has been amended to correspond to the new Clause 87A and to stipulate that each licensing body must be in possession of a certificate of registration confirming its status as an authorized body.

Clause 21, Mr. Speaker, introduces a new Section 87A and this new provision in the Act provide for licensing bodies to apply for a certificate of registration, using the prescribed form and submitting prescribed fee in order to be registered. It further provides for the Executive Director of JIPO not to register more than one licensing body at the same time to carry on operation for the same class of rights.

The new Section 87B follows on Clause 87A. It deals with the right of the copyright owner to grant a licence for the use of his work, despite his registration with a certified licensing body.

Clause 22, Mr. Speaker, this section is amended to accommodate the insertion of the two new Schedules, the First Schedule and the Third Schedule. As such, the Schedule under this section will now be the Second Schedule.

In Clause 23, this new section addresses the recognition of moral rights performance. Pursuant to this section, a performer has the right to be identified as a performer of his performances and to object to any distortion, mutilation or other modification of his performances that is prejudicial to his reputation.

In Clause 24, Mr. Speaker, the current section provides a performer's rights are infringed where the consent, which is required for recording all live transmission or performances, is not acquired. The amendment seeks to repeal this section and substitute another clause in order to establish clearly, what constitutes an infringement of a performer's rights. It also seeks to enumerate acts that are allowed and therefore would not be considered infringement and provides that where there was a reasonable belief that consent had been given, there is no infringement.

In Clause 25, where the current section deals with the infringement of recording rights recording a performance, the amendment provides clarification of what constitutes an infringing act in relation to the imputation, use, retail distribution or the making available of the whole or a substantial part of a performance without the consent of the person who has the recording rights and making it accessible by any electronic means or through any other form of new technology. And so it contemplates what doesn't exist and what is yet to come.

In Clause 26, Mr. Speaker, this section speaks to the duration of rights in performances. The amendment clarifies when time would begin to run for a performance which will be ninety-five years from the end of the calendar year.

Clause 27, Mr. Speaker, the amendment seeks to clarify that the provisions in the section are only limited to this section only. It removes references to subsections (1) and (2) and replaces them with the words, simply "*this section*".

Clause 28, Mr. Speaker, makes it an offence for an internet service provider to knowingly allow the use of its service to facilitate an infringement of copyright.

In Clause 29, this section addresses retrospective application, very important concept and particularly so in commercial matters. Not new in taxation matters, not allowed - found upon in taxation matters, and certainly in criminal matters, but in these commercial areas, I think there is a place for it and we're proposing a retrospective application here.

It provides a section which extends the day for the expirations of copyright or other rights shall be deemed to have been in effect as of August 6th. 2012. And that is to remedy a situation where the cause of legislation was slow in coming, owners of rights have been exposed and they therefore needs to be a sort of claw back provision to give them some protection, especially in areas where there is no contract to be contended with. So it relates back to the 6th of August 19, 2012 and protects the owners of copyrights.

In Clause 30, this provision makes the Minister - it gives the Minister power to amend or alter by order, the fees prescribed in the Second Schedule.

In Clause 31, the current section speaks to the Minister being empowered to make regulations under the Act. The amendment seeks to further empower the Minister to act now to prescribe fees in relation to any matter under the Act.

Clause 32 is a transitional clause and has been introduced in the amendment of the Act, which provide for a licensing body operating before the commencement date of the amendment to the Act to satisfy the requirement for registration within six months from that commencement date. Failure to do so, Mr. Speaker, will cause his registration to lapse.

In Clause 33, the Act is amended to improve First and Third Schedules and the First Schedule includes the following prescribed forms:

- Application for Registration to Enter Particulars in the Register;
- Declaration of Copyright Ownership and or Authorship;
- Certificate of Registration; and
- Request to Change Registration Details.

The Third Schedule, Mr. Speaker, provides a list of registration and certification fees.

To strengthen the Copyright Amendment Bill, Mr. Speaker, the Copyright Regulation will also be enacted. The Copyright Act makes provision for licensing bodies, otherwise referred to as a Collective Management Organization or CMO to operate copyright licensing schemes.

The rationale behind giving licensing body this exclusive privilege, Mr. Speaker, is that this is best practice internationally for resolving some of the difficulties faced by copyright owners and users in reaching appropriate arrangement in the use of copyright material. The licensing bodies are also equipped to grant users a blanket license which is less time consuming, reduces the cost of trying to transact for each copyright work on an individual basis and offers the user a degree of flexibility in exploiting work protected by copyright law.

Most importantly, Mr. Speaker, licensing body relieve the copyright owners of the otherwise challenging and difficult burden of policing and enforcing rights and provide them with a bargaining power that would be very costly to undertake as an individual and in any event, Mr. Speaker, the author wants to go about creating his work, he wants to do what he does best, which is the creative side of it and so therefore needs the CMO as a support mechanism.

The regulation, Mr. Speaker, among other things, seeks to provide the following:

- A monitoring of business practices and royalty distribution within the scope of collective management organization;
- Protection of the Members of the Collective Management Organization; and
- The establishment and development of best practices in regulating collective management organization.

And these are important, Mr. Speaker, because they will give Collective Management Organization bodies a certain status and I think will help them to attract the members to it, because the members are potential members who feel protected by the regulations themselves.

Clauses 1 and 2, Mr. Speaker, this Part deals with the preliminary aspect of the

regulations. It includes the name of the regulation and interpretation section, which defines key terms used throughout the Bill.

Clauses 3 and 6, this Part provides for the registration and functions of licensing bodies. It mandates registration for all licensing bodies and goes on to list the information that is required for registration. This Part empowers the Executive Director to grant or refuse an application for registration. Once the application has been granted, the applicant is issued a certificate of registration which is not transferrable. The Part outlines the bases for an application to be refused and provides for the Registrar to give reasons in writing for the refusal.

The various functions of the licensing bodies, Mr. Speaker, are listed, including negotiating or granting licenses, collecting royalties, distributing royalties and entering into agreement with foreign licensing bodies.

In Clause 3(7) of the regulation that is proposed, is to provide for licensing bodies to apply to renew a certificate of registration thirty days before it expires. It also empowers the Executive Director to refuse an application for renewal, if the requirements for registration are not met.

In Clauses 8 and 9, this Part empowers the Executive Director to suspend or revoke the registration of a licensing body. It outlines the circumstances in which the registration would be suspended and provide so with written notice to be given, specifying the reasons for the suspension and the time to remedy the breach. The Part further outlines the situation that would lead to revocation.

In Clauses 10 to 11, this Part mandates the Executive Director to publish any notice of grants, renewal or revocation of registration of a licensing body. It goes on to direct the Executive Director to keep records of every grant, renewal, revocation or registration of registration and registration issued. Licensing bodies are also required to keep records as prescribed.

In Clauses 11 to 14, this Part instructs licensing bodies to keep proper accounts and other records and to prepare an annual statement of accounts to the responsible Minister, which are to be audited. This Part also empowers the responsible Minister to order an investigation or independent audit of a registered licensing body based on an allegation of financial impropriety.

This Part further, Mr. Speaker, mandates the licensing body to submit the relevant documents such as an annual statutory declaration or notification of an independent audit.

Clause 15, this part provides for licensing bodies functioning prior to the commencement date of this Act to continue operating as such. This Part goes on to mandate licensing bodies to apply to be registered under this Act within six months of its commencement.

In 8, 8 address the schedules, and as I've said, they include forms A, B and C and they perform those specific roles. And Clause B - and B, this schedule lists the applicable fees for the regulation.

This, Mr. Speaker, constitutes an overview of the particular clause and I think that the - what is being proposed will ensure

that the framework in which copyright will now function will be greatly improved, that the owners of copyright will be protected through the various means as articulated and I think it heralds a new day for copyright and intellectual property in Jamaica.

Mr. Speaker, we're looking forward to bringing the other amendments to the Trademark Act, to the Budget Protocols and other things, to ensure we have a settled framework for intellectual property in Jamaica which is at the heart of the investment in the creative economy and the creative industries.

Mr. Speaker, I thank you for listening.

(Applause)

ADJOURNMENT

Mrs. NEITA-HEADLEY: Mr. Speaker, a number of Members who aren't present today have indicated an interest in participating in the copyrights debate. In addition to the report on the bank fees from the Sessional Committee, we will therefore do those two items next week.

It is not intended to do any further business today. Therefore, Mr. Speaker, I ask for the adjournment of the House to next Tuesday June 2nd at 2.00 p.m.

The SPEAKER: The question is that the House do adjourn until next Tuesday, the 2nd of June, 2.00 p.m.

Put to the House and agreed to.

The SPEAKER: The House stands adjourned.

The adjournment was taken at approximately 5:30 p.m. to Tuesday, 2nd June at 2.00 p.m.

TUESDAY, June 2, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:31 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. 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. 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

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. IAN DAVE HAYLES, (PNP), Hanover, Western, Minister of State in the Ministry of Water, Land, Environment and Climate Change

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

DR. DAYTON RICARDO CAMPBELL, (PNP), St. Ann, North Western

MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North 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. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern

MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary, Western

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

MR. DWAYNE FRANCOIS ST. MICHAEL VAZ, (PNP), Westmoreland, Central

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

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: Before we get down to today's business, let us welcome a delegation from the Trinidadian Parliament who are here to attend the conference this evening so they will be visiting with us today.

(Applause)

STATEMENTS BY MINISTERS

Mr. PAULWELL: Mr. Speaker, we will recommit this item later to allow the Minister of National Security to give a Statement.

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

ANNOUNCEMENTS

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

- **Ministry Paper No. 97**
  Cabinet Agenda Issues dated 4th May, 2015
- **Ministry Paper No. 98**
  Annual Report and Audited Financial Statements of the Banana Board for the year ended December 2013
- **Ministry Paper No. 99**
  Annual Report and Audited Financial Statements of the National Irrigation Commission Limited for the year ended March 31, 2014
- **National Youth Service (NYS)**
  Annual Report and Audited Financial Statements for the financial year 2008/2009
- The Twenty-seventh Annual Report of the Contractor General of Jamaica for the calendar year 2013

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Miss Hanna.

Miss HANNA: Mr. Speaker, I beg to give notice that at the next meeting of the House I'll move that **Green Paper No. 3 of 2015** on the National Youth Policy 2015 to 2030, which was laid on the table of the House on the 6th day of May, 2015, be referred to the Human Resource and Social Development Committee of the House of Representatives for consideration and report.

(MR. HUGH CARL BUCHANAN, (PNP), St. Elizabeth, South Western, entered and took his seat.)

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. PAULWELL: Mr. Speaker, we intend to take Question 11 this afternoon. The Minister is not here as yet so we'll recommit this item later.

The SPEAKER: Okay.

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, we had started two weeks ago and continued last week the Report from the Economy and Production Committee on Banking Fees. The Member from North East Manchester, I gather, is due to make a submission on the Report and we can take it now and thereafter we intend to close debate on that Report.

The SPEAKER: Mr. Shaw.

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

BANKING FEES

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

I thought this would have been coming a little later (Laughter) so I was pounced upon, but nonetheless.

(Cross talk)

I wanted to make a contribution to the work and the Report of the Committee, the Economy and Production Committee, on its consideration of banking fees among other things that were raised in the Report. And I certainly, Mr. Speaker, would like to commend the Members and in particular I would commend the Member from South East St. Catherine.

Mr. JACKSON: South.

Mr. SHAW: South. The spa area. (Laughter) The Member from South St. Catherine who himself had first raised the issue and it was as a result of his motion that the matter was brought to the attention and to the work of the Economy and Production Committee. But Mr. Speaker I therefore don't want to repeat what has already been said and the Members expressed great concern about the various fees and certain recommendations have been made in the Report and I'm certainly in agreement with those recommendations. And I find, in particular,

the fact that when an account is closed that, that account should continue to attract regular monthly charges. It seems to me to be quite an irregular situation.

(HON. HORACE WASHINGTON DALLEY, OD, (PNP), Clarendon, North, Minister without Portfolio in the Ministry of Finance and Planning with responsibility for Public Service, entered and took his seat.)

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

But for the purposes of my intervention today, Mr. Speaker, I want to concentrate on an issue which the Report itself passed over, but, in my view, did not give the issue enough attention and that has to do with the question, Mr. Speaker, of interest rates. And the Member in moving the motion, the Chairman of the Committee mentioned the question of interest rate spreads. And I wanted to use the opportunity in this discussion and this review of this Report, Mr. Speaker, to speak a little bit more about interest rates, because interest rates are one of the vital tracks for economic development, the cost of money. It's one of the inescapable vital tracks that is required if we're going to have an economy that is goes into a serious growth mode. There are some important tracks: interest rates, energy among them, the efficiency of the public sector, bureaucracy, among other things.

(MR. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, entered and took his seat.)

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

(DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central, entered and took his seat.)

But the truth, Mr. Speaker, is that Jamaica - our growth has been hampered in part by a sustained period of high interest rates which really became most pronounced during the 1990s when we were mopping up liquidity trying to defend the exchange rate. In the 1990s there was an average interest rate commercial bank lending in the 1990s of 53 per cent; 53 per cent was the average lending rate through the 1990s. I was running a business at the time and you dared not deal with penalties on overdraft, because penalties on overdraft, Mr. Speaker, reached as high as 110 up to 120 per cent; penalties on overdraft.

We were borrowing money on the global bond market not at the 7.65 per cent which we were able to borrow recently, and before that, 7.95 per cent, when I was Minister, we were borrowing money as what were referred to as junk bond rates, 11 to 12 per cent, and not surprisingly, therefore, Mr. Speaker, we had the collapse of the financial sector in the middle of the 1990's which led to the assumption of $140 Billion that the Government had to take on board in rescuing the financial sector, and that, of course,

pushed the debt as a percentage of GDP up quite sharply.

And then, Mr. Speaker, it is worthy to be noted, that in the period from 2007 to 2011, we deliberately started a programme of borrowing cheaper money, and the Minister of Finance to his own credit has committed himself to continuing with that programme. We borrowed over US$3 Billion from the multilateral institutions including the IMF, mostly at interest rates of two per cent per annum. On one occasion we borrowed US$100 Million from the World Bank, at an interest rate, Mr. Speaker, of 0.63 per cent. Just above half a per cent per year, US$100 Million from the World Bank.

(MR. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, entered and took his seat.)

And we also broke the eight per cent barrier in borrowing $400 Million from the global capital market, from the global capital market in 2011 where we raised US$400 Million at 7.95 per cent.

By the time I left office home mortgages had come down, especially in the building societies, to single digit rates. Down from an average 18 per cent on home mortgages, it came down to 9.5 per cent. Two institutions were in fact competing between 9.4 and 9.5 per cent.

Admittedly, we never had a similar success on general loans in terms of the commercial banking system, because the commercial banking system has become so hooked on high interest rates, like a man hooked on drugs. Our commercial banking system has become so horribly hooked on high interest rates that it has become a part of what militates against competitiveness and investment in the economy.

Mr. Speaker, the Chairman of the Committee in his presentation pointed out that in the Caribbean region most of our sister countries, the interest rate spreads that apply in those countries are mostly about six per cent, some a little less, some a little more, but average six per cent is their spread between deposit rates and the lending rates. What is ours in Jamaica? The average is 14 per cent, 14 per cent is the spread. And when you think, okay, in the Caribbean it's six per cent, what is the spread in the United States? Two point nine five per cent (2.95%). What's the spread in Mexico? Three point zero six per cent (3.06%) per cent. Canada, a similar range, but in Jamaica, 14 per cent, and we just talk about it and it becomes a nine day wonder and we just continue happily along. Because the truth is, Mr. Speaker, the truth is, Mr. Speaker, that in some respects also, not only do we demand a high interest rate spread but we demand a very high return on equity in the commercial banking system.

In 2007, when mortgage rates were at 18 per cent, and average lending rates even higher than that, of over 20 per cent, 24, 25 per cent, average returns on equity in the commercial banking system - it's in the Report - was 27 per cent, 27 per cent. The global standard, Mr. Speaker, for returns on equity in the commercial banking system is between 12

and 15 per cent. But no, in Jamaica, something with us, we can afford it. Well the truth is, we can't afford it, and that's why our economy is not growing, because it takes two fundamental things for us to be able to have a growing economy. Capital and labour, and both of them must be deployed in the most productive way. The productive deployment of capital and the productive deployment of labour equals productivity, and when you have productivity you earn money and you earn foreign exchange -

A MEMBER: Hear! Hear!

Mr. SHAW: - and you create jobs, people get good quality jobs and they are trained. But if we are going to have high energy cost and we have high cost of money, where are we going?

A MEMBER: Nowhere.

Mr. SHAW: Drifting like a helmless vessel.

A MEMBER: What kind of…?

Mr. SHAW: Drifting like a helmless vessel, happily along at one per cent and half a per cent growth each year. It is unacceptable, Mr. Speaker, unacceptable.

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

And I notice that in the Report there is little said about whether the Bank of Jamaica as a regulator should have any role and any say in the question of interest rate spreads. So I think to that extent I consider this Report, Mr. Speaker, to be deficient, because I would like quite frankly, to hear more from the Bank of Jamaica on the question of interest rate spreads. I want to hear more from them. I want to know, for instance, let them do the research, they have the capabilities, but find out, what role does other regulators in other jurisdictions have to play in terms of at least arriving at a reasonable position on interest rate spreads? We need to have that more carefully examined but in the mean time the banks have developed a kind of collusive type of action.

The commercial banking system in Jamaica is a typical oligopoly. Oligopoly. They think together, they work together, the character and nature of their charges and the interest rates spread all come together. It is a mere monopoly. It is an oligopoly, and the investment community is suffering as a result of the fact that the Government and the regulators are allowing them to continue with this kind of rapacious spread on interest. (Applause)

Mr. Speaker, I would advise the commercial banks to start some kind of self-regulation. Do their own assessment to try to become more efficient and stop trying to just pass cost on, whether it is in the form of spreads or fees, simply to maintain a certain return on equity regardless of the consequences for the country. So, Mr. Speaker, as I said before, productive deployment of capital and labour is the real pathway to competitiveness. The pathway to competitiveness, Mr. Speaker, is not devaluation. It is not cheap labour.

A MEMBER: Hear! Hear!

Mr. SHAW: The concept that it is devaluation and cheap labour that's going to make us competitive, no. We have been devaluing the Jamaican dollar since 1972, and exports have not increased except perhaps during the 1980s when we introduced the apparel export sector, and we saw some growth there, but since that time exports have continued to decline. Over the past three years we have devalued the dollar by 35 per cent and exports have fallen each year, one to the other have fallen.

So, Mr. Speaker, our investors need capital at competitive interest rates. Government itself must also consistently and relentlessly pursue lower interest rates in all its borrowing arrangements going forward. This promotes a no interest rate profile, and here I want to mention, Mr. Speaker - and I'm sorry the Minister of Finance is not here…

(MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern, entered and took his seat.)

…but we have heard recently that in the Dominican Republic they have entered into an agreement with a firm on the international capital market to pay out their PetroCaribé debt of US$4 Million, based on a 50 per cent discount. So they were only required to pay half of the money. Then they went on to the international capital market and refinanced that half of the money at somewhere between six and seven per cent. But I have said in this House before, and I will say it again this evening, I am credibly advised that the Government is at this time having discussions with a Wall Street company in relation to our PetroCaribé debt of $3 Billion, that that negotiation is now taking place, and what I would like to do is to caution the Government here again, that the Government should tread cautiously about getting, yes we know, the 50 per cent discount from the Venezuelans, that's one thing. So we will still have US$1.5 Billion to renegotiate, but I am cautioning the Government, do not go to the capital market to finance that US$1.5 Billion at what will probably be in excess of 7 per cent, when by your own claim you have built up a relationship with the World Bank, you haven't built up a relationship with the IDB. It was never broken under me so it continues. So you continued that relationship with the IMF, all three. Go to them and borrow the money at one per cent or two per cent, and not on the international capital market at 7 per cent.

(Applause)

(HON. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western, Minister of Local Government and Community Development, entered and took his seat.)

And Mr. Speaker, how does that affect us? The more the Government seeks cheaper routes to borrow money, is the cheaper money is going to ultimately become available to investors in Jamaica, but if the Government continues to set standards where everything has an opportunity cost, if the Government decides to borrow 7 per cent money to finance

US$1.5 Billion, instead of borrowing 1 per cent money from the multilateral, the opportunity cost is lost for us in Jamaica. We won't be able to get the money as cheaply as we could get it if the Government does not set the standard and set the example itself. So Mr. Speaker, let us not forget the end game. What is the end game? Investment, growth and job creation. That is the end game, Mr. Speaker.

(DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, East Central, entered and took his seat.)

In the United States of American - I want my Member from St. Catherine; I want the Member from St. Catherine South to hear this, and the former Minister of Finance. Have your conference afterwards. We talking serious business now about growth in the economy. Okay? Like my friend from Spaulding.

Dr. DAVIES: I am not opening the road, I gwaan make you suffer.

Mr. SHAW: If you don't come and open the road I going open it myself. Okay?

(Inaudible comment by Dr. Davies)

Mr. SHAW: And I will invite the Speaker as a Manchester man to come and be guest speaker, how is that?

(Laughter)

(*Sotto voce* comments)

Dr. DAVIES: No, we won't go.

Mr. SHAW: But I would like you to hear this piece of statistic.

In the United States of America, private sector credit is 200% of gross domestic product. Can I repeat that? Private sector credit to drive their economy is 200% of the gross domestic product of their country. That is the power and the vibrancy of private sector credit.

What is ours in Jamaica? Forty percent of GDP; that is Jamaica's private sector credit total you know, because the commercial banking sector which was last year at $349 Billion represent only about 25% of GDP. And the balance of the other near banks, credit union, building societies account for another 15%; about another $171 Billion in addition to the $349 Billion. Total, Mr. Speaker, 40% of GDP is our private sector credit.

But it's more than that, more than that. When you disaggregate the commercial bank loans, $178 Billion was for personal loans and loans overseas residents. Broken down, $164 Billion for personal loans, $13 Billion for overseas residents. This left a paltry sum of $170.9 Billion, less than half for loans for the business sector.

(Inaudible comment by a Member)

Mr. SHAW: For the business sector. Of interest, while agriculture and manufacturing loans only recorded $20 Billion, distribution was at $49 Billion. Not surprising that this country is not growing, because our money is not being challenged into productive activity.

The United States shows us, and no doubt the European countries and other developed countries will show that kind of a profile of at least 100% private sector credit in most of those countries is in excess of 100% of GDP.

And what that is telling us, Mr. Speaker, in a capitalist market economy, it's saying that private sector credit is the fuel and the engine

oil that drives production and wealth creation in the United States.

A MEMBER: Hear! Hear!

Mr. SHAW: Out here, spreads are wide, but loan portfolios are low.

Mr. CHARLES: Dem a socialist man, dem cyah understand dat.

Mr. SHAW: Let us lend more money at lower interest rates to spur investment and growth. And I urge the commercial banks, and the regulator must support it and push them, we need to get back to core banking, core banking principles.

What is an essential feature, Mr. Speaker, of core banking principles? Make money on volume of business rather than perpetually preying on a struggling private sector with large interest rate spreads and ever increasing bank charges.

Mr. McKENZIE: Hear! Hear!

Mr. SHAW: Right now, Mr. Speaker, there's a quiet movement of closures in business taking place. Businesses are closing, liquidations are taking place because people under pressure!

Mr. McKENZIE: Hear! Hear!

Mr. SHAW: Because the purchasing power of our people is diminished.

A MEMBER: Deliberately.

Mr. CHARLES: Under this Government.

A MEMBER: Deliberately.

Mr. SHAW: And we have to - this mentality that took root in the banking system during the financial sector crisis, the madness of the 1990s, this culture that has taken set in the commercial banking system must go! It must go! They must come back to playing a useful role in the economic development of the country. (Applause)

The bottom line Mr. Speaker is that if we fail to attract investment that deploys capital and labour in the most productive way to achieve high levels of productivity, then we will continue to see economic stagnation as we're seeing now with a mere 0.4% growth recorded for last year.

Mr. Speaker, we can't forever tax more and more out of a shrinking economy; that's what we're doing now. (Applause) Now there is to be a 3% withholding tax on specified services, and there's a transfer pricing law that is now before Parliament even as the Government is busy destroying the junior stock exchange, which is a creative and internationally recognized source of capital formation.

Mr. CHARLES: Dem a socialist.

Mr. SHAW: In addition, there's a $60,000 minimum business tax flat on small businesses now, everybody. And the Government has also introduced a raft of increases in trade licenses.

A small trader in St. Thomas called me this morning and say his license was $5,000 last year and the license he's called upon to pay this year is $35,000...

Mr. CHARLES: A socialist man.

Mr. SHAW: ...seven times as high; one lick from $5,000 to $35,000 for trade licenses.

A MEMBER: Unworkable.

Mr. McKENZIE: And nobody will... (Inaudible)

Mr. SHAW: Mr. Speaker, as I come down, the levels of growth we require must be

driven from within Jamaica. Small businesses need a chance to grow, entrepreneurs need a chance to spread their wings and fly like eagles...

(Applause)

A MEMBER: Hear! Hear!

Mr. SHAW: ...and produce!

A MEMBER: Hear! Hear!

Mr. SHAW: And you're about to learn sometime in this Honourable House shortly, whether today or sometime else, that no pie in the sky announcements of lofty investments or announcements at lofty seminars about US$5 Billion investments from overseas companies of questionable capacities; that won't get us anywhere.

A MEMBER: That's right.

Mr. SHAW: And as a matter of fact, the Minister of Investment needs to tell us where is the Report of the Gordon Shirley Committee on this investment that he has announced; we want to know about the $5 Billion investment and we want the Report. (Applause)

(Inaudible comments)

Mr. CHARLES: Di whole a yuh a socialist.

Mr. SHAW: Mr. Speaker, if we don't change gears and reconfigure the role of our banking and financial sector in this economy, we will continue to propagate perpetual poverty and be forever unable to pay our public sector workers a living wage...

A MEMBER: Hear! Hear!

Mr. SHAW: ...as well as to pay for vital social services.

Let us use this Report, Mr. Speaker, as a point of departure to demand a new culture of banking that can become the locomotive to aggressively drive capital formation and investment and job creation in our country. In this way, we can be on track to truly convert our economy from poverty to prosperity. (Applause)

Thank you very much, Mr. Speaker. (Applause)

Mr. CHARLES: Which socialist want to answer? Come, one a you socialist who is not a relic of the past.

(Cross talk)

Mr. André HYLTON: Mr. Speaker, I...

Mr. CHARLES: You are not a socialist?

Mr. André HYLTON: ...had to take this opportunity of saying a few things on this new, or this debate on banking fees, Mr. Speaker.

Mr. Speaker, I operated business for over 35 years and I remember as a youngster - I know some of the Members in here were my customers, but I remember as a youngster the first time I engaged a commercial bank for a loan - well my first loan was at a - was from a credit union at age 17 at the time, but when I started my business at age 19, and I went to a commercial bank for a loan, Mr. Speaker, I remember the Bank told me that I had to put my motorcar as collateral and I had to have a fixed deposit. So for a $10,000 loan I had to have over $15,000 worth of collateral to get a loan as a young first-time businessman. But I was engaged and used the services of the bank for many years, borrowed many loans, repaid

many loans, went through the rough period of the 90s and survived as a businessman.

Desmond, you know what we're talking about, right? Member from West Kingston.

(Mr. McKenzie nods in confirmation)

But Mr. Speaker I represent a constituency that I'm extremely concerned about. Eastern St. Andrew which has a large population of retirees, large population of students and a large enough population of persons with disability. And so when I observe what the Banks have been doing in Jamaica and, you know, we know when people are in the business of making profit yes, but there has to be some conscience. So I'd like to make a few recommendations to the Committee as we move forward.

First of all, Mr. Speaker, when you think of pensioners, and I - in Liguanea recently and saw an old lady who I knew well from Hope Pastures, going into the bank. She has been banking with that particular bank for close to 50 years. And I wonder, Mr. Speaker, if when we think of bank fees, if a Bank should not have some conscience for persons who are low income earners, have to live off pension and in particular, individuals and customers who have served these banks for many, many years, they've made huge profits off the savings and deposits of some of these pensioners. And I want to recommend that when we're looking at this new banking fee, that some preparation or some facilities be set up, Mr. Speaker, for our pensioners, especially the low income pensioners.

Mr. Speaker, I also want to speak about the persons with disability. I believe it is a crying shame in a modern day you go to a bank, Mr. Speaker, and there is no ramp. And there are banks - I know there are banks in this country without a ramp to accommodate wheelchairs. That, to me, is a crying shame. The Banks make sufficient profits off fees.

(Inaudible comment by a Member)

Mr. André HYLTON: Yea, we should fix it in Parliament as well. But I believe Mr. Speaker with private sector like the banks, they should provide facilities for persons with disability to enter the banks. But when you go into the banks, Mr. Speaker, there is also the issue of, how do you cater to these individuals? Yes, persons in a wheelchair may use the lines for the elders, and that is appreciative. But there is no teller facility set up for persons with disability. And I want to appeal to the banks that these should be standard features and you can go further, Mr. Speaker, the bathrooms yes, and I speak for my constituency in particular, but also for the persons in....

Mr. H. BUCHANAN: For Black River.

Mr. André HYLTON: Yes, for Black River as well for persons with disability that they should be cared for by our banks.

Mr. Speaker, Jamaica is at a cross roads and we can't borrow our way into prosperity, we cannot tax our way into prosperity, we have to produce our way into prosperity. And I believe at this time we are at that juncture of our development that the banks in this country has to be - they have to be true partners with the Jamaican people in the growth of our economy.

You know, Mr. Speaker, you know I am in the car business and my friend from West Portland knows the business very well, but

you cannot have a situation, you can't have a situation, Mr. Speaker, where you go into the bank and you can get 100 per cent financing on a motor vehicle, let me not single out any brand. One 100 per cent financing, and if you want to buy a farm vehicle, or buy a piece of equipment for your factory which is going to make the money to pay the loan for the motor vehicle, the bank will not consider it, well, certainly not 100 per cent financing and the procedure that you have to go through to get that loan it is senseless. And I believe, Mr. Speaker, the banks need to be very serious about this little project call Jamaica and become a true partner in the development of this country. So we must look at this squarely, banks cannot continue doing this, Mr. Speaker. If you want to buy a tractor they are giving you 60 per cent with two years financing and a whole lot of documents from all around and all kinds of guarantees, but with three pay slips you can go in and get $10 Million for a motor vehicle, it cannot continue. Mr. Speaker, banks must take a part of the risk and be a true partner in the development of Jamaica.

Banks will say, well government has to do their part and I think government can do more. But recently we passed the Interest in Personal Property Bill in this House which says you can now have a proper registry, you can now lend to persons with small assets. We are not seeing any great improvement, any big change in the lending pattern, Mr. Speaker. So is it that the bank really wanted this, we must ask the question.

Mr. Speaker, 40 per cent, approximately 40 per cent based on a study recently of our economy they say is informal in this region. So that to me points to a great opportunity. A great opportunity for the government, a great opportunity for the banks, if we can get that sector to become formal then we have more persons paying their taxes, we have more persons borrowing loans, repaying, growing their business maybe at a higher rate than they are now doing. But that means banks has to come on board in terms of making these loans easier for MSME sector.

The Government has done things like the tax haven, the fact that if you get formalized you won't be retroactively taxed and so on those are incentive for the informal sector to become formalized. But the banks, Mr. Speaker, if the banks decide tomorrow morning that they are going to go on a huge campaign in bringing that sector in, look here, you know the private sector is good at creating packages and they can help the Government, we shouldn't be using just getting in the formal system for taxes, we want the informal sector to become formal, show them how they can be more profitable, and truly grow their businesses and contribute.

So we have a sector a small formal sector, but we also have a large informal sector that can grow and transform our economy, Mr. Speaker, Another thing Mr. Speaker.

(*Sotto voce* comments by a Member)

Mr. André HYLTON: Yes. Another thing, Mr. Speaker, is the - when we even think of a foreign investor, and when a foreign investor comes to Jamaica and sees what the

banks are charging in terms of fees, these are the little things that a shrewd businessman looks at and an investor looks at, and of course, if you ask me, our Member from Northeast Manchester mentioned early the spread of what, 14 per cent, it is ridiculous, Mr. Speaker, for banks to be earning that sort of money and not being sympathetic towards the productive sector.

And if the banks make up their minds to really tackle this issue, Mr. Speaker, I believe it will be done, I believe it will be done. So this becomes a deterrent, this whole fee issue, Mr. Speaker, is a huge deterrent for investors who wish to come to Jamaica.

The final point I want to make Mr. Speaker is competition. One of the things I research recently is the two largest banks make up 80 per cent of all the customers that these fees are charged from. And I am wondering if it is because Jamaicans just love paying high fees or what, or is it that they know. I believe, Mr. Speaker, a lot of the times the customers do not know, they just see the things coming on their statements, some enquire, some do not enquire.

If the customers in this country knew that bank (a) and bank (b) and bank (c) charge a particular rate, they should be able to make a right choice.

The Consumer Affairs Commission does a report on the education every year in terms of book charges and so on. I believe we should ask the Minister - the Member from Western St. Andrew to have the CAC look at the banks to see what their rates are so that consumers on an annual basis can know that bank 'x' or bank 'y' rates are x, y, z, so they can choose. But one of the things that was mentioned in this debate, Mr. Speaker, is the fact that to open a new bank account, in Jamaican parlance is like pulling teeth. Mr. Speaker, there is no good reason why, if you are a member of one bank, and you have passed your financially, what they call it now - your financial...

A MEMBER: Fit and proper.

Mr. André HYLTON: Fit and proper, you have passed the fit and proper test which is set by the Bank of Jamaica, why is it that, with your permission the bank cannot transfer that information from one bank to the other? Because you all have to abide by the rules and the regulations of the Bank of Jamaica so I am recommending, Mr. Speaker, that the accounts information should be made transferable to another bank so you choose to move your account to another bank it should be easy as one, two, three. (Applause) So that is one of my recommendations, Mr. Speaker, while we consider these banking fees. Banks must make profit, I understand but you can't have the banking sector growing at a rapid rate and the productive sector is decreasing, it cannot be good for our country. And I am saying if the bankers in this country wants Jamaicans to grow and at the end of the day they will make more profits because there will be more people paying fees, more people borrowing loans, more people making deposits. It is important at this juncture that we call on the Banks of Jamaica, all of the banks in this country to become a true partner with the people of this country and the government to

make Jamaica the place to live, raise families, do business, Mr. Speaker, by the age 2030.

I thank you, Mr. Speaker. (Applause)

The SPEAKER: Mr. Chuck.

Mr. CHUCK: Mr. Speaker permission to speak from a seat other than mine.

The SPEAKER: Permission to speak.

Mr. CHUCK: Mr. Speaker, let me first of all congratulate the Economy and Production Committee for this Report identifying some of the charges that the different institutions imposed on their customers.

Mr. Speaker, this is a very important debate and I hope that the information here and some of the suggestions being put forward can reach not only the general public, but the banks in particular.

There is no doubt, Mr. Speaker, that financial sector is a very important sector in the country. Sadly, Mr. Speaker, it is one of the few sectors that seem to be doing well and making a profit, and I have no problem with that, but it seems to me, Mr. Speaker, that it is difficult to understand how the financial sector is doing so well, when the productive sector is doing so badly. And the question, Mr. Speaker, is, is the financial sector really assisting the productive sector to lift the country into prosperity. And Mr. Speaker, if I focus on the simple issue of access to credit, do the people of this country have easy access to credit? And the answer, Mr. Speaker, is no. Sure we pass last year, the (SIP) The Security in Personal Property, but how many of these financial institutions have bought into it and really assist the general public in ensuring that they can get easy access to credit.

And Mr. Speaker when you see how the financial sector, the banks in particular, operate, it is like a close club. And Mr. Speaker, I want to say this, and I urge the financial or the FSC and the Bank of Jamaica to look at some of the interest rates being charged by the different banks, the spread between the deposit rates and the loan rates. And, Mr. Speaker, let me put it very clearly that just recently within the last couple of weeks, a number of banks in the United States, the Justice Department having investigated them over a number of years have found that they were colluding. And Mr. Speaker, six banks operating in the United States had to pay $5.6 Billion in penalties because the Justice Department found that they were colluding in setting foreign exchange rates. And Mr. Speaker, it is done by these big banks, making big profits and so they had no difficulty agreeing and paying the $5.6 Billion. I ask the question simply, Mr. Speaker, who is investigating in Jamaica, whether the banks are in competition or in collusion I don't know. In other words, Mr. Speaker, what is the spread between the deposit rate and the loan rate and is it the same in all the banks, and if it is the same, Mr. Speaker, or if it is very similar, is there collusion or is there competition? Because, Mr. Speaker, if we are going to succeed in this country, then competition must really set the rates and if there is collusion, then we must expose it. And all I am saying, Mr. Speaker, we have not only the difference between loan rates and deposit rates but between the different charges of the banks.

Now Mr. Speaker who is exposing the different rates charged by the banks whether it is the difference between the loan rate, and the deposit rate. We know, if you look on the Internet the different - say for instance, the foreign exchange how much you - the banks buy US and other foreign currency for and how much they sell, if you go into the banks you can see it. But Mr. Speaker we do not know what are the rates charged by the banks when they lend money. And I say, Mr. Speaker, this is where I believe that Bank of Jamaica, or the Consumer Affairs Commission and on a regular basis monthly, or quarterly should publish the deposit rates, the loan rates of the different banks so that consumers can know which is the particular bank or the best rate for them to get a loan or for them to put in their money. (Applause)

In the same way, Mr. Speaker, we are complaining about bank charges. Are these bank charges set rates by the banks, and if they are set rates by the banks, Mr. Speaker, is it collusion or is it competition. In other words Mr. Speaker I know as a fact that a few banks are actually charging you to deposit your money and to withdraw your money but there are other banks that are not charging you. But not only that, Mr. Speaker, in the same bank, in the same bank that you are operating on - I give you an example, Mr. Speaker, of a personal experience. I found it, Mr. Speaker, obnoxious for me when I draw a cheque on my own account to have to pay $140 to change my cheque and my money is in the bank. So I ask, suppose I put the money in my savings account, do you charge me to withdraw? And my personal banker told me if I draw more than 50,000 I pay. But if I draw less than 50,000 I don't pay. So you know, Mr. Speaker, I am always drawing more than 50,000. But how many citizens of this country can draw more than 50,000.

And Mr. Speaker all that one is saying now to avoid a particular bank charge I move, using the Internet, money from my current account to my savings account, and when I withdraw money I make sure I withdraw over $50,000.

But Mr. Speaker the position really is, it is really unfair to the ordinary citizens of this country, having put their money in the bank, it is there for a period of time, and when they withdraw they have to pay to withdraw the money. And I don't know, Mr. Speaker, if this can be realistic, if this can be fair to the ordinary citizens of this country. They put their money in the banks; the bank is making a profit on it, and the bank is going to charge them a monthly fee to have their money in the bank, and when they withdraw it, the banks charge them a fee to withdraw the money? Something is amiss, Mr. Speaker, with that.

And it seems to me, Mr. Speaker, we need, Mr. Speaker, to expose the different charges by the different financial institutions in this country, and let competition ensure that those who are giving service, with minimal or no charges, that the ordinary consumer can go to these institutions.

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

(DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western 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. CHUCK: In other words, Mr. Speaker, there are many building societies, credit unions, and other very reputable financial institutions, Mr. Speaker, that charge no money, and if you put your money - sorry, no fees, and if you put your money into these institutions, they charge you no fees.

Why is it that most Jamaicans feel that they should put their money in the big banks, and suffer all these exorbitant charges? It is something Mr. Speaker that we need to educate our citizens. Let them know that if you put your money in the building societies and the credit unions, not only do they get a better rate of interest sometimes, but access to loans - better loans at a reasonable price, but also no charges when they withdraw their money, or if they leave their money.

Mr. Speaker, I think it is just outrageous. You have your money in the bank, you don't trouble it, but the bank every month is taking out a couple fees for keeping your money - and troubling it. In other words, I just find it outrageous. The bank feels that because you are not interacting with your money, they must take out a fee every month out of it. Something is wrong with that, Mr. Speaker.

And I say, the way that the ordinary consumer can deal with it is to ensure that they go to an institution that don't impose these fees because, Mr. Speaker, at the end of the day, all financial institutions will need money, because only from deposits that they are able to make loans. And if the average citizens in this country put their money into institutions that don't charge these fees, before long, those who need the money will have to provide, not only better service, but cheaper service, or maybe free service.

So Mr. Speaker the citizens of this country must take charge but we in Parliament must encourage our institutions like the Bank of Jamaica and the Consumer Affairs Commission to expose and to really inform our citizens of the various charges, the different loan and deposit rates, so that the citizens of this country can have a choice, based on information.

So Mr. Speaker I would urge us not to engage in more Regulations, but to look at the competition between the institutions, but, the competition can be enhanced and assisted by better information coming from the agencies of the Government such as the Bank of Jamaica and the Consumer Affairs Committee.

I hope Mr. Speaker that this Debate will really inform the average citizen of this country to wisely choose how they deposit

their money, and which institution that they deposit and withdraw their money from.

Thank you. (Applause)

The Deputy SPEAKER: Rev. Thwaites.

Rev. THWAITES: Last week when we were discussing the amendments to the Administrator General's Act, I rose to make a point that, there are aspects of the political economy of this country that drive people into the informal sector, rather than into the formal and regulated sector. And the substance of the contributions across the aisle this evening, points to another instance, this time, not brokered by the turgidness of outdated Legislation as last week, but rather by the commercial practices of a virtual monopoly.

And I want to just emphasize that we as legislators have to, whatever side we are on, engage in a process of very fundamental reform, without malice to anybody's commercial activity, but simply to point out with clarity, what are the integers of development. If it continues this way, no matter who is in office, we cannot achieve the level of employment, development, and growth that we want.

May I tell you a short story to conclude? I have a friend, who makes very delectable bread, and he reached a point of advancement in his business where he needed to buy a dough breaker, and he would be able to sell more, employ more people, and generally, advance himself and others.

He approached his long-standing Commercial Bank and was told that the loan for the dough breaker would require him to pledge his house - his home. He hesitated for quite a while. And in the interim of his consideration, the same Bank Official came to him and pointed out that the car that he was driving, was rather dated, and offered him the one hundred per cent loan that the Member from Eastern St. Andrew reminded us of, to buy, in foreign exchange, a fully equipped car from the Far East which would necessitate the use of foreign exchange to maintain, and they would provide the full money for that car, without any recourse to any other security.

They wouldn't accept the Bill of Sale on his dough breaker, which was a productive instrument, but they would accept the Bill of Sale on his motor car which was a luxury item. The Member from North East St. Andrew is perfectly correct, we have it all wrong. And unless this House is prepared in very measured but resolute terms, as witnessed by the efforts of the Economy and Production Committee, to broker change in this regard, frankly, our development, personal and national is going to continue to be anemic.

The question I end with sir is what happens to this Report now? My understanding is that Reports of Committees ought to be referred to Cabinet for action and for report back to this House.

(HON. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western, Minister of Local Government and Community Development, entered and took his seat.)

Very often, that rubric is honoured in the breach, rather than the observance, and I trust that that will not be the case in this instance.

May it please you. (Applause)

The Deputy SPEAKER: Mr. Vaz - Daryl, that is.

Mr. Daryl VAZ: Thank you, Mr. Speaker. Just a few quick words. It is actually quite ironic that we are completing the Debate, both on the Economy and Production Committee, and also the procurement - amendments to the procurement Regulations, because those two items are among the most effective way to see if we can really, finally, get the growth that this country so badly needs. But the third aspect is the bank charges and I am not normally a pessimist, but I must tell you that after being a member of the Committee...

(*Sotto voce* comment)

Mr. Daryl VAZ: We will discuss that after. But in terms of the time that has been spent by the Legislators here, in terms of trying to understand exactly why the bank charges and the bank profits, as a result of that, are the way they are, I am not quite sure that at the end of all of this, that much is going to change. As a matter of fact, I am not even sure how seriously the bankers are taking us now as Legislators, as we sit here and close this Debate, because to me, in layman's terms, this is like a cat and mouse game - the consumers and the bankers. And every time we seem to back up the rat in a particular area, the rat, or the mouse, gets away and the next thing you know, there is another set of charges coming from somewhere else to booster the profits of these institutions. And that has been the way it has been going for a long time - long before my entry, or entry into business.

So what I would like to urge the House is not for us to close the Debate today, but to make sure and follow through with the empowered entities, and us as Legislators, to finally bring to bear some equity and some justice, as it relates to some of these horrendous - some people will describe it as immoral - charges that are being imposed on us.

And therefore I agree totally with all the comments and presentations that have been made from both sides of the House, but I ask Mr. Speaker that we don't end up spending all this time, and it becoming a talk shop, and the recommendations go into another *File 13* and never be acted on. We have a responsibility to our constituents who are the ones, who are from humble beginnings in most cases, and trying to make a life for themselves and their families.

So I ask Mr. Speaker, through you to Chairman of the Committee, and of course, all the Government entities and agencies that have been in front of this Committee, for so many days and weeks, that we try and see what we can do to stem this situation once and for all.

Thank you.

The Deputy SPEAKER: The House Leader - oh, Mr. Henry...

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

Mr. Speaker, my intervention is going to be very brief. It is going to be brief against -

as I sat here over the last few days, I deliberated with myself, whether I really should enter this Debate. I say that because I am beginning to wonder if this is not a case of the cart before the horse. I say that, Mr. Speaker, because if you have no growth for all but 40 years, and there is no internal growth in the economy, then your banks will not have the ability to do some of the things we are saying they should do.

I juxtapose that against the fact that the world today is moving into a New World Economic Order. And if you are not growing, then the only place you can get anything to lend or to invest, or to come from, must be from borrowing or, you have assets which you are going to sell to find the financing to move it forward.

If the international world restricts the movement of money to US$10,000 or thereabouts, then economies like ours are tied to the inflow of those funds, which I believe the inflow of overseas funds drives a great deal of our economic structure.

Ten Thousand US Dollars (US$10,000) is $1.2 Million, roughly, US. How are they going to lend against that for a house? It must be a car that begins to qualify at that level. And they have to keep making money. And in all of this, banks are no more relevant to what we knew as banks before. In fact, your money is not safe nor protected in a bank, as is shown by what happened, in terms of the European countries - in terms of what is happening in Greece today. And, as long as the international world is moving to ensure that there is only one clean balance sheet in the world which is the IMF, then you are restricted to what somebody decides on Wall Street, or somewhere else.

If you're not freeing up your own economy - you know, Mr. Speaker, I listen sometimes and I hear; are we aware that Rockefeller said that competition is the most evil thing? (Laughter) And we are preaching competition to reduce cost, reduce prices. I wonder where we are. It was what we call the new world economic order that led us into different areas. There is a new world economic order. Right now, you're not going to be able to borrow money unless you agree to certain things you must support. And I'm saying it is proven that the bank is no more a person that holds your money and pays you interest on your money. In fact, there is no guarantee. If you have another debt exchange any government might take that money and say it's only worth X in order to sell it as Greece is facing. So I'm saying that I agree with my colleague. We must extend this to perhaps the role of money, the role of what growth relates to in terms of how you can think independently, how you can begin to move and extricate yourself, because [the] United States economy, for instance, contracted by 0.7 per cent in the last quarter.

I think we must face the realities of the new world economic structure that is there and we must look at that in terms of the wider issue, because the banks are exploiting us because they're finding a new way to earn income which they're not getting from lending money for investment, or for growth, or for anything. And it will come back ultimately to

your sister overseas that might help you. $9,900 ($1.1 Million) you can only buy a car to hustle on the street to be able to live because there are no more jobs anywhere. So I would love to see the debate widen as to how we can extricate ourselves in a speedier time and in a quicker element from the issues that relate. I believe that the banks we used to borrow from internationally will no longer lend us right now.

So Mr. Speaker there is no doubt the motion as it rests, the charges are exorbitant, they're obviously in contravention of the traditions that we know as banking but for the country now to move forward we must ensure that we come up with a plan which relates to what we do with our assets, how we grow and develop the programmes that we want to see growth really coming that the banks can perform in a better element. That's my short contribution. (Applause)

The Deputy SPEAKER: Mr. Samuda.

Mr. SAMUDA: Yes, Mr. Speaker, I wish to once again thank the mover of this resolution for what has turned out to be one of, perhaps, the most interesting, thought-provoking resolutions brought before this Honourable House for a very long time. (Applause) And it speaks to the broader issue of Members putting forward resolutions on national issues and in this instance we have an agreement from both sides of the House on the issue.

The Member from Western Portland makes mention of the fact that the banking community is paying little regard to what is happening. Well, I think that they would be doing that at their peril, because it is clear that the legislators of Jamaica have come to one determination that something has to be done about the level of charges being made by the banking community and in addition, the interest charges not just bank fees, but interest charges must be brought in line as in the international community in terms of the difference between the deposit and the lending rates.

But Mr. Speaker we are challenged as a House by the comments made and the observations made by the Governor of the Bank of Jamaica, because the Governor advised the Committee - and we must not lose sight of this, because it is of some significance - the Governor of the Bank of Jamaica indicated that his findings were that these charges were based on competition within the market place and that they were based on cost factors affecting each bank. So the fact that there is a similarity in the movement of charges would have to be viewed against that comment and that observation.

And in closing, I wish to urge the Cabinet to look very seriously at the options available to the country in terms of a legislative programme that will deal with the excesses as outlined in this resolution and debated in this House, the excesses within the banking community. It cannot be that we can view as pure competition an environment in which two banks comprise 80 per cent of all banking in the country; two. The third has absorbed one of their competitors and so what we find is occasionally the lead bank will go out with a rate and the others simply tuck-in in the

wake and take a free ride. This has to be examined and I believe it would be fair for us to request of the Bank of Jamaica that they report in more specific details, as I did ask in the Committee, that they report at the quarterly reports given by the Governor of the Bank on the progress being made to contain this practice of charging excessively as has been determined by every legislator in this House.

If they don't respect the view of the legislation - the legislators, if they don't respect the views of the Committee that was set up to examine these fees then we have a real problem. We have a real problem in this country. The United States of America has found answers to that problem. We must go in search of those answers, but what is clear from all that we have heard is that the economy cannot move forward in an environment such as this.

(Applause)

A MEMBER: That's right.

Mr. SAMUDA: The strangulation and the frustration I heard enunciated in the views of the Member from Eastern St. Andrew where preference is given to a foreign exchange consuming debt, nonproductive consumer type debt, at the detriment of the productive sector and the sector identified as a premier sector for our growth agriculture. If those things don't change then I think the task of growing this economy would be far more daunting than is apparent to most of us. (Applause)

In addition, I draw your attention to one of the conclusions of the Bank of Jamaica in the Report where it says:

> *"The Bank of Jamaica noted that deposit-taking institutions with the exception of building societies and credit unions exhibited declining returns on average assets and average equity over the past five years?"*

The fact that that could be highlighted raises the question, is this an attempt to justify the level of charges, because as it said declining returns on average assets and average equity. If it means that they have to experience a decline at a time when everybody else is declining then so be it. It should be done. Sacrifices have to be made by all. And we heard speaker after speaker speak of the fact that everybody else is under stress and not making any money while the banks are making heavy profits.

Mr. JACKSON: From money already made.

Mr. SAMUDA: From money already made compounded. So we need as a country, as a Cabinet, as legislators to make it clearly understood and unmistakable that our eyes are fixed like a periscope on the operations of the banking community as it affects particularly the productive sector.

Mr. Speaker, I don't think there is very much that I can add other than to recommend that the actions called for by the Member from Western Portland as a signal to the country that we must be taken seriously; that the Cabinet put in place immediately certain regulations that require a level of monitoring and exposure on a monthly basis so that the banks can be assured that whatever takes place from here on in will be as I say fraught with

absolute transparency and that information to the consuming public commercial as well private be made clear for all to appreciate and the recommendations of the Committee must be now reviewed by the Cabinet with a view to making sure that they are implemented that it's not just a question of recommending that a number of fees are eliminated, or that provisions are made for additional flexibility in the construct of the fees, but that they have a system established to monitor it.

And I finally plea with the Ministry of Finance to provide for the Minister of Industry Investment, and Commerce a budget allocation to deal with the publication of the surveys that I expect will be undertaken by the Consumer Affairs Commission working in conjunction with the Bank of Jamaica. Jamaicans need to know what these charges are, what they comprise, so that they can plan their lives. So, Mr. Speaker, with those comments I ask this Honourable House to adopt this resolution.

Thank you. (Applause)

The Deputy SPEAKER: The question is that this Honourable House adopts the resolution.

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, I wanted to recommit Statements by Ministers but before I do that, Mr. Speaker, may I move for the recommittal of item: Presentation of Bills without Leave of the House First Obtained.

The Deputy SPEAKER: The question is that there be a recommittal of item: Presentation of Bills without Leave of the House First Obtained.

Put to the House and agreed to.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED (Recommitted)

Mr. PAULWELL: Mr. Speaker, I now move to introduce and have read a first time a Bill shortly entitled, "The Cybercrimes Act, 2015".

Bill shortly entitled:

"The Cybercrimes Act, 2015"

read a first time.

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

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

The Deputy SPEAKER: The question is that there be a recommittal of item: Statements by Ministers.

Put to the House and agreed to.

STATEMENTS BY MINISTERS (Recommitted)

Mr. PAULWELL: The Minister of National Security will make a Statement.

Mr. BUNTING: Thank you, Mr. Speaker.

Today I want to just briefly update Parliament on the protest action by members of the Police Federation, which commenced last night and it arose from what they perceive as an impasse between the Ministry of Finance and Planning and the central executive of the Police Federation.

Mr. Speaker, for the record let me be clear in stating that the Ministry of National Security has been playing a supportive role to both parties throughout the period of these negotiations, and in fact, we have maintained that position even in previous contract negotiations.

Mr. Speaker, it is undisputed that the Government would like to offer better pay to the police and indeed to all civil servants. However the point must be made that any offer must be governed by the inherent ability of the Government, as it is for any employer to pay, and in particular the constraints pertaining to the targets of the overall economic reform programme. In the long run adherence to these targets will result in improved economic performance and a more robust economy for all.

The Ministry of Finance and Planning has put on the table what is really an effective offer of six and a half per cent in year one, and five and a half in year two. This comprises a three and a half per cent *per annum* increment which every JCF member receives, plus the additional three per cent offer in year one and two per cent offer in year two. Several other items of claim have already been agreed.

Mr. Speaker, at the Ministry we consider it unfortunate that the members of the Police Federation chose to pursue this course of action which is not appropriate for an essential service. It exposes the public to unnecessary risks and may cause significant harm to the professional image of the JCF which has been improving in recent years.

Today's action has affected most RM Courts across the island, in addition to the Supreme Court in Kingston and the Family Court and Traffic Courts. It is important that the Police Federation return to the negotiations immediately and persuade their members to resume normality.

Mr. Speaker, the Minister without portfolio in the Ministry of Finance and Planning has today written to the Police Federation inviting them back to the bargaining table and we hope that they will let good judgment prevail, and that good sense prevail, and that they will respond positively to that invitation.

In the meantime I wish to assure the nation that contingency measures have been put in place to mitigate the impact of the protest action, including the increased use of JDF personnel in support of the police. We will continue to strengthen these contingencies even as we appeal to the Police Federation to end its protest action and return to the negotiations.

Thank you, Mr. Speaker.

The SPEAKER: Mr. Smith.

Mr. D. SMITH: Mr. Speaker, we of course consider it most unfortunate that the rank-and-file members of the JCF considered it necessary to involve in industrial action.

Mr. Speaker, we believe that they were provoked into taking these actions. Provoked by one, a lengthy negotiation period, and two, by complaints that I have received in relation to the tenure of the appropriate of the Government chief negotiator.

Mr. Speaker, they have taken this action against the background of a wage freeze over a five year period, they have taken this action, Mr. Speaker, against that during that five year period I am told, approximately 30 to 35 per cent inflation rate. Mr. Speaker, they have taken this action against the background of appalling working conditions. Situations that see them not being equipped with their proper working implements which makes life that much difficult, and of course, Mr. Speaker, they have taken this action against the background of the spiralling crime situation that we are experiencing at this time, and they, of course, are the first line of defence representing the populace against these hardened criminals. As an example, murder here to date, 475/76 against 15 per cent more than last year. In fact, year to date, it's the highest it has been over the last five years.

Mr. Speaker, I concur with the Minister in terms of asking all parties involved to go back to the bargaining table, but having said that, I also say make a better offer when you go back to the bargaining table. When the Federation was - previous period negotiating with the past government, I am told they received as a package, a total package of some 42 per cent, and I know they would have been looking for something to compare or perhaps even better. So I say, when you go back to the bargaining table, which I support, I ask that the anti be raised to a higher level.

Mr. Speaker, having said that, however, the Federation leadership has a responsibility to the country. They have to assess what are the likely negative aspects coming out of industrial action if it should be prolonged. So this is a responsibility which is theirs, and as I said, they have to assess it and they have to act in the interest of the country.

So Mr. Speaker, having said those few words, we look to a hasty coming together again at the negotiation table, and we look for the Government going to the table with clean hands and an improved offer.

Those are my few words, Mr. Speaker.

Mr. BUNTING: Mr. Speaker I…

The Deputy SPEAKER: Just a moment.

(Heckling)

Please be reminded that this is not - Mr. Charles.

Mr. CHARLES: I am the experienced trade unionist in this Parliament and I am speaking on behalf of the workers.

The Deputy SPEAKER: Mr. Charles.

Mr. CHARLES: I just want to make a few comments.

The Deputy SPEAKER: No, no, this is not a debate.

Mr. CHARLES: And which I will ask the Member some questions.

The Deputy SPEAKER: You need to ask questions, not make a statement.

Mr. CHARLES: Yes, yes.

The Deputy SPEAKER: Okay?

Mr. CHARLES: Mr. Speaker, I listened to the presentation of the Minister outside of Parliament, and inside of Parliament. I wish to ask the Minister if he recognizes that wages is the greatest incentive for production? Wages. Without wage you don't expect the workers to produce, as you are calling on them to do. Secondly Minister. Your attitude towards the

police, your statement on radio embarrasses the police and I would ask you to be very careful how you handle negotiations. Negotiate, Minister, not enforce yourself on them. In fact, you said that you were sitting in as somebody who was sitting with the Minister of Finance to oversee. You are supposed to lead the interest of the police and not to go on the way you are going on with them.

I support the call, Mr. Speaker, from the Opposition spokesman on Finance, for the Government to offer a reasonable rate to the police which will be an incentive for their performance for the kind of job they have to do on behalf of this country. I invite the Minister, I plead to the Minister and to the Government, because the Minister is acting on behalf of the Cabinet, to recognize the public service, the police, the nurses, the teachers, and the general…

(Heckling)

(The Deputy Speaker gavels)

…and I ask that you make an offer in their interest and in all of us interest.

Thank you.

The Deputy SPEAKER: Minister, was there a question to be answered?

Mr. BUNTING: No.

The Deputy SPEAKER: House Leader.

Mr. PAULWELL: Mr. Speaker, I move for the recommittal of Item Questions and Answers.

The Deputy SPEAKER: The question is that there be a recommittal of Item Questions and Answers.

Motion put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, the time being what it is I move for the suspension of Standing Orders for us to take Questions and Answers after the time permitted.

The Deputy SPEAKER: The question is that there be a suspension of the Standing Orders to allow Questions and Answers.

Motion put to the House and agreed to.

QUESTIONS AND ANSWERS TO QUESTIONS
(Recommitted)

Mr. PAULWELL: Mr. Speaker, we will take Questions 11 and 12. Both questions.

The Deputy SPEAKER: Mr. McKenzie.

Mr. McKENZIE: Mr. Speaker, under the item Questions and Answers the Minister…

Mr. SHAW: And next time you come on time, you come on time at the Question time.

(Heckling)

The Deputy SPEAKER: Members.

(The Deputy Speaker gavels)

Minister Arscott, please go ahead.

Mr. ARSCOTT: Mr. Speaker, permission to speak from a seat other than my own.

The Deputy SPEAKER: Permission granted, Minister.

Mr. ARSCOTT:

Question 1:

Could the Minister state how much has been collected for property tax yearly since 2011?

Answer:

Property tax is collected for financial year 2011/2012 to 2014/2015: $2.5 Billion, $2.8 Billion, $5.83 Billion, $7.44 Billion.

Please note that these amounts are total collections which include the administrative fee of 2.5 per cent retained by the Tax Administration of Jamaica.

Question 2:

Could the Minister state the compliance rate for each year since 2011?

Answer:

2011/12 - 50 per cent; 2012/13 - 50 per cent; 2013/14 - 51 per cent; 2014/15 - 54 per cent.

Question 3:

Will the Minister provide details of all areas of expenditure from property taxes inclusive of administrative and promotional costs since 2011?

Answer:

Mr. Speaker, 10 per cent of the property taxes received goes to the equalization fund. The other expenditures are broken down as shown in the table, which is in the possession of the Member.

Question:

Could the Minister state the percentage of property tax that was allocated to the respective parish councils, Kingston and St. Andrew Corporation, Portmore Municipal Council since 2011?

Answer:

After deducting 2.5 per cent administrative fee to Tax Administration Jamaica, 90 per cent of the remainder, which is collected in each parish, is allocated to the parish. Same thing is done for the KSAC and the Municipality of Portmore.

Question 2a:

Could the Minister further state how much each Council received?

Answer:

It's a list Mr. Speaker on the - the table is included; the Member has it over there. (See attachment at back of document)

Question 2b:

Could the Minister further state the basis on which the allocation was made?

Answer:

Ninety percent of the property taxes collected in each parish, received from the Tax Administration of Jamaica is allocated to the parish.

Question 2c:

Could the Minister further state how the money allocated was used?

Answer:

Mr. Speaker, the monies allocated to the Councils were used to pay street lighting, public cleansing, public water, promotional and administrative expenses.

Question 3:

Could the Minister provide a breakdown of the amount of money from property tax collected that each Parish Council received for street lights, including the basis on which the allocation was made, since 2011?

Answer:

The allocations made for streetlights are based on the streetlight bills in each parish and availability of funds based on the property tax collections. The table in the document outlines how the allocations were made parish by parish, as well as Portmore and the KSAC.

(See attachment at back of document)

Question 4:

Could the Minister state how much money from property tax collected was allocated for garbage collections since 2011?

Answer:

The amounts collected allocated to garbage: 2011/12 - $1.2 Billion; 2012/13 - $1.3 Billion; 2013/14 - $1.9 Billion; 2014/15 - $2.4 Billion.

The SPEAKER: Yes, Minister?

Mr. ARSCOTT: Okay, I'll just move on, Mr. Speaker, to Question number 12.

Question 12a:

Could the Minister state how much money has been owing to the Jamaica Public Service Company for streetlights from 2011 to present?

Answer:

The amount owing for streetlights between 2011 - March 31, 2011 to April 30, 2015 as follows:

$724 Million – March 2011**;**

$1 Billion – March 2012**;**

$2 Billion approximately - March 31, 2013;

$2.6 Billion - March 2014; and

$3 Billion - April 2015.

Question 12b:

Could the Minister state how much money has been paid on the outstanding amount for the period?

Answer:

I must, Mr. Speaker, remind the House that - just to advise the House that the number quoted for the amount owing for streetlights represent the billing from the JPS, assuming 100% of the lights are working, therefore there are some discussions in terms of the JPS in terms of resolution of that matter.

Question b:

Could the Minister state how much money has been paid on the outstanding amount for the same period?

Answer:

2011/12 - $666 Million;

2012/13 - $470 Million;

2013/14 - $2.05 Billion;

2014/15 - $2,045 Billion.

As for the current financial year, as at May 21, we have paid $1.7 Billion to the JPS.

Question c:

Could the Minister state how many streetlights are in Jamaica and how many are in working condition?

Answer:

The final database resulting from the recently completed audit of streetlights indicates a total of 105,440 streetlights. Further checks revealed that approximately 12% of these lights are malfunctioning as found out by OUR which conducted a survey of streetlights in May 2014.

Question d:

Could the Minister state if an audit of streetlights has been undertaken by the Ministry?

Answer:

Yes.

Question 1d:

If the answer to Part 1 (d) is in the affirmative, could the Minister provide findings to the House?

Answer:

The recent verified findings of audit are being used in negotiations with the JPS and is not available as yet to be tabled in the House.

Question 3:

If the answer to Part 1 (d) is in the negative, could the Minister say why an audit has not been done?

Answer:

See answer to Part 1.

The Deputy SPEAKER: Mr. McKenzie.

Mr. McKENZIE: Mr. Speaker, could I crave the indulgence of the Speaker as it relates to Question 11, because of the detailed information provided by the Minister, I would seek the Speaker's permission to - at the next sitting of the House, to come back with some follow-up questions and to have further study of the answers presented by the Minister. Because the Minister has presented a detailed response and the importance of the questions tabled, Mr. Speaker, I would seek your permission to come back next week in response to Question 11. But, Mr. Speaker, in response to Question 12...

Mr. L. BUCHANAN: That is the only one yuh understand?

Mr. SHAW: Shut up!

Mr. McKENZIE: Yuh know, a tell yuh already and a gwine sey it again...

The Deputy SPEAKER: Mr. McKenzie continue please.

Mr. McKENZIE: …you are extraordinary stupid.

The Deputy SPEAKER: Mr. McKenzie continue please. (Laughter)

Mr. McKENZIE: Mr. Speaker, while I welcome the response...

(Inaudible comments)

(The Deputy Speaker gavels)

Mr. McKENZIE: ...while I welcome the response of the Minister on the issue of the streetlights, Mr. Speaker, I have some concerns and it relates one, to the question of the streetlight audit, Mr. Speaker.

The Minister, in his Sectoral Presentation in 2012, gave an indication that the audit of the streetlights would've been undertaken. We're almost three years since he made that announcement, but I note that he says that the audit has been completed and is being used in the ongoing discussions with the Jamaica Public Service Company.

Mr. Speaker, I just want to ask the Minister the importance of that audit because where I have a difficulty with it, I see you're saying that the OUR, based on their assessment I've said that there is 105 - about 106,000 street lights in the island, and approximately 12% of those are not working. I want to challenge that figure, Mr. Speaker, because the corporate area alone accounts for about 85,000 of the streetlights across the country. And I am wondering if the audit that was done includes community schemes where lights have been installed and for some reason or the other those schemes have not been handed over to the parish councils and if those data have been included in the audit. So I'd like the Minister to - if he could just respond to that?

Mr. ARSCOTT: The audit was comprehensive; it includes all lights installed

by the JPS and all official lights in terms of schemes approved by the parish councils. It was a comprehensive audit.

Mr. McKENZIE: Minister I will have to accept your word for it, but I doubt very much, Mr. Speaker, you know, I doubt very much.

The next question to the Minister has to do with the amount owing to the Jamaica Public Service Company, and this is of real concern. The Minister said as at the current financial year May 31, they've paid in excess of $1.7 Billion to the Jamaica Public Service Company. Minister, there is a significant increase in property taxes, you would agree. You said it in the House and then, you know, well I'll come back to the problem, but there is a significant increase in the property taxes. Minister you don't think it would've been wise to have used more of the property taxes to reduce the cost? Because if you look at the amount owing to the Jamaica Public Service Company, you would see that over the last three years there have been significant increase in the amount owing. And since we collected more than was budgeted for, Minister, you don't think it would've made more sense to have paid a significant amount more to the Jamaica Public Service Company than has been paid by the Ministry?

Mr. ARSCOTT: We didn't collect more than budgeted, we collected more than target. But let me explain to you that the property taxes pay street cleaning and streetlights, so we have to be careful. In former times there was what they call deficit financing support from Ministry of Finance...

Mr. SHAW: It is no longer there.

Mr. ARSCOTT: ...it is no longer there so the entire bill for street lights and public cleansing has to come from the property taxes, hence we see that we have to balance it between the payment to the JPS, bearing in mind that there is a dispute about the bill.

In fact I could tell you that over the past five years JPS billed us for a bill in excess of just shy of $13 Billion. And if we assume 25% of the streetlights not working, which is some of the situations in the inner city communities, JPS would have overbilled us to the tune of $3 Billion. So we have these data that we're negotiating about it because we're not satisfied that we're getting value for money, so therefore it's an ongoing discussion that we hope to deal with. In the meantime we're paying them as best as we can base on the limited resources available.

Mr. McKENZIE: Mr. Speaker, I will share the sentiments of the Minister as it relates to what the Jamaica Public Service Company is actually charging for, because I have concerns about it. I don't believe that the billing process is being reflected by virtue of the service that is being offered by the Jamaica Public Service Company.

But, Minister - Mr. Speaker, to the Minister, if the purpose of the property taxes was adhere to, then I believe it could have adequately, Mr. Speaker, cover the cost of paying the Jamaica Public Service Company and providing also, Mr. Speaker, the necessary funding to cover public cleansing.

And this is why, Minister, I will have to come back because there are areas where the

property tax is being diverted to, that is of concern. And property taxes, by virtue of the regulation is a dedicated source of funding to cover the cost of public cleansing and street lights. And there are areas, Mr. Speaker, that the property taxes is being diverted to be used, being used in other areas, Mr. Speaker, and when I come back to deal specifically with the question of property taxes I am going to be raising those as additional questions to the Minister.

Thank you.

The Deputy SPEAKER: Just a moment, Mr. Shaw, we have a list here. Mr. Vaz go ahead.

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

First of all, Mr. Minister, the issue of this outstanding negotiation, we have heard it and heard it and heard it. When, is this going to be resolved, because what you are saying to us is that your position is that you are being overcharged by 25 percent, so you have arrived at a percentage; so whether it is 23 or 27 or 21, this matter must be resolved and I will tell you why and hopefully the Member who is tabling the questions, will add these questions.

I have been a Member of Parliament from 2007 and I cannot tell you in West Portland how many applications through the Parish Council I have informed residents and communities to make for new street lights, and it is a dead-end road because JPS don't even want to hear the name Parish Council much less to respond to a request. What does that do, Mr. Speaker? You have people and communities being built every day, you have people adding on to areas where are residential in the hills and valleys that require street lights for protection based on the rising crime outside of the metropolitan area in the deep rural areas which we have only seen and have examples of in the last few days and weeks, and it doesn't seem that it is getting any better it is getting worse. With the increase in property tax, in the various parishes one would expect that that would go towards putting up additional street lights. And I know when I speak I have the consensus of everybody in here because as a MP you all are faced with the same thing. They come to the MP you send them to the Parish Council, the Parish Council, I don't even know if they even make the application anymore because it falls on deaf ears. So what you have is a very serious situation Minister that all it takes is a little dedication to decide that you are going to fix this problem. And you are going to put a team to lock up in a room and agree to disagree, but in the meantime, business must continue.

So I am making an appeal for every parish and every residential and business area that have made applications, certainly I can only speak from 2007, but some of my colleagues in here have been here 20 and 30 years I don't know how much different it was before. But I am appealing to you Minister, it is a vexing issue when people are paying their taxes, and all they are asking for is a light on their road to protect them and their children and family when they are making their way in and out or their business place.

The question is, I asked it before but I have to make sure that since we have heard this so many times before that the Minister now understand, how urgent and how serious it is, and now based on the pleading he is going to say that he will have an answer for us in the coming weeks.

So Minister, I turn it over to you and what I would love to know more than anything else, how many outstanding applications are there, Member McKenzie, how many applications parish by parish have been there, and the years that they have been there for. And when that comes to the House you will all be alarmed and appalled to know the inefficiency in that regard. So I turn it over to you, Minister, and I know you will respond in due course.

The Deputy SPEAKER: Dr. Wheatley, but may I remind Members that this is not a debate; it is questions and answers, so I don't want any prolonged speeches. Minister you want to allow for - Dr. Wheatley, go ahead.

Dr. WHEATLEY: Thank you, Mr. Speaker. Minister, under administrative expense, we have seen, between - from 2011 to 2014, 2015 almost a 300 per cent increase in administrative expenses. Can you just explain to us what that entails before I go on to the other part of my question?

Mr. ARSCOTT: The administrative expenses include printing, mailing, remuneration of property tax officers, administrative expenses in the Parish Councils as they put the team out on the road to collect the property taxes. In respect to the questions about diverting of the property taxes asked by...

(*Sotto voce* comments by a Member)

Mr. ARSCOTT: Yes, but they ask the questions before you, I will come back to the answer.

Dr. WHEATLEY: So Minister, you are saying that we have spent almost 300 per cent more in 2014/2015 relative to 2011/2012, by printing more, sending out more mails, paying persons attached to the Parish Council to deliver these notices.

Mr. ARSCOTT: Yes.

Dr. WHEATLEY: Yet, Minister, if you go back to the first page, we have seen only, only a four per cent increase, percentage increase from 2011/2012 to 2014/2015.

Mr. ARSCOTT: Really.

Dr. WHEATLEY: Taking into account Minister, that the real amount, we have seen a significant increase but that increase is based on the fact that we saw an almost 300 per cent increase in the property tax rate. So in real terms we have spent 300 per cent more money to collect, to just get a merely four percentage increase. Minister, in your opinion, do you believe that the money spent from - to mail, to print, to employ persons, a 300 per cent increase in administrative fee, works out from a percentage perspective, a percentage compliance rate Minister, don't look at the nominal figure but the percentage increase because basically, you know, those persons who use to pay property tax prior to the increase they are still complying but we have seen only a four percentage increase in terms of number of households, owners, land owners paying additional taxes so that is why I want you to balance, Minister, do you believe in

your mind that this massive increase in expenditure as relate to administrative cost, is it balanced in your mind as it relates to the percentage that we have seen?

Mr. ARSCOTT: Mr. Speaker, I see the Member wants to move from the nominal to percentages. But what we are looking at is an increase from $2 Billion to $7.4 Billion, right. (Applause)

(*Sotto voce* comments by Members)

Mr. ARSCOTT: Now, the detail in terms of the administrative expenses, I have not - I have outlined the general ones, right, but I think, Mr. Speaker, in general, if you were to look at a business, you expend $1 Billion you take the $7.4 Billion and climbing and we expect - this is an important gain in terms of the property taxes intake. Let me say, Mr. Speaker, I want to answer the question that...

(*Sotto voce* comments by Members)

Mr. ARSCOTT: ...the Member from West Kingston spoke about diversion of the property taxes and I challenge the Member to prove otherwise. In respect of the matter of the street lights - so the question of the applications - we have verified up to last year there was a problem between the JPS, even their own data base could not verify the accuracy of the number of street lights. Their billing system originally is based on 98,000 lights, our - the audit eventually turned up 105. Now, I will agree Member, we all would like more lights and we are working in harmony in terms of finding a resolution for the lighting problem for the country of Jamaica, so it is a work-in-progress and we expect to deliver.

Dr. WHEATLEY: Minister...

The Deputy SPEAKER: Dr. Wheatley, is this your last?

Dr. WHEATLEY: Yes, Minister, you tried to give a gimmick answer to a very serious question a while ago and because you are into gimmicks let me just point out something to you. Minister, you said that all of this expense of $1.2 Billion for administrative expenses resulted in a total collection of $7.4 Billion in 2014/2015. Now, Minister, if you look at the rate of collection or compliance in 2011/2012, 2012/2013 and I am not even going to take into consideration 2013/2014, the compliance rate was 50 per cent. Minister what is 50 per cent of 7.4 or not even 7.4, what would be if you maintain the same compliance rate of 50 per cent you would have collected because of the increase in taxes $6.85 Billion, Minister. Now, you now, spend $0.74 Billion more in 2014/2015, three quarter of a Billion dollars more you know, to collect only, only half a billion dollars more. So you spend more money and you collect less Minister.

A MEMBER: But nothing don't wrong with that.

Dr. WHEATLEY: You look at it. Let me just take you through it. Minister, your compliance rate is 54 per cent now, you said your compliance rate is 54 per cent now right, but prior to that your compliance rate was 50 per cent, in 2011/2012 and 2012/2013 your figures here, taking into consideration, Minister the 300 per cent increase in property tax that 50 per cent compliance is $6.85

Billion do you understand that Minister, do you understand that?

(*Sotto voce* comments by a Member)

(The Deputy Speaker gavels)

Dr. WHEATLEY: Minister, the question is Minister, the question is Minister, after going through some math with you, the question is Minister do you agree that you have spent $0.74 Billion more in 2014/2015 relative to 2011/2012 to collect only $0.55 Billion more, in 2014/2015 at a compliance rate of 50 per cent?

Mr. ARSCOTT: I do not agree with that calculation; but in any case, Member, the administrative...

(*Sotto voce* comments by Members)

(The Deputy Speaker gavels)

Mr. ARSCOTT: ...including in the administrative expenses are things like parks and beautification.

Mr. SHAW: Minister, could you just clear up something for us. What are the outstanding arrears owed to the Jamaica Public Service Company for street lighting?

Mr. ARSCOTT: Based on the bills sent to us by the JPS - presented by JPS, it is just approximately $3 Billion.

Mr. SHAW: Approximately $3 Billion?

Mr. ARSCOTT: Yes.

Mr. SHAW: I had heard a $7 Billion figure at one time. Are you saying...

Mr. DALLEY: You always hear something wrong.

Mr. SHAW: I am not asking you anything... quiet!

(The Deputy Speaker gavels)

For clarification purposes, Mr. Speaker - Minister...

(*Sotto voce* comments)

(The Deputy Speaker gavels)

Mr. SHAW: Minister... Minister... I just would like to have it... Gentlemen...

The Deputy SPEAKER: (Gavels) Members... Mr. Vaz...

Mr. SHAW: Minister I'd just like you to clear up for me. At one stage, we were told that the outstanding arrears for street lighting to the Jamaica Public Service Company was some $7 Billion. Now, you have mentioned the figure of $3 Billion; are you therefore telling this Honourable House that the arrears to the JPS have been cut from $7 Billion, down to $3 Billion now? You are saying that?

(*Sotto voce* comment by Mr. Arscott)

Mr. SHAW: Well, please say so.

Mr. ARSCOTT: Member, I don't know where you get this seven from, but it has been coming down, so - I knew it was around five - it is now at three - just over three - $3.1 Billion now.

Mr. SHAW: And you are saying it was around five - you are saying around $5 Billion.

(*Sotto voce* comment by Mr. Arscott)

Mr. SHAW: So, that $3 Billion that remains, are you disputing a part of those arrears in terms of, you know... based on what you told us earlier and if so, what portion is it that you are disputing?

Mr. ARSCOTT: The team is negotiating, based on a matrix that we have which shows that if...

(*Sotto voce* comments by Dr. Wheatley)

Mr. ARSCOTT: We have paid JPS –

over the past five years, $9.7 Billion. And, we are saying that we have dispute based on whether it is 10 per cent or 25 per cent of the lights that are not working. We want to arrive at a figure, and the OUR is assisting in the discussions and we hope we can arrive at a figure that we can sign off.

The thing with street lights, however, it is not a static situation, there are times when they repair, and others go out, so, there is an issue of the constant variations, in terms of which lights are on, when they repair them, and varying times when the lights go out. So it is not a static figure, it is always shifting. Herein lies some of the difficulty in the negotiations.

Miss DALEY: Yes, yes!

Mr. SHAW: I don't want to be belligerent about this point, Minister, but if the OUR audit said that it was approximately 12 per cent... correct - would that be the percentage overcharging your claiming, or - I thought I heard you used a figure of 25 per cent, where you got that from?

Mr. VAZ: JPS at 12 and he's at 25.

Mr. SHAW: So it fluctuates - is it fluctuating between 12 and 25 per cent?

(*Sotto voce* comments by Dr. Wheatley)

Mr. ARSCOTT: There is a fluctuation in terms of - it can be anywhere between 10 and 25 per cent, depending on which area we are at, at any given time. So, we don't have, and we have not been able to settle, because there is no - in the current system there is no way to accurately measure. However, the system is not computerized, so a lot of manual effort goes into verifying them. But, what we are proposing, in fact, in negotiation with JPS, is to have a system that can be tracked, monitored, and verified.

Dr. WHEATLEY: On Question 12 - I spoke on Question 11, not Question 12, Mr. Speaker. Just a simple question. Minister, do you agree with the results from the OUR's survey of 12 per cent of the street lights are malfunctioning; do you agree with that survey result?

Mr. ARSCOTT: Well, that is theirs, you know. I mean, we just use the figure, generally.

Dr. WHEATLEY: Do you agree or not?

Mr. ARSCOTT: OUR is a professional body, and we are guided by it.

The Deputy SPEAKER: Mr. House Leader.

Mr. PAULWELL: Yes... next week, you have some questions?

Mr. McKENZIE: Mr. Speaker... Mr. Speaker...

The Deputy SPEAKER: Mr. McKenzie, I am allowing you to come back next week to do your questioning, so could we...

Mr. McKENZIE: No, no, not on the - this is on the same JPS street lighting. I asked to defer the property taxes.

Mr. Speaker, to the Minister. Are you saying that the audit that has been undertaken is an independent audit; what about the audit that the Ministry - that you committed the Ministry in doing, are you saying that the OUR has done a separate audit? Is there an audit by the OUR and an audit by the Ministry of Local Government?

Mr. L. BUCHANAN: They are still investigating you, Desmond.

Mr. McKENZIE: *Yeah* man.

Mr. WARMINGTON: You won't find nothing, though.

Mr. ARSCOTT: The audit done by the Ministry was a joint audit between ourselves and JPS to verify how many street lights exist in Jamaica, because up to that point, that information never existed anywhere. So, we have signed off now, having gone through the thing at 105,000.

(*Sotto voce* comments)

Mr. ARSCOTT: Now, that is the audit that we signed off with, so...

Mr. McKENZIE: Mr. Speaker... Mr. Speaker... I just want the Minister to be clear. How many audits have been undertaken by the Ministry of Local Government? You said in your Sectoral Debate that the Ministry will be undertaking an audit to determine the status of street lights across the country. Where is the Report on that audit that you said that the Ministry of Local Government...

Dr. WHEATLEY: Is it to ascertain the number of street lights, or the number of malfunctioning street lights?

(The Deputy Speaker gavels)

Mr. McKENZIE: Where is that audit and if the audit that you referred to by the OUR is a separate audit from the one that you spoke about in your Sectoral presentation?

(*Sotto voce* comment)

Mr. ARSCOTT: The audit we did is at the Ministry; the OUR audit is a separate audit.

(*Sotto voce* comments)

Mr. McKENZIE: Minister, so you have two audits; when can the House be...

(*Sotto voce* comment)

Mr. McKENZIE: No, no, it can't be. Because, you see, Mr. Speaker, the Minister gave a commitment, and the commitment is important. The point raised by the Member from Western Portland is important, and every Member in this Honourable House would agree of the challenges that Members of Parliament face, and the wider Jamaica when it comes to getting street lights, whether to have it installed, or to be repaired. So, we are not here bashing the Minister; we are here trying to give support to the Minister because it is important, Mr. Speaker, that we can account for the amount of street lights. And, as I said before, Mr. Speaker, your audit should put you in a better position. I am challenging the numbers that you quote in the OUR audit of 105,000 street lights in Jamaica. I am challenging it, because it has no bearings. And, Mr. Speaker, I would like to ask the Minister to give the assurance of this House. I don't believe we should wait on the completion of that negotiation between the Ministry and the Jamaica Public Service Company for this Honourable House to be presented with the audit. We need the audit. Perhaps if we had a look at the audit, we could help you in the negotiations with the Jamaica Public Service Company. So, don't go on the offensive, Minister.

Two former Mayors who have experience know how the street light situation works, is trying to help you. Don't be offensive.

The Deputy SPEAKER: Minister...

Mr. ARSCOTT: Mr. Speaker, I am not being offensive in any way. I don't know why you taking that term. I said that the audit that

we verified at the Ministry is 105,440 lights - lights. Now, if you have data to challenge it, present it.

Mr. HENRY: You could never have said that figure.

Mr. ARSCOTT: That was what was presented to me.

(*Sotto voce* comments)

Mr. ARSCOTT: If the officials - by the way, this - let me explain... no, no, no but it is speculation. It is something... well, listen, this is something that has been verified and signed off between us and the JPS that that's the amount of street lights. The issue we are negotiating is which ones are working and which ones are not working. But, in terms of the absolute number of lights, we have signed off an agreement with JPS and the Ministry that 105,440 lights are currently in Jamaica.

Mr. McKENZIE: And you say 12 per cent of that not working?

The Deputy SPEAKER: Just a moment, I am allowing questions, not statements. Yes, Mr. Vaz.

Mr. Daryl VAZ: Mr. Minister, you said something after I asked the last question, in relation to the fact that you had received an OUR audit which indicated 12 per cent not working, and you...

Mr. ARSCOTT: No, I didn't say that.

Mr. Daryl VAZ: Okay, let me finish. And I heard a figure of 25 per cent, and the Member from Manchester also mentioned it. If it is that you are not accepting the OUR of the 12 per cent, then how do we come to a determination of the figure that you are prepared - both yourself and JPS - are prepared to accept. And most importantly, based on everything that I have heard this evening, it seems to me, Minister, that whatever the percentage is, you don't have the money. And therefore, there is no urgency being put on it to bring it to a head, because even when it comes to a head and it's 12 or 18 or 20 per cent, you don't have the money, so it is a bigger problem that needs to be attended to, not by some ministerial - Ministry representatives, it needs to be dealt with at the level of the Minister and the Cabinet.

(*Sotto voce* comment)

Mr. Daryl VAZ: Yes.

Mr. ARSCOTT: Let me just clarify something about the OUR.

Mr. Daryl VAZ: Yes, please.

Mr. ARSCOTT: Courting the OUR number as malfunctioning lights, okay. We did not - that was an independent audit done by them; only use their figure in terms of malfunctioning. So, let me clarify that.

It is no secret that there is an issue of finances, and what we are working to do is to try to find the best solution to the street light issue in Jamaica - and I had spoken at length about it already - which is to retrofit the lights to LED lights, and that is part and parcel of the negotiation of how we advance the retrofit, which will significantly save the resources to put us in a position to be able to continue to pay our light bill on time.

Mr. Daryl VAZ: Question, Mr. Minister - very importantly. Which agency of Government has the responsibility, legally, for the audit, or is it that JPS who is providing the service has the ultimate power to send you a

bill and, of course, you have the ultimate power to query the bill? But what I am trying to find out, if JPS has billed you, and they said you owe x amount, who or what is the process to query that, and whether or not that agency is the final arbiter outside of legal proceedings? Is it OUR, is it the Ministry? In other words, what is the standard procedure in relation to that?

Mr. ARSCOTT: The standard procedure is like any household, or any business person. So, you are contracted to the JPS, but of course, if there are disputes, then the final arbiter would be the OUR. So, that is where the situation is.

Mr. Daryl VAZ: So final question, if it is that the OUR has indicated that there is 12 per cent of the streetlights that is not working then it cannot be...

Mr. ARSCOTT: Malfunctioning.

Mr. Daryl VAZ: Ehh?

Mr. ARSCOTT: Malfunctioning.

Mr. Daryl VAZ: Sorry, malfunctioning...

(Inaudible comment by Mr. Arscott)

Mr. Daryl VAZ: What I'm asking there - therefore, that is a big part of the puzzle that has been solved, because if 12 per cent and you're querying that *yuh* not getting proper service from that 12 per cent then it must be easy from there to arrive at a figure and agree on that figure and then work out whatever plan, Mr. Minister, so we can continue to get service.

The Deputy SPEAKER: Member Pryce.

Mr. PRYCE: Thank you, Mr. Speaker.

The Members are correct that this is a matter that is of import to all of us and the Minister as well is a member and, therefore, has a. constituency that asks these questions. Just for my own clarification:

a) Can the Minister say specifically whether the 105,000 lights he spoke to is from the base on which the JPS bills the ministry, and

b) Could he also clarify whether it is possible or state whether it is possible that this movement between 12 per cent malfunctioning or a higher figure could be as a result of incident over time where a street light that is working is no longer occasioned by either a collision with a vehicle or any other reasons? I don't think - or can the Minister state whether or not it is understood to be a static measurement of the ones that are malfunctioning and if there is a programme over time that seeks to bring those that were found to be malfunctioning into a state of operation?

Mr. ARSCOTT: Okay, so Member the static figure is 104,000 now - 105,440 as existing. The issues of the ones working or not working is a moving target and we're trying to work out the detail. However, I must say the basis of billing, which was established a long time ago, was a flat rate and you paid the Bill whether the lights work or not and therein lies the issue. So over time we normally just pay; Ministry of Finance would come up with the difference and pay JPS. Now we're at a situation where it has to be paid fully out of property taxes. We expect that we can apply technology to the solution once we get the

authorization to go ahead and to begin the process of retrofitting in Jamaica.

(Cross talk)

The Deputy SPEAKER: House Leader.

Mr. PAULWELL: Mr. Speaker, we will now move to - before we do that, may I recommit items: Reports from Committees and Notices of Motions Given Orally.

The Deputy SPEAKER: The question is that there be recommittal of items Reports from Committees and Notices of Motions Given Orally.

Put to the House and agreed to.

REPORTS FROM COMMITEES
(Recommitted)

Mr. PAULWELL: Mr. Speaker, I beg to lay on the Table of the House a copy of the Report of the Regulations Committee of House of Representatives on its deliberations on the Beach Control (Licensing) (Amendment) Regulations, 2015.

NOTICES OF MOTIONS GIVEN ORALLY
(Recommitted)

Mr. PAULWELL: 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 Regulations Committee of the House of Representations on its deliberations on the Beach Control (Licensing) (Amendment) Regulations, 2015, which was laid on the Table of the House on the 2nd day of June, 2015, be approved.

Mr. Speaker, I now move to the next item under Public Business, which is the Report on the Joint Select Committee on the Public Procurement Act 2014. The Minister without Portfolio in the Ministry of Finance [and Planning] will commence the debate and we will seek to conclude the debate next week.

The Deputy SPEAKER: Minister Dalley.

THE PUBLIC PROCUREMENT ACT, 2015

Mr. DALLEY: Thank you. Thanks very much, Mr. Speaker and thank you Members.

Mr. Speaker, I am extremely pleased to present the Report of the Joint Select Committee on the Public Procurement Act, 2015 to this House for its consideration. As you will recall, Mr. Speaker, the Bill was tabled - a copy of the Bill, and I'm sure Members will find it very useful those who have not read it and I also tabled the Report of the Joint Select Committee, which conducted its deliberations.

Members will recall that the Public Procurement Bill was tabled in the House on the 29th of July, 2014, and referred to a Joint Select Committee to consider and report on this its provisions. The membership of the Committee approached the task with dedication and diligence. Your Committee held a total of nine meetings, the last of which took place on March 18, 2015. I therefore ask this Honourable House to join me thanking the Members for their work on this Bill and I want to also thank the technical team both from the

Parliament, the Office of the Contractor General and the team from the Ministry of Finance and Planning as well as other members of the technical team from UDC, the Ministry Transport, Works and Housing and other stakeholders.

The Report was laid before the Honourable House on April 29, 2015, and has been circulated and Members of the House will no doubt have prepared themselves for the debate on this very important Bill by reading the Report and making sure that they fully understand this new piece of legislation. I do not wish to therefore, repeat what has already been presented in the Report. However, the Procurement Bill when enacted will be first - Jamaica's first standalone legal instrument which will guide and regulated how Government spend taxpayers' dollars on the procurement of goods, services and works and will transform the public procurement landscape marked by improved business processes, greater efficiencies in the procurement proceedings and the contract award process. This will lead to increased value for money and increase access to procurement opportunities by our suppliers in Jamaica and around the world.

The Bill now comes before us and what I propose to do Mr. Speaker is to ask this House to adopt the Report of the Joint Select Committee after which I will take the Bill through its final stages. A quick background before I do so, Mr. Speaker. I wish to highlight how far we're coming from with this Bill. As you know the government procurement system has long been in need of improvement, but more specifically it has been in dire need of comprehensive legislative reform. The system is characterized by much inefficiencies, delays and needless bureaucracy. It suffers from a lack of timeliness in responses throughout all stages of the process, lack of firm accountability, lack of capacity and unclear lines of demarcation within our institutional framework.

Resulting from the effort of the Ministry of Finance and Planning, a technical working group was formed which made many vital recommendations towards improving the government procurement system which have formed the genesis of this new legislation. During the period of time, however, we have done adjustments to the Handbook of Public Procurement and have also tweaked policies on public procurement. Your Committee recognized that in many small developing countries such as ours, the Government is the single largest national procurer of goods, works and services and so public consultation and participation was integral for the improvement of the procurement system.

We were deliberate, Mr. Speaker, to utilize an exhaustive, consultative approach as this is a matter that affects many Jamaicans thus by way public notice dated November 17, 2014, stakeholders and members of the public were invited to comment on the Bill and make written submissions. In fact, many after having considered - in fact, Mr. Speaker, after having considered submissions presented, many of the recommendations were made by the stakeholders and members of the public have been incorporated in the Bill.

The Report before us gives us cause to celebrate, because it is this administration's - for this administration it's a significant step forward towards the fulfillment of the pledge to the Jamaican people to promote efficiency transparency and integrity in governance. Some of the major features of the Bill include:

1) The establishment of the Procurement Policy Office, which will replace the Procurement and Asset Policy Unit in the Ministry of Finance and Planning. This Office will perform the role making recommendations to the Government with respect to the policies to be adopted for public procurement and to provide support to persons who participate in the public procurement process;
2) The establishment of the Public Procurement Commission, which will replace the National Contracts Commission, the NCC, and will form a separate body from the Office of the Contractor General with its main objects being the promotion of efficiency in public procurement proceedings, the implementationof procurement contracts as well as the promotion of transparency and equity in the award of such contracts;
3) It will also be responsible for the registration of classification of suppliers and contractors.

The objects of this Bill will be to:

a) Maximize the economy and efficiency in public procurement;
b) Promote economic development through public procurement;
c) Obtain value for money in public procurement; and
d) Promote integrity and engender public confidence in the public procurement process;
e) To encourage participation in public procurement;
f) To promote competition m the supply of goods, works and services; and
g) To provide for a fair equitable treatment of all persons participating in the public procurement process.

Members will have noticed that the Report of the Joint Select Committee includes a list of recommendations which form amendments to the Bill. Mr. Speaker, the deliberations of the Joint Select Committee were truly a process of bipartisan collaboration in the national interest. Members of the Committee on both sides made some very useful suggestions and I am happy to say that the majority of those suggestions were taken on board by the Committee and these amendments are a testimony to that fact.

A clause by clause examination of the Bill, Mr. Speaker I will now seek to go in - I will not seek to go in great detail into all the clauses of the Bill at this time, but would wish to highlight those clauses that have undergone changes. The details, Mr. Speaker, can be found in the Report as I mentioned earlier.

Part I of the Bill highlights all the preliminary points. Clauses 1 to 3 introduce the Bill. It contains the interpretation of the key terms and sets out in the application of the

Act. Your Committee recommended that the year of the Bill be changed from 2014 to 2015. Of note, Mr. Speaker, is the definition of the term "national development project" which means a development project approved by the Cabinet of Jamaica and agreed by Parliament, and declared exempt from the application of the Act or any provisions thereof, by Order of the Minister under Section 3 subsection (3). This and other exemptions, which I will discuss further as I make this presentation, are important to ensure that critical projects towards national development are given the oversight of Parliament and not encounter the normal delays occasioned by the public procurement process. And in the definition also continuing, Mr. Speaker, I also wish to direct the attention of Members to the introduction and inclusion in the Bill of the term, "offsets".

Offsets, meaning measures including margin of preference and set-asides to encourage Jamaica's economic growth and development or improve Jamaica's balance of payment accounts, which measures may relate to requirements as to the domestic content, the national supplier, the licensing of technology, the transfer of technology, investment requirements, or similar arrangements.

With the introduction of offset, Mr. Speaker, there will be the creation of a national policy space to facilitate the growth of the micro, small and medium enterprises as part of the public procurement space.

Exemptions. Clause 3 stipulates that the Act applies to all procurements, however it makes provisions for exemptions in areas where sections of the Act do not apply. Mr. Speaker, these exemptions do not depart from the Government's policy, but are based on the fact that there are several procurement activities that given their nature ought not to be subject to the strictures of the public procurement process. For example, where the terms of a public/private partnership otherwise govern a public procurement exercise, where the procurement concerns exempt goods, works or services, where the procurement is being undertaken by an exempt body or where it relates to a subject matter that is excluded from public procurement under Clause 4.

Clause 4 sets out the subject matter that are excluded from the method of procurement and procurement processes set out in Parts III and IV. The matters that are so excluded have been fleshed out in the First Schedule to the Bill. It is important to point out, Mr. Speaker, that your Committee did not recommend any changes to these clauses.

Part II, Administration, the Office of Public Procurement. Part II of the Bill sets out the overall framework for the administration of the Public Procurement. Through the establishment of the Office of Public Procurement Policy, the Public Procurement Commission and granting these offices general administrative powers to further the objects and purpose of the Bill.

Clauses 6 to 8 - Office of Public Procurement Policy.

Clause 6 provides for the establishment and scope of the public procurement which shall be under the direction of the Financial Secretary. The Office of Public Procurement

Policy will recommend and guide policy and provide support to all participants in the process. The office role includes the development of a Code of Conduct for public officers and best practice guidelines for public procurement, undertaken research, statistical analysis to inform policy development, and prepare and conduct training programmes for public officials involved in procurement.

Mr. Speaker, of significance, part of this office role will be to establish and manage an electronic procurement system for the public sector. In this regard, I am happy to announce also, Mr. Speaker that the implementation of the electronic government procurement system will be rolled out in July of 2015.

Clauses 9 to 14 deal with the Public Procurement Commission. The Bill seeks to establish an independent public procurement commission, Mr. Speaker, and outlines it's objects and functions. This is significant, Mr. Speaker, to address the longstanding concern of the separation of the National Contracts Commission from the Office of the Contractor General and to build independent capacity.

The role of the Commission is critical in ensuring prudence in the use of public funds, promoting efficiency and integrity in the public procurement process, and ensuring transparency, fairness, equity in the registration of persons, firms and entities.

The role of the Commission as set out in this Bill is of importance to note as it will be mandated to approve or endorse the award of procurement contracts of a certain value, register and classify persons, firms and entities as suppliers, and continuously assess suppliers for capacity and performance, established, manage and oversee the activities of sector committees, and make recommendations for improving public procurement. That's the Public Procurement Commission.

Clauses 15 to 18. The Bill sets out the condition for the participation of public procurement suppliers in procurement opportunities, including the requirement for registration. In exceptional cases where a procuring entity wishes to engage an unregistered supplier, provisions are made for the Commission to grant such approval.

Clauses 9 to 22, Mr. Speaker, procuring entities are required to observe the prescriptions of the Bill and amongst their functions is the duty to monitor the execution of all procurement contracts to which they are parties. They also have the duty to prepare a procurement plan for each financial year to ensure that the estimate of the cost of any planned procurement is committed in the annual budgets.

The head of the procuring entity will have overall responsibility for the procurement activities of the entity and is required to establish internal procurement units and committees to manage the entire procurement process. Mr. Speaker, the intent is to strengthen accountability in public procurement which will be a seminal achievement with the passage of this Bill.

Methods. Part III of the Bill, on your report, Mr. Speaker, from your Committee. Methods of Public Procurement.

The method of public procurement must be used by procuring entities are stated in this

part and conforms to international best practices. They are open bidding, which may take place on a national or international basis, restricted bidding and single source procurement. Your Committee recommended the deletion of certain clauses, Clause 23 to 25. Your Committee recommended the deletion of certain clauses and thought them best suited in the accompanying Regulations and Handbook to ensure a simple user-friendly legislative and policy framework. These clauses were removed because they dealt more with details of the various procurement processes, subsequently, Mr. Speaker, the Bill has been significantly renumbered as set out in the report tabled.

Clause 24 offers guidance as to the circumstances where a restricted bidding can be used. Restricted bidding can be used by a procuring entity. Your Committee recommended an amendment to this clause to capture circumstances where there is an urgent need, in the interest of the public, considering the possibility that depending on the circumstances of any such case it would be impractical to use any competitive method of procurement because of the time constraint. I remind the Members of the need for such a provision when we consider catastrophic events, Mr. Speaker.

Clause 25 sets out the instances where the single source procurement method is used.

Clauses 26 to 29, very important. Surcharge.

Mr. Speaker, it would be remiss of the Government not to hold officers, public officers accountable for contravening the Public Procurement Act, and causing deficiencies or loss of public moneys. With that said, it is important to note that provision has been made for the Financial Secretary to surcharge against such a public officer the amount of deficiency or loss. Your Committee being mindful of principles of natural justice has recommended an amendment to Clause 32(b) by adding the words, *"if no explanation as to the loss or deficiency is provided"* as referred to in subsection 1(a), is further furnished to the Financial Secretary.

Mr. Speaker, such public officers would be duly notified before surcharged and remedies have also been - would also be notified before surcharges are imposed.

Part IV, the Procurement Process which is Clauses 30 to 34.

The Bill makes general provisions touching on a number of important aspects of the procurement process, such as the notification to the public of opportunities, the participation in procurement proceedings, the treatment of bidding documents, the qualification of suppliers as well as prequalification proceedings. Based on concerns raised by the Committee it was recommended that for prequalification proceedings the procuring entity will provide bidding documents for each person, firm or entity.

Clause 35 to 47.

Importantly, Mr. Speaker, these clauses address the standards for bids that are to be considered responsive. The evaluation criteria for determining the successful bid, the grounds for rejection of bids and other related

matters. These provisions also concern the cancellation of procurement, the circumstances under which a person, firm or entity will be excluded from the procurement proceedings as well as the approval and notification of contract awards. We found it imperative, Mr. Speaker, to consider the treatment of these issues under the Bill in a detailed manner to enhance and strengthen the existing procurement processes.

Mr. Speaker, the Committee after having engaged in robust discussions concerning the approval of contract award, recommended the insertion of three procurement thresholds requiring the approval of the relevant bodies as the case may be. Three - I repeat. The Committee after having engaged in robust discussion concerning the approval of contracts award, recommended the insertion of three procurement thresholds requiring the approval of the relevant bodies as the case may be.

Part V. Reconsideration, Review and Appeal.

Clauses 48 to 53 deals with reconsideration of procuring entities decision. Mr. Speaker, the policy objective which Part V of the Bill seeks to achieve, is that of strengthening the authority of the procurement reconsideration, review and appeal process, to stop the procuring process prior to contract award where there are signs of irregularity or impropriety.

To that end, Mr. Speaker, Part V of the Bill provides the scope within which an application for reconsideration of the procuring entity's decision can be made by an aggrieved party that claims to have suffered loss, due to decision or action of a procuring entity - decision of a procuring entity taken during the process of procuring goods and services.

In this regard, the procuring entity is given powers to vary, reverse, or uphold any action or decision taken in the procurement proceedings with the exemption - exception of various matters that are excluded from the procuring entity's reconsideration such as the method of procurement and the rejection of a bid where the bid is not in compliance with the Act, or where the bid is not responsive.

The Procurement Review Board, in furtherance of this objective, Mr. Speaker, the Procurement Review Board will be established to hear applications from aggrieved parties that are in receipt of a decision made by a procuring entity, following an application for reconsideration. The Procurement Review Board has the power to take actions it deems necessary in the disposal of claims made either by a procuring entity or by an aggrieved party, a contractor, a supplier as the case may be concerning any decision made by the Procurement Commission.

Such powers include, but are not limited to, prohibiting the procuring entity of the - or the Commission, as the case may be, from acting contrary to the Act or any regulations made thereunder, overturn, in whole or in part, an act or decision of the procuring entity or Commission, revise or confirm a decision made by the procuring entity or the Commission, dismissed an application made to it and take such other actions as it deems

appropriate in the circumstances, the constitution of the Public Review Board is set out in the Third Schedule of the Act.

Mr. Speaker, it is important to note that the present procurement policy allows an aggrieved bidder to seek redress by applying to the procuring entity and to the Procurement Review Board, in relation to the specific concerns arising from the procurement process. The Bill seeks to retain this policy, whereas the present policy allows for application to be made to the National Contracts Commission, as the second stage of the review process under this Bill, the second and final stage will be an application to the Procurement Review Board.

Right to Participate in Proceedings:

Mr. Speaker, the Bill also empowers the Review Board to obtain assistance, information from as well as - as well as summoned and examined any person, firm or entity, with sufficient interest in the procurement proceedings as it sees fit. The power is essential as it serves to further one of the key and primary objectives of strengthening the review and appeals process in the interest of fairness, transparency and accountability. I'm pleased to state, that no substantial amendments were made to these clauses by your Committee.

Part VI, Civil Liability and Offences, Clauses 58 to 59.

Mr. Speaker, Clauses 58 to 59 of the Bill deals with civil liability, compensation, corrupt practice, prohibited disclosure, false record and the commission of any offence by a body corporate respectively. The Bill imposes civil liability on a person who acts in contravention of the Bill or its attendant regulations, or facilitates in any way, the furtherance of such contravention by another person. Such a person will be liable in damages for any reasonable foreseeable loss caused to any other person by virtue of this conduct. Consequently, any person who has suffered such loss may be entitled to be compensated by the offending person.

It is important to note, Mr. Speaker that a person who has suffered such loss may apply and be granted compensation by the offending person at any time before sentence is passed on the person against whom the order is sought.

Corrupt Practice. Furthermore, Mr. Speaker, the Bill comprehensively seeks to align itself with the law on the prevention of corruption, particularly as it relates to corrupt practice under the Corruption Prevention Act. To this end, Clause 54 of the Bill incorporates Section 14 of the Corruption Prevention Act, liability of which should attract a fine and or imprisonment as the case may be, and as set out in Section 14 of the Corruption Prevention Act.

The Bill also makes it an offence where a person intentionally, intentionally, and unlawfully falsifies, removes, conceals or obliterates any record required to be kept under the Act, or where such person certifies any document to be a copy of the record, knowing such document to be false in any material way.

Under the Bill, Mr. Speaker, where an offence is committed against the Act by a

body corporate, every director, manager, secretary or other similar officers concerned with the management of the body corporate, will be a party to the offence and would therefore be liable to be convicted for the offence and to the punishment provided for that offence. Such persons will not be liable for an offence against the Act unless the Court is satisfied that the offence was committed with his involvement, or that he had not exercised reasonable diligence to prevent the commission of the offence.

Having regard to the nature of his functions in that capacity and to all the circumstances of the case, the effect of this provision, Mr. Speaker, is to place an obligation on the body corporate to act within reasonable diligence to prevent the commission of any offences against this Act. Overall, Mr. Speaker, the provisions contained in this part, evidences the Government's effort to foster a sense of accountability and propriety on the part of public officials in the handling of public procurement, by preventing or reducing the opportunities for those officials to act corruptly or in any manner contrary to the Act.

Part VII Clauses 60 to 65 - I'm getting there with the report, Mr. Speaker - which deals with miscellaneous. Mr. Speaker, Part VI of the Bill empowers the Minister and the Commission to make regulations to give effect to the Act. The Minister is given the power to make regulations concerning, for example, procedures, standards and criteria for the various methods and subject matter of procurement. The establishment, management and operations of an electronic procurement system for the public sector, offsets, fees, forms and the procedure to be employed for Public Procurement Review Board.

With the approval of the Minister, the Commission is empowered to make regulations concerning the evaluation criteria or qualifications required for the registration and classification of suppliers or approved unregistered suppliers. The circumstances under which registration under the Act may be modified, suspended or cancelled very clearly, what this Bill does is that it gives the Commission, the Public Procurement Commission, the power now to develop the regulation regarding the registration of contractors and suppliers to deal with appeals and so on, as well as the content and form of relevant records to be maintained by the Commission.

The Review Period:

Mr. Speaker, following from the concerns raised about the five year review period under the Bill, the Bill now proposes that there should be a review period of three years instead of the five year as previously proposed. Importantly, Mr. Speaker, the Bill proposes to repeal the Financial Administration Supplies Regulations 1963, and the Public Sector Procurement Regulations 2008, and Part III of the Contractor General's Act. It also proposes not to affect any civil or criminal liability incurred by any person under any existing law before the appointed day.

The Schedules: In support of Parts I to VI of the Bill, Four Schedules are included. The

First Schedule contains two parts, the first of which sets out the goods, works and services that fall outside the scope of Parts III and IV of the Bill. Following from various concerns, Part I of the First Schedule to the Bill extends the category of goods, works and services that fall outside the scope of Part III and IV of the Bill.

For example, medical, legal service, travel services, hotel accommodation or facilities, contracts for a broadcasting time, educational instruction and training programmes and such goods, works and services donated by the Government of Jamaica to a nongovernmental organization under specific conditions, or relating to the staging of productions, associated with creative expressions and cultural events are all part of the exempt part of III and IV of the Bill.

Furthermore, Mr. Speaker, based on additional concerns that were raised, Part I of the First Schedule has been inserted to propose the conditions for the exemption of goods, works and services, donated by the Government of Jamaica to a nongovernmental organization. That is a charitable organization under the Charities Act and registered as a company under the Companies Act.

Not many concerns were raised in relation to the Second Schedule, save and except the fact that it now proposes to qualify the breadth of attorneys-at-law eligible to be appointed as a member of the Commission, by requiring them to have at least five years experience in contract or commercial law and administrative law.

The Third Schedule, Mr. Speaker, details the provisions relating to the constitution and procedure of the Procurement Review Board. And the Fourth Schedule proposes to amend the enactment that concerns the existing system of procurement.

Finally, finally Members, finally, it's a very important piece of legislation that will revolutionize public procurement.

Mr. JACKSON: Hear! Hear!

(Applause)

Mr. DALLEY: I know it might be boring, it's been tedious work, but we are...

Mr. JACKSON: That's why I'm still here.

Mr. L BUCHANAN: We on this side.

Mr. DALLEY: ...we're trying to modernize the public procurement system to make it responsive, transparent...

A MEMBER: Yes.

Mr. DALLEY: ...introduce other aspects that will enhance the Small Business Sector.

So finally, Mr. Speaker, the Government is confident that when enacted, this Bill will signal the serious approach that the Government proposes to take in the regulation of public procurement process, in line with international best practice, and reforming and strengthening the existing procurement regime in the interest transparency, accountability and reliability.

Mr. Speaker, I won't say much more on the Report, it has been before us in this Honourable House for some time now, and I believe, based on the collaborative approach taken in the preparation of the Report and the concerns of the Committee Members, we were

able to come up during our deliberations, a fine Bill.

I don't anticipate that Members here will have any difficulties with the Report; the proposed amendments have been circulated with the Report, which addresses long awaited changes.

The Bill before the House - the Report before the House today, Mr. Speaker, represents a significant milestone in the country's development of a comprehensive public procurement law. I am pleased, therefore, Mr. Speaker, to present the Report before this Honourable House, on the deliberations of the Public Procurement Bill 2015.

I thank you.

(Applause)

Mr. PAULWELL: Mr. Speaker, I move that further debate on this Committee Report be suspended until next week.

The Deputy SPEAKER: The question is that the debate on this particular Bill be put off until next week.

Put to the House and agreed to.

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, the 9th of June at 2:00 p.m.

The Deputy SPEAKER: The question is that this Honourable House now adjourns until next Tuesday, June 9th 2015 at 2:00 p.m.

Put to the House and agreed to.

The Deputy SPEAKER: This Honourable House now stands adjourned.

The adjournment was taken at approximately 5:47 p.m.

TUESDAY, June 9, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:35 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. 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. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western, Minister of Industry, Investment and Commerce

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

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 Water, Land, Environment and Climate Change

OTHER MEMBERS

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

DR. DAYTON RICARDO CAMPBELL, (PNP), St. Ann, North Western

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

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

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

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

MR. AUDLEY FITZ ALBERT SHAW, CD, (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

PRAYERS

Prayers were offered by Mr. Julian Robinson.

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 here today, some students from Campion College and Inswood High School. (Applause)

ANNOUNCEMENTS

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

- **Ministry Paper No. 100**
  Outcomes of the 5th Biennial Jamaica Diaspora Conference and Information on the 6th Biennial Jamaica Diaspora Conference to be held 13-18th June 2015, Montego Bay, Jamaica
- **Ministry Paper No. 101**
  Annual Report and Audited Financial Statements of the National Export Import Bank of Jamaica
- **Broadcasting Commission**
  Annual Report and Audited Financial Statements for the period April 1, 2013 to March 31, 2014

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: House Leader.

Mr. PAULWELL: Mr. Speaker, on behalf of the Minister of Agriculture and Fisheries 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 Fishing Industry (Amendment) Act, 2015"

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, we will commence with Public Business this afternoon with a continuation of the debate on the

Copyright (Amendment) Act 2015. The Member from Central St. Catherine will speak and thereafter the Minister will conclude the debate.

The SPEAKER: Miss Grange.

THE COPYRIGHT (AMENDMENT) ACT, 2015

Miss GRANGE: Thank you, Mr. Speaker.

Mr. Speaker, I would like to open my contribution to this debate by confirming my agreement with the Minister that Jamaica's role as a creative society in global entertainment is both globally and, of course, locally recognized. In fact, I was among the first to observe that the selection of the Wailers' *'Get Up Stand Up'* featuring Peter Tosh as the lead vocalist as this year's theme for the World Intellectual Property Rights Day was evidence of the recognition of our music and our creativity universally. It is primarily because of this that it is so important that we ensure that whatever we do today in terms of amending the Copyright Act is done with the utmost caution and efficiency. It is on the basis of internationally agreed copyright principles that creators of works: musical, literary, dramatic, artistic, *et cetera*, can prohibit unauthorized use of their work and gain income through licensing, publishing or whatever other means is available.

Mr. Speaker, publishing is the primary source for copyright owners to earn royalties. It is how they earn a living. It is on the basis of copyright that publishers and writers collect income from print, synchronization, mechanical and performance use. Like us, we collect our salaries as Members of Parliament; they collect their income as creators of works, as writers, producers, performers. Therefore not only are the laws which protect the rights of our creators essential, but equally critical to the process is the knowledge of operation of these laws. It is crucial to understand how to make a living from our creations. They are the primary aspects involved in the collection of royalties and licensing income.

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

(MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, entered and took his seat.)

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

Mr. Speaker, when this Bill was tabled I was concerned that the Minister was seeking to take it through all its stages in one sitting, considering the wit and diversity that are contained in these proposals. However, in discussion with him I accepted the explanation that he and his team had done their homework by discussing the issues with stakeholders, although I was and I am still aware that there

is unease among the stakeholders about the effect of some of these provisions and the fact that they are not fully clear on all the details of this Bill.

They are also concerned, Mr. Speaker, about how the provisions of the Bill will be addressed in the Regulations in cases where they are not fully addressed in the amendments. In addition, there is concern about the urgency that will be placed on the tabling of the regulations. Copyright is a most complex subject. In this House the majority of the Members are not even aware of the intricacies and the history of this Bill and its provisions.

(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. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern, entered and took his seat.)

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

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

Even in the industry itself, Mr. Speaker, many stakeholders are not fully aware of what these changes can mean to us in terms of economic issues and the development of our culture and creative industries. Many of you are not even aware, for example, that the United States has expressed serious concerns about the enforcement of copyright laws in Jamaica and on the whole this region, including Jamaica which is on the Watch List. Right now that issue is being made out in the public with regard to cable and satellite broadcast in the region, as well as legal action now being taken by the Jamaica Association of Composers, Authors and Publishers (JACAP) against certain media houses for copyright infringement.

Even closer to home, Mr. Speaker, there is a particular ministry which has not fully complied as it has been tardy in signing agreement for use of authors' works. There are 10 countries in the region whose entities have refused to negotiate with performing right organizations on the payment of royalties. We have statutory licensing regimes that include a requirement to pay royalties to copyright holders, and we cannot expect to get our provisions enforced without having a proper enforcement regime ourselves.

Article XXVII of the UN Declaration on Human Rights expressly states the right to protection of creativity, which is also provided for at Property Rights in Chapter 3 of the Jamaican Constitution.

The United States, Mr. Speaker, has a specific clause in their Constitution called the Copyright Clause. So copyright is also a human rights consideration. Successive governments agree that we have to hold a

principled position; successive governments in Jamaica agree that we have to hold a principled position in discussing how we can balance the competing positions. There is no divide in this House, I will say, on this position. We certainly need to balance the human right to the protection of original creation and expressions of intellect with the human right of access to information, as well as the right to participate in the culture. However, as I said earlier, my concerns about rushing these amendments were raised in the discussions with the Minister, especially my original view that the Bill should be referred to a Joint Select Committee of Parliament, which would not only be able to hear the pros and cons of the issues but, through the media, be able to publicly raise them.

This I still believe, Mr. Speaker, would attract more stakeholders and the public in general to a full understanding of what we are aiming to do, what are the challenges, that we are up against, and what are the benefits. But the Minister and I agreed that these amendments to the copyright legislation were long overdue and so we came to a mutual understanding to resolve our differences. We didn't fight it out in Parliament, but we communicated and came to an understanding. So, the Bill would not be sent to a Joint Select Committee, but we agreed that we would delay the passage and schedule meetings between myself and the Minister.

So, you know, in culture and in sports we always try not to have a divide or to politicize these things. Subsequently, we had two meetings, which included the Acting Executive Director of the Jamaica Intellectual Property Office and her team. At my request, the Minister agreed that persons representing the stakeholders could accompany me to the last meeting. And so the general managers of all three copyright collective management of the organizations which we referred to as CMOs the Jamaica Association of Composers of Authors and Publishers, the Jamaica Music Society, JAMMS and the Jamaica Copyright Licensing Agency, JAMCOPY they accompanied me to a meeting with the Minister and I would say that meeting was very productive. So today there is greater understanding between the Government, Opposition and the stakeholders on these amendments in the best interest of the people. (Applause)

Mr. Speaker, we did not agree on everything; what were some of the burning issues and recommendations for inclusion in the Bill as presented by the stakeholders and me as the spokesperson, on this matter.

There was an urgent and critical appeal to the Minister by the stakeholders which was deemed as absolutely necessary for the effective administration of the rights by the CMOs and for the continued development of a more copyright compliant society. The request was that a time period of 10 days be enacted as the minimum prior to the public performance communication dissemination to the public of copyrighted works within which users must obtain the relevant license for events from the SMOs, that is, for example, if you are putting on a dance or a show that there should be a minimum of 10 days for you to be

issued your licence in order to ensure compliance. The current Copyright Act and proposed amendments makes no provision for stipulated timeframe or timeline for the issuance of a license. This deficiency in the law has led to the police force not being able to effectively protect the rights and interests of the rights holders by enforcing the Copyright Act. This also has given rise to a blatant disregard of the law and facilitates both deliberate and involuntary copyright infringement.

You see, Mr. Speaker when someone writes a song and that song is produced and it is played publicly, that creator of the work is entitled to an income that is how he lives, that is his income. This recommendation has been discussed with the Jamaica Intellectual Property Office, the stakeholders and the high command overtime. The request, Mr. Speaker, is in keeping with other legislation.

(*Sotto voce* comments by a Member)

Miss GRANGE: Mr. Speaker, this request is in keeping with other legislation such as the Noise Abatement Act and the relevant Parish Council Acts for places of amusement which require compliance with statutory requirements that specify timelines within which compliance must take place for issuance of relevant permits for musical events. And my colleague from West Kingston appreciates that fact.

It is crucial...

(*Sotto voce* comments by Members)

Miss GRANGE: Everybody, but my colleague always defends the position of the Parish Council. And so, I am happy that I have his support in relation to compliance for creative works.

Mr. Speaker, it is crucial that Jamaica's national collective management organizations namely JCAP JAMCOPY and JAMMS are empowered with the legislative support that is necessary to not only make them effective in serving their members but also effective in helping Jamaica to meet its international obligations under the various treaties and conventions to which Jamaica is signatory. This will also allow for creators to receive equitable compensation and contribute to the development of the cultural and the creative industry. So we must not just talk the talk, but we must walk the walk.

In this regard, the Minister advice, Mr. Speaker, that this would be included in the legislation - that it would not be included, I am sorry, in the legislation but he made a commitment to include it in the regulations to be tabled at a later date. And I am holding the Minister to that commitment. The idea of extending the term of copyright, Mr. Speaker, this is and I am moving on now, to the idea of extending the term of copyright is one that has been advocated for several years and I wish to focus at this time on two critical issues identified in the Bill.

One, copyright in musical works which will receive protection for the lifetime of the creator plus 95 years. And two, copyright in sound recordings, that is neighbouring rights, will be protected for 95 years from the year in which they were released.

I need to point out, Mr. Speaker, that both extensions have moved from 50 years and the

extension to 95 years relate only to protection in Jamaica's jurisdiction, but not in overseas jurisdiction to which we will have to pay substantial amounts of foreign exchange because we are net importer of foreign entertainment products.

Mr. Speaker, several countries have moved or are moving to increase the period of copyright protection from 50 years to 70 years, the trend is towards increasing the duration of protection for harmonization and to give creators the same level of protection as their counterparts in other countries. In this case, we will not have the same level of protection through to 95 years. Interestingly, Canada remains at life plus 50 years because like us they are a net importer and user of foreign works and would also suffer a large net outflow of earnings to foreign creators therefore, they see it as no real interest – they seem to have no real interest in copyright extension.

However, Mr. Speaker, another interesting point to note is that Canada has a requirement for a minimum of 30 per cent Canadian content to be played on radio and to be shown on television, we don't have that. And this is something that I would ask the Government to take a look at. Because, if there is a minimum of Jamaican content which is required to be played on radio and to be shown on television then we will have a little balance there.

(*Sotto voce* comments by Members)

Miss GRANGE: That too but then, that is another debate, that is another debate. In addition, but you know my colleague from West Kingston loves Jamaican music and he is an expert, he is a musicologist on the quality of Jamaican music that we have produced over the years.

In addition, Mr. Speaker, in addition, in Canada, at all levels the Government provides grants and incentives for production and development of Canadian content we don't do that in Jamaica. Jamaica therefore, has to consider the question of extending the life of the copyright of these imports bearing in mind the balance of payment dangers especially in the context of our delicate foreign exchange situation and the possibility of government's austerity programmes being prolonged beyond the short-term targets and the cost that it could accrue to the economy.

Our radio stations play more foreign music and our Cable TV shows are far more foreign television presentations than locally produce content. So what will happen is that we will in fact be paying out to foreign copyright holders in foreign exchange for the continued use of foreign works in Jamaica, while our own rights holders will only benefit up to 50, 70 or 80 years that exists in other countries. I think Columbia goes up to 80 years.

The issues are what we can do about this? There is two options national treatment, or short term rule. The Bill to amend the Copyright Act would not be complete, Mr. Speaker, without the accompanying provision expressly stating how the duration of protection is to be applied to foreign works.

The matter of national treatment or short-term rule was identified as being crucial to the Bill for it to be complete and effective. The stakeholders, that is, the members of the

industry, recommended that Jamaica should adopt the short-term rule. For treatment of foreign works in Jamaica based on the current Bill, proposing a term extension to 95 years the shorter term rules is most applicable and beneficial to the Jamaican creative industry. The industry does not agree with national treatment as there would be a continued net outflow earnings and foreign exchange to pay foreign royalties.

Mr. Speaker, national treatment is not a fundamental requirement under the Berne Convention. In fact, countries are allowed to forgo this principle where their term of protection exceeds that of the countries of origin of the foreign works. Such country that have moved to 70 years and applied the short term rule, Mr. Speaker, are Australia where they go life and then 70 years, after death, France life, plus 70 years, Germany life plus 70 years, the United Kingdom life plus 70 years and they all apply the short term rule.

The final outcome from the meeting with the Minister on this matter was for JIPO to revisit the research paper done by a former officer of JIPO to ascertain whether the short term rule which is what the CMOs are advocating is permissible based on the TRIPS Agreement *vis-a-vis* the Berne Convention. As it stands, the present administration at the Jamaica intellectual property office has stated that their hands are tied by the TRIPS Agreement and which to implement in the short term the national treatment. But the position of the stakeholders and the Opposition was and still is that greater research is needed on the part of JIPO as the Berne Convention speaks to the applicability of the short term rule where countries have approved an extension beyond the 70 years.

Mr. Speaker, we await feedback from the Minister in regard to this matter. I hope you have come with the answer today, Mr. Minister, on this matter.

Mr. Speaker, in summary, there were mainly 11 areas of major concerns, recommendations which were made, and some accepted by the Minister. Some of these I will go through at the time when we take the Bill, clause by clause, if those have not been addressed by the Minister in his closing of the Debate. And, in the interest of time, I will not go through these at this particular time. But I just want to highlight the fact that copyright was originally 50 years after the death of the last remaining composer, the idea being that the widow and children shall benefit from the creation of the composer. Then, publishers started to see that they were losing out on some valuable copyrights from early in the Century, pushed to extend to 70 years.

Now, I am going to share a little story with you all, through the Speaker. This publisher, who I know, his attorney, one of the top attorneys on copyright, administers the estates of several major song writers, such as Louis Armstrong. For instance, this publisher's biggest hit was *Mr. Big Stuff.* He got a call from a gentleman once to say, look, I am a writer, I'm in a wheelchair, I don't think am earning, or I am getting the royalties I should get.

When the publisher investigated the matter, he found that *Mr. Big Stuff* was used in

three movies and had earned lot of money. Since that time, this song has had - well, originally this song had three song writers: One of them died and his estate was passed to his brother. Three years later, the brother died and the brother's three children - one a prostitute, one a drug dealer, and one, a convicted murderer - one year, there was an especially large payout. The next day, the drug dealer was dead from a drug overdose. His share now passed to four little children, all of this in the past 15 years since the death of the composers.

The two surviving composers now - actually one just died six months ago - a quiet peaceful gentleman who thanked the publisher profusely with each royalty distribution. But, those down the chain continually found the publisher enquiring as to when the next royalty distribution will be, despite the fact that he has given them schedules of payment, countless times. And then they explained that it was not enough, that it should be more, that he is a crook because the royalty is not what they needed it to be.

So Mr. Speaker, the point I am trying to make is this, that if creators of works do not ensure that they have put in place the necessary systems, so that when they pass on, they can ensure that their legacy is being distributed in a proper way, then, you will find that the funds that are accruing from earnings will not be properly used.

I am saying this because a number of Jamaican writers need to get their houses in order. A number of Jamaican writers need to ensure that they have good publishers, that they have registered all their works, and that they ensure that they leave a will so that their family will benefit properly from royalties earned.

(*Sotto voce* comment)

Miss GRANGE: Will - they must - they must leave a will.

Now, you know, some people in the music industry feel that if I write a will, it means that I am going to die. We are all going to die. And they feel that they will be calling on death on them, but it is not so. They must put their houses in order, to ensure that those they have left behind will benefit from their creative works.

Now, in reviewing the proposed amendments to the Copyright Act of 1993, I have tried to present the issues and the countervailing considerations accurately, and in a balanced way. The Rights period, without question, should be extended to harmonize the proposed amendments covering the visually impaired, Marrakesh Treaty, retroactive application, orphan works, voluntary registration system, are all important.

There are many famous recordings that have been recorded up to the end of 1964 that have now fallen into the public domain. Record companies are releasing them in compilation, paying no one royalties. So, the artist who is most probably is still alive, in some cases, is not making any money. Overall, this amendment is the result of years of advocacy, diligent studying, and market analysis.

I want to commend all the stakeholders and industry organizations:

- The Jamaica Music Society, JAMS;
- The Jamaica Association of Composers, Authors and Publishers, JACAP;
- The Jamaica Federation of Musicians, JFM;
- The Jamaica Association of Vintage Artists and Affiliates, JAVA;
- The Jamaica Reggae Industry Association, JARIA;
- The Jamaica Film Producers Association, JFPA; and,
- The Jamaica Copyright Licensing Agency, JAMCOPY.

They have done a tremendous job, and they should all be applauded. (Applause)

I would also like to thank the Minister for being so accommodating, and for understanding that we are in this together; we are not on opposite sides. And I want to thank you and your team for meeting with us, and for us to have ironed out a number of the issues.

I hope that when we get to the clause by clause, we would find that you have followed through on your commitment about certain amendments, coming out of our discussions, and at that time we will be able to discuss it further at that level.

Thank you very much, Mr. Speaker, thank you colleagues.

(Applause)

The SPEAKER: Minister Hylton.

Mr. Anthony HYLTON: Mr. Speaker, I want to thank the - my colleague opposite for her presentation. I think it was in large measure, a balanced presentation. It accurately reflect, I think, the acknowledgement of the tremendous work put into these amendments by the stakeholders, many of whom are here with us this afternoon; and I would like to join her in acknowledging their hard work, their dedication, and their commitment and ask that the House recognize them again and give them a round of applause. (Applause)

Mr. Speaker, I would like to pick up where my colleague ended though, which is that...

Mr. SHAW: The US$5 Million...

(Inaudible comment follows)

Mr. Anthony HYLTON: You make too much noise, man...

(*Sotto voce* comments)

Mr. Anthony HYLTON: I want to pick up where my colleagues opposite left off, and that is in recognition of the hard work and the consultation that has been invested in these amendments. I would also like to acknowledge the - I thank her for acknowledging the length of time that it has taken us to get to this stage - over some 12 years of hard work - so that there is no sense in which one can reasonably argue that we are rushing this Bill. This Bill is far from being rushed. There is a good argument that it has been too long in gestation and we need now to see the light of day.

But Mr. Speaker, I will agree with my colleague opposite, that it is a complex environment, and a complex set of issues that we have to unravel in this process, and it is by virtue of that recognition that we have decided to go in two stages to the amendments.

Along with the stakeholder, the agreement has been reached that there would be this set

of amendments coming forward now, and that as we continue the research and the consultations, that there will be a second set of amendments to come.

And therefore, even as some of the issues raised here by my colleague opposite, is acknowledged to be sensitive and contentious, perhaps, that we move in such way that we construct these amendments as we are confident about the implications of these amendments.

And it is for that reason why everything is not placed in these sets of amendments. And yet there are still the regulations to come. And, as my colleague opposite mentioned, we had discussion about the Regulation - the use of the Regulation in addressing some of the concerns because the Regulation affords greater flexibility in capturing those concerns so that with the effluxion of time, and developments in the industry, some of these issues can be addressed more flexibly, rather than putting them in legislation which as we know, once these legislations have settled, it is not easy to undo a lot of that, or to reverse the effects of a lot of what may be there.

So procedurally, we have agreed that one, this represents a first phase of the amendment; two, a second amendment will come, the work which has already begun, and the Regulation which is in draft form, as I had indicated, will be coming very shortly after consultation. I did give the commitment that before these Regulations and these orders signed by me, that they will be consulted - a round of consultation with the stakeholders.

And that is my commitment, Mr. Speaker, because like the Opposition Spokesperson, I agree that the time has come for us to formalize and to structure properly, an industry that really ought to be properly structured if our creative persons - if the creatives are going to - our artistes and publishers, and a range of persons who participate in the industry are going to be benefitted from their work and from the work of the industry.

So, we are agreed that we cannot afford to be divided on this critical issue. That's an issue about our people, their culture, their story, and ultimately their rights.

We are also agreeing, Mr. Speaker, that it is better to - where we have doubts - where we are in doubt about any of the issues, it is better to delay on those specific issues as we carry forward more research on them to ensure that we are doing the right thing, that we understand the impact of what it is that we are about to do. And it is in this sense that I want to turn to the two points - two major points raised by my colleague, and to address them.

Firstly, on the ten-day minimum for issuance of licence - the matter was discussed at some length, not just now, but during the Legislative Committee hearings, the matter was delved into and discussed, and the position reached, as it was in our discussion, was that, first of all, that is a matter best addressed in Regulation because of the need for flexibility.

But before we got to that point, I emphasized that we recognize that in addressing this issue, we are really trying to get at a more fundamental issue surrounding the holding of parties and dances, and all of these things, some of which are implicated in

the whole Noise Abatement Act, and the Local Government Act, and issuance of licences.

And what we said was and we undertook to do was to have a round of consultations - further consultations involving not only the artistes and the creatives but also with the institutions: The police, for example, the Police Commissioner we tried to get a meeting, wasn't able to get the meeting as yet, but one has been noticed, one has been noticed and also, I've indicated, that the interest of the tourism sector, the interest of the police, the interest of the local government, all of which are implicated mainly for a settlement of this matter and to reach the objective that we all want to reach, which is the appropriate enforcement of copyrighted material and protection of copyrights that we really need to have a multiparty discussion with the other agencies of government and the other institutions. That commitment we have given. We will move forward on that in the discussions and I'm sure we can come to some resolution about how and what is the best way in which to capture and to enforce - to help to enforce the copyright in this copyrighted Act and related - other regulations and legislation and that commitment has been given.

The last one I want to address is the one the Member spent a little time on, the ninety-five years extension. Let me say Mr. Speaker, we gave quite a bit of consideration to this and with the stakeholders, the stakeholders are all agreed that these amendments, because these amendments have been long in coming and because it is not always easy to go back to the drawing board and to go back through the process and for a variety of other reasons we should move to a ninety-five-year extension. We should bold enough to move a ninety-five-year extension, because notwithstanding that some of the other jurisdictions have not yet moved, what we have noticed over time is that every time they come closer to the expiration of that extension period an amendment has been made and they keep moving the goalpost further and further.

We are convinced at JIPO and in the Ministry that the Americans are not going to let Mickey Mouse fall into the public domain. They are not going to allow it. And therefore, every time it gets closer to that period, there will be another amendment to reflect the protection of their interest in this multi-billion dollar industry. We, on the other hand, are just now coming up the curve - the learning curve about what it is and how it is that we are going to protect our creatives and to ensure that they really benefit from their works.

We understand how this industry has come about: some of them were in it for fun, they enjoyed the music and they want to put on a good performance and they're just now beginning to understand the business of the music. So we believe that one way to send a powerful signal to them, to encourage these creative works is to make sure they understand that they are doing this not just for themselves but for their family and extending forward generations to come. We believe that that is the kind of incentive that the creatives need, so that when they are toiling and sweating it late at nights when many of us are in bed they

understand that they are doing it not just for themselves but for their family and for generations yet unborn. We believe that that is the ultimate motivation and incentive.

Now, with respect to balance of payment issues. First of all, let me say that the assumptions - the underlying assumptions around the ninety-five-year we do not necessary share or agree. First of all, I accept that we want to look and to consider a minimum content rule but that is for a another place and I know the discussions have already begun - how they will result I cannot predict at that stage, but that is something that is being discussed elsewhere. It has been raised elsewhere. This is not specifically for this Bill, and I do hope that we can come to some understanding around that. But let me also say that we believe that the real benefit of this ninety-five-year - the real incentive of the ninety-five years is to bring out the creative geniuses and the number of persons that we know can produce and need to produce more.

We believe this ninety-five years on balance will have that effect, that more of our people will produce and that they will seek the protection of copyrighting, because that's the other issue. There are a number of creative works they have not been brought into the mainstream or protected mainly because for a number of reasons: some of it lack of information, lack of knowledge, as you have indicated, but also because in many instances the benefits are not as real as what we are presenting today. So we believe that that would be an incentive.

It is also the case that this Act recognized for the first time and formalizes the role of the CMOs, which is a big part of the Industry, because unless we have the CMOs settled and operating a lot of what needs to be done for the industry and for the creatives in the industry will simply continue in the way that it has been going, which is a kind of *chaka chaka* kind of existence. We really need to formalize it and so this first wave of amendment is about structuring – properly structuring and formalizing an industry that can continue to play - can play an increased role and, in fact, some are convinced that ultimately this issue of copyright, which goes way beyond music and into a broader - a much broader industry or several industries, can be the solution to Jamaica's economic and growth problem, because it goes beyond real estate.

It reminds us that our wealth creation is based not simply on land and we know that story about land, because coming out of the colonial era many of us never have nuh land. It still is a struggle for the landless to find land and yet we are creating another kind of property by this and the other amendments that are coming, which is intellectual property. That is, you may not be born with any land, but they can't take this away from you, so when you create and what you create and how you protect it is really the central issue for us and, therefore, we have vowed to give it ninety-five-year protection. There are some matters arising that we have to ensure that in their operation - that in its operation it does not have the effect of creating the kind of doomsday scenario that you provide about the

balance of payment and these other things, because I really believe that it is what solution nor that issue when it comes up. And you've raised two of them…

(Inaudible comment by Miss Grange)

Mr. Anthony HYLTON: You raised the issue of short term, you raised the issue of national treatment and our response has been at JIPO we went through the history of the matter. It was admitted that when the decision was being taken the focus was on the TRIPS Arrangement and that based on a TRIPS consideration you have the kind of response. Now that the TRIPS consideration does not loom as large and we're looking at everything else, we'll see what different outcomes there is but…

(Inaudible comment by Miss Grange)

Mr. Anthony HYLTON: That's not for today. That will not be addressed today. We have the second wave of amendments that will give us all the time to make sure, as you have requested, that when we come with the particular provision we know what the implications of those are for the Industry and going forward. But we do not anticipate that this will take another twelve years, because we had started this ball rolling, we have a momentum and we should keep that going to see the next wave of amendment through.

Miss GRANGE: Well it will either be you or me.

Mr. Anthony HYLTON: Well I think it's more likely that I will carry through the second wave of amendments. Anyway, be it as it may, what we are clear on is that we are not - there is no divide on it; that on this issue there is a common view, common conception and there is full support for the efforts and the objectives of the Copyright (Amendment) Act.

Mr. Speaker, with that 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 Copyright (Amendment) 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: Yes, Minister, are there any amendments?

Mr. Anthony HYLTON: Chair, we recognize that there are two amendments that we'd want to make at this point: one amendment comes first in the new Section 137A that speaks to the time period for the date for which there is an extension of copyright from August 6 - we have now August 6, 1962, we'd want to amend to January 1, 2012.

The CHAIRMAN: What clause is that?

Mr. Anthony HYLTON: That would with be Clause 137A.

The CHAIRMAN: No man.

Mr. Anthony HYLTON: The insertion…

The CHAIRMAN: That's Clause 29.

Mr. Anthony HYLTON: Is it the new section?

(Cross talk)

Yes, sorry. To insert - it's the insertion of the new section. Sorry, Mr. Chairman, you're correct. It's the insertion of the new section 137A.

The CHAIRMAN: That's Clause 29.

Mr. Anthony HYLTON: Yes, correct. Correct.

The CHAIRMAN: So you're going to change the date from?

Mr. Anthony HYLTON: It now reads August 6 - the 6th day of August, 2012 (sic) [1962]. We want to change that to January 1, 2012; that being the year - the anniversary year, the year of independence. The entire year of independence. The other…

(Inaudible comment by Miss Grange)

Mr. Anthony HYLTON: Yeah, with the distribution? No, we looked at that and we believe there is a need - we make the observation that as it stands now it will be just be too narrow - while we accept that there should been an exclusive in distribution.

(Inaudible comment by the Miss Grange)

Mr. Anthony HYLTON: No, no, what we're saying is that the operative thing is that the exclusive distribution will be to as to wireless and we're saying that we agree with an exclusive right of distribution but that probably should come in - we're going to do some more research in terms of how that will affect the overall rules and to put it in the second stage of amendment to create an exclusive right for distribution without narrowing it to just wireless. This one will be just too narrow. It will not achieve the effect that the stakeholders want and that we want to give them, which is an expanded right of distribution.

(Inaudible comment by Miss Grange)

Mr. Anthony HYLTON: Because these amendments just speaks to the internet treaties and creating and protecting the rights under the internet treaties.

(MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary, Western, entered and took his seat.)

The CHAIRMAN: Where are we on that? What clause is that?

Mr. Anthony HYLTON: The second amendment, Mr. Chairman, would come in amendment 13A. Let me see. This one deals with the death of - it's really the protection of copyright in the calendar year in which the work was made, rather than from the death of the employee, and we wanted to put an amendment, Mr. Chairman.

The CHAIRMAN: That's Clause 9.

Mr. Anthony HYLTON: Clause 9, the amendment is 13A.

The CHAIRMAN: And what are you changing?

Mr. Anthony HYLTON: We would like to at the end of…

Miss GRANGE: End of the calendar year in which the work was created.

Mr. Anthony HYLTON: In 13A we would like to have the - at the end of - to read, at the end of the calendar year in which the work was created, rather than from the date of the death of the employee, to the end of the calendar year in which the work was created.

The CHAIRMAN: You are taking out the death of the employee?

Mr. Anthony HYLTON: Correct.

The CHAIRMAN: And replace it with the end of the calendar year.

Mr. Anthony HYLTON: In which the work was created.

The CHAIRMAN: In which the work was created.

Mr. HENRY: Which clause is that one?

The CHAIRMAN: Clause 9.

Mr. HENRY: Clause 9?

Mr. Anthony HYLTON: Yes, Clause 9.

Mr. HENRY: So you are turning '*is*' to '*was*'? Created, right? Is made to, was created?

Mr. Anthony HYLTON: No, no. It is on the death, the period of 95 years… The measure of the period is, as it stands now in the Bill, is from the date of the death of the employee and we are changing that to, put at the end, change to, "*end of the calendar year in which the work was created*."

Mr. HENRY: And this you said connected to, in relation to authors employed by the Crown? Am I looking at the right one? No. 9?

Mr. Anthony HYLTON: No, the one 13A.

Mr. HENRY: Oh, 13A.

Mr. Anthony HYLTON: Those were the only proposed two amendments. There are a number of other issues…

(Inaudible comment by Miss Grange)

Mr. Anthony HYLTON: The?

Miss GRANGE: That there are other bodies.

(Inaudible comment)

Mr. Anthony HYLTON: No. When we consulted with the Attorney General's Chamber they came back with the view that the provision as is should not be disturbed, because if in fact you have another licensing body that is licensing more than one person, because this one requires that you can license an individual or a person. If you have someone licensing more than one person, then that person should come under the scrutiny of the Act. Why would you allow a person to be representing more than one and not bring them under scrutiny of being a CMO or some other body? That was the concern of the AG's Office, and so they have said, if there is a need to - they want to study it further, that could be included. So we can discuss that further but we thought not go ahead now and make that amendment without understanding the full implication of that for the smooth operation of the industry.

The CHAIRMAN: Okay. So, those are the two amendments?

Mr. Anthony HYLTON: Yes, Mr. Chairman.

The CHAIRMAN: Okay, let us proceed with the approval now.

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 the amendment to Clause 9.

Clause 9 put to the Committee and agreed to.

I put Clause 9 as amended.

Clause 10 put to the Committee and agreed to.

Clauses 11 through to 15 put to the Committee and agreed to.

Clauses 16 through to 20 put to the Committee and agreed to.

Clauses 21 through to 25 put to the Committee and agreed to.

Clause 26 put to the Committee and agreed to.

Clause 27 put to the Committee and agreed to.

Clause 28 put to the Committee and agreed to.

I put the amendment to Clause 29.

Motion put to the Committee and agreed to.

Clause 30 put to the Committee and agreed to.

Clause 31 put to the Committee and agreed to.

Clause 32 put to the Committee and agreed to.

Clause 33 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 to the Committee and agreed to.

The Title and the Enacting Clause put to the Committee and agreed to.

The question is that I do report the Bill as having passed Committee Stage with two (2) amendments.

Motion put to the House and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage with two (2) amendments.

Mr. Anthony HYLTON: Mr. Speaker, I now move for 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 Copyright Act", read a third time and passed.

(Applause)

The SPEAKER: Thank you.

Minister.

Mr. BROWN: Mr. Speaker, we are to recommit the item Public Business, I think the next item on the agenda is the continuation of the debate of the Procurement Bill, and my understanding is that an intervention is supposed to be made from the Member from Western St. James - North West St. James but I am not…

A MEMBER: He is here, you know.

Mr. BROWN: …currently seeing him.

A MEMBER: He is here,

Mr. BROWN: I don't know if anyone could signal to the Member, he is the next person to speak.

I am aware, Mr. Speaker, that the Member from Manchester North East wishes to participate in this debate but has signalled that he would rather make his contribution next week, so in that case if we get the Member from North West St. James to make his contribution, with the leave of the Speaker, we would seek to continue the debate on the Procurement Bill next week Tuesday to allow the Member from North East St. James to participate and then we would have the closing of that debate by the Honourable Minister who is piloting it through the House after it has been taken through its various stages. So, with that said, Mr. Speaker, I would want to invite the Member from North West St. James to make his contribution in relation to this Bill.

The SPEAKER: Dr. Chang.

THE PROCUREMENT BILL, 2015

Dr. CHANG: Thank you.

Mr. Speaker, the Bill before us the Public Procurement Law 2015, deal with the acquisition by public sector bodies of various departments of Government, municipalities, *et cetera*, and it deals with the procurement of all goods and services through public agencies, of services and goods required to carry out the normal functioning of Government. Government, of course, collectively is maybe the largest consumer of goods and services in the country, and, therefore, in many cases may involve up to a third of the GDP. In some countries, in their own country I am not sure of the figure, but it's somewhere above 25 per cent and may be even more on some occasions.

The capital, of course, and the money involved is of course either public - is public funds either from direct or indirect taxation, or money earned by public, your own corporation. The expenditure, therefore, must be - must satisfy standards of probity and public good in all stages of procurement. Several stages, of course, you include tendering, evaluation, and of course, the award notification and review of contracts.

Tendering, of course, I pause a bit because we have had several methods out there, used by the various governments over the years - two stage, single stage, and, of course, the more rarely used reference for proposal or request, and in this context I will just pause to point out that we included on this occasion because of our own peculiar circumstances, the need to ensure that strategic development projects can be isolated and dealt with by the Government with Parliament's permission.

Jamaica's procurement to date, while seeking to fulfil the various conditionalities of good governance, has not had a law dedicated to procurement. We have had a law, the Contractor General law since 1985, but the procurement itself has been governed by various regulations and a number of companion pieces of legislation that impact on the procurement. This is therefore the first piece of legislation dedicated for procurement, and your Committee found it a good Bill

although we had to make numerous amendments which will be dealt with, I think, in due course.

I suspect the number of amendments, in fact, is because this is, in a sense an original Bill. It's the first time we are putting in place this kind of legislation for Jamaica, and while there is model legislation done by the World Trade Organization, the multilateral organizations and the technocrats from the Ministry who did an excellent job, would have used them and put in place what they thought were peculiar to us, your Committee found the need to make several amendments which have been agreed to by both sides, and we think in the end we have an excellent Bill to deal with procurement in this country.

The Bill itself seeks to ensure that the basic principles of good governance in procurement is adhered to. As I indicated. Integrity, value for money, transparency, efficiency, integrity and accountability, and, of course, in order to ensure integrity and mitigate corruption, and I use the term definitive "*the mitigation*" because there are issues that we will never be able to fully control by legislation, and by, in fact, the integrity of the individuals involved at the level of the ministerial ministry. As a result of that there has to be enforceable measures to protect the integrity of the issues. Conflict of interest, criminal and disciplinary sanctions, and requirements for adequate internal controls by major contractors to Government, are all part of this Bill that we will be looking at.

We also note - and Parliament would of course take into consideration - the anti-corruption activities of international governments, because we do derive capital from bilateral partners and from multilateral agencies and therefore the anti-corruption activities of such agencies and other governments are critical. In fact, I suspect we could take a side view and said what has happened to FIFA recently reflects the activity of the United States Government and therefore when we are dealing with other governments we have to take into consideration their own approach to anticorruption and the question of credibility and transparency.

Procurement of course must be designed to ensure what we term to be a sustainable development; reduce waste, ensure efficiency to the beneficiaries and of course add - ensure that there's growth while satisfying social environmental needs.

The legislation we have before us, Mr. Speaker, is designed to do this. It is not indeed a final piece of legislation, it is designed to provide flexibility, to provide room for evolving, but it's the kind of legislation we needed to put in place. I think there's an understanding that we will in fact look again at this Bill in another three to four years to see how it is working, that it satisfies the peculiarity of the Jamaican situation while in fact meeting best practices internationally.

I think the Bill we have before us, as I said, will require all the amendments to be included, in fact, the level of amendment I think is quite almost as big as the Bill. The Report was submitted to the House and I expect it will be taken back to be completed appropriately. But I want to take the

opportunity to say that this Bill, we find in its present form with the amendments - proposed amendments, a good piece of legislation necessary for the Government of Jamaica, and we perceive to put ourselves in a position of good governance, meet international standards and have a procurement Bill that we can be proud of because indeed it helps not only to ensure integrity internally, but the way we're looked at in international stage. If we seek to attract the kind of investment that we have been talking about and especially those that may be considered strategic - of strategic value on long term development, we must have a procurement law that can stand international test.

The present piece of legislation I think does so and without further ado, I want to commend the technocrats who work with us. There were many long days, long discussions, a lot of research and advise from several agencies, but in particular the members from the Ministry of Finance, the legislative offices that came here to discuss the matter with us and while we made our proposal, they made the required - the technical amendments.

Mr. Speaker, your Committee took extensive time in studying this Bill, making the necessary amendments and I think we have an excellent piece of legislation to bring to this House and the Opposition has no problem in supporting the legislation. We look forward to the amended Bill to be brought here for completion - acceptance.

Thank you. (Applause)

Mr. BROWN: Mr. Speaker, I thank the Member for his intervention and move that the debate on this Bill be suspended until next week Tuesday, when it will be continued and we will have an intervention from the Member from North-East Manchester and then the Minister will take it to its conclusion.

Mr. Speaker, I think the Minister...

Mr. SHAW: Morais.

Mr. BROWN: ...Morais has an intervention.

Dr. GUY: Thank you very much, Mr. Speaker.

Mr. Speaker, on behalf of the Minister of Youth and Culture, I beg to move that the motion standing in her name at number 16 on the Order of Business be approved.

The SPEAKER: The question is that the motion be approved.

Put to the House and agreed to.

The SPEAKER: Approved.

Mr. BROWN: Mr. Speaker, I move for the recommittal of the item, Bills Brought from the Senate.

The SPEAKER: The question is for the recommittal of the item, Bills Brought from the Senate.

Put to the House and agreed to.

BILLS BROUGHT FROM THE SENA TE
(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 Honourable House of Representatives that on the 5th day of June 2015, the following Bills were passed in the Senate.

Bill shortly entitled: "The Criminal Justice Administration (Amendment) Act 2015", passed with eleven (11) amendments.

Bill shortly entitled: "The Judicature (Appellate Jurisdiction) (Amendment) Act 2015", passed without amendment.

Signed: Floyd E. Morris
President of the Senate"

Mr. BUNTING: Mr. Speaker, I beg to signal my intention to take charge of this Bill - these Bills.

Bill shortly entitled: "The Criminal Justice Administration (Amendment) Act 2015" read a first time.

Bill shortly entitled: "The Judicature (Appellate Jurisdiction) (Amendment) Act 2015",
read a first time.

I beg to give notice of second reading of these Bills.

The SPEAKER: Okay, let's move on.

Mr. BROWN: Mr. Speaker, we are going to continue the debate on the Road Traffic Act of 2014. We're going to open the debate...

The SPEAKER: Okay.

Mr. BROWN: ...on the Road Traffic Act of 2014, and we invite the Honourable Minister, the Member from Central St. Mary, to take the Bill forward.

The SPEAKER: Minister Guy.

Mr. SHAW: We have to send you to evening class.

(Heckling/Laughter)

The SPEAKER: He wasn't properly briefed.

Dr. GUY: Thank you, Mr. Speaker.

Mr. SHAW: Dr. Morais, why yuh don't send... (Inaudible)

Dr. GUY: You recall the word the word relic?

(Inaudible comment by Mr. Shaw)

Dr. GUY: I'll remember that. Mr. Speaker….

The SPEAKER: Let's go, let's go.

ROAD TRAFFIC ACT

Dr. GUY: ...the current Road Traffic legislation was enacted in 1938, Mr. Speaker, that is, I suspect, before – except for a few in this House were born. Since the promulgation of the Road Traffic Act & Regulations in 1938, there have been phenomenal developments in the design of motor vehicles, thus rendering various descriptions and requirements contained in the legislation, obsolete.

Additionally, in its present form the Bill - the Act runs counter to current trends and development in the automobile industry. Many internationally accepted structures and accessories that conform to standards under the Vienna Convention are rendered illegal by the current Act - or the current laws. Issues surrounding the inadequacy of penalties and fines as well as the road worthiness testing methods have evolved over time.

Similarly, measurements limits in relation to weights and distances need to be amended to be in line with the metric system now in use in Jamaica since the mid 1990s. Concerns regarding the inadequacies and deficiencies of the Road Traffic legislation have been raised by several Ministries, agencies, non-

governmental organizations, service groups and concerned citizens.

By way of background, Mr. Speaker, Decision number 27/99 dated September 6, 1999, Cabinet approved the Ministry's proposal to overhaul the Road Traffic Act and Regulations of 1938 and the issuing of drafting instructions to the Chief Parliamentary Counsel to prepare the necessary legislation.

The attached Bill from the Chief Parliamentary Counsel is the last of many drafts, intense stakeholder deliberations, two legislation Committee reviews and finally, Mr. Speaker, the revision by your Committee, the Joint Select Committee. The Bill was widely circulated through the Ministries, Departments and Agencies, other stakeholders, including the Insurance Association of Jamaica, the Jamaica Automobile Association and the Combined Disabilities Association and their comments, Mr. Speaker, have been incorporated into the Bill.

The Attorney General's Chambers and the Legal Reform Department both advised that they have no objections regarding the constitutionality of the provisions and that the Bill is legally constituted.

Mr. Speaker, the matter for debate is a Bill entitled, ".An Act to Repeal and Replace the Road Traffic Act of 1938" which was presented to this House in the Sectoral Debate in June 2014. Thereafter, a Joint Select Committee which was established commenced its review of the Bill in September 2014.

Mr. Speaker, in essence, the Bill is comprised of 13 parts, inclusive of a general section where the Minister may make regulations and there are 134 clauses plus the attendant six schedules. This Act - this Bill, Mr. Speaker, seeks to repeal and replace the Road Traffic Act of 1938, as I indicated it includes new information, amended provisions as well as increased fines for traffic offences. And I want to say here, Mr. Speaker, although I'll elaborate further, these increased fines for traffic offences are primarily construed from a safety perspective. I want to indicate to the Members of this Honourable House, Mr. Speaker that one does not need to pay those fines.

Mr. SHAW: You owe it for every one of them.

Dr. GUY: And how you do not pay those fines, Mr. Speaker, is not to have - is to not have an infraction.

Provisions related to public passenger operations, which is Section 60 to 89 of the existing Act, were removed to the existing Transport Authority Act to have this information under one Act. Mr. Speaker, the Transport Authority has responsibility for these categories of motor vehicles. This Bill seeks also Mr. Speaker, among other things to:

1. Empower the Island Traffic Authority, which has portfolio responsibility for the regulations and control of traffic on roads;
2. Empower the Island Traffic Authority to issue suspension notices where maximum points have been accumulated against a driver's license.

And this, Mr. Speaker, is a new provision. We find Mr. Speaker, or we have found that

part of the reason why so many motor vehicle drivers have been allowed to accumulate tickets over a significant period of time is that there has not been a correlation with the renewal of:

- A motor vehicle license;
- A license for - sorry - a driver's license; and
- A motor vehicle license

This Bill seeks to ensure that before any renewal is done that any points - sorry - any fines that are outstanding for a particular individual is paid before they can get a renewal of the license.

And secondly, Mr. Speaker, that where the Island Traffic Authority has issued suspension notices where the maximum points have been accumulated against a driver's license, then that driver's license will be suspended.

This Bill also, Mr. Speaker, seeks to create new classes of driver's license. Part of the existing practice, Mr. Speaker, is that, for example, motorbike riders, the significant number of motorbike riders in this country operates with a learner's license. All they need to do is to go into the tax office with the money, with two passport size pictures and sign up and get a learner's license and this allows them to ride a motor vehicle - sorry - to drive a motorcycle.

Mr. SHAW: Ride, ride.

Dr. GUY: To drive a motorcycle...

Mr. SHAW: Ride, ride!

Dr. GUY: No, no, no, drive a motorcycle...

Mr. SHAW: And ride a car.

Dr. GUY: No, no, no, the only thing you ride that has wheels is a motor - is a bicycle. By law, I'm advised that you drive a motorcycle.

Now, Mr. Speaker - so every six months you will have that particular motorcyclist go into the Tax Collectorate and renew his licence, and you find that people have been driving motorcycles for many, many years and do not have a motorcycle licence. There are a few who do have.

Mr. Speaker, although the work on this piece of legislation predates what is currently happening in this country, this will go a significant way in reducing the carnage that we have on the road as a consequence of a lot of motorcyclists who are driving on the road without proper licence and without proper instructions as to how to drive. As a consequence, Mr. Speaker, this new Bill will create a category known as a Class A for motorcycle drivers; a Class B driver's licence which entitles the holder to drive, not for reward, trucks motor cars not being public passenger motor vehicles or commercial motor vehicles and vehicles specially modified for persons with disability, and three, Class C driver's licence for persons to drive, whether for reward or otherwise, such category of motor vehicles as may be prescribed and specified in the licence.

Now, Mr. Speaker, public passenger vehicle drivers, they would have to possess a Class C driver's licence, but in this current legislation provisions are made that an individual who has a Class B driver's licence will have to have that for at least three years

before he can be elevated to the position of a Class C to get that particular driver's licence. Also, Mr. Speaker, within this current legislation - the Bill that is before us, as contrary to the practice that currently obtains, Mr. Speaker, where we find that people, having attained the age of 17, they go and purchase a learner's licence and for whatever reason, whether they have been practising from 16 to drive a motor vehicle, Mr. Speaker, but couple weeks later they turn up at the ITA seeking to get their licence.

This Legislation now mandates, Mr. Speaker that a person can only apply for a learner's licence once they have reached the age of 17. They cannot apply for a Class A, a Class B licence until they have attained the age of 17½ which gives them at least six months driving experience, Mr. Speaker.

Additionally, Mr. Speaker, what this new legislation also gives some powers to is that, as it currently exists, the only persons who would need to get a medical certificate - a clean medical bill to apply for a licence is those who are currently applying for general driver's licence.

This new legislation, Mr. Speaker, requires that the individual who is seeking to get a learner's licence, part of that particular stipulation requires him to also furnish a medical certificate at that point, so that it is not left up to the discretion of the examiner to determine whether he is competent medically or otherwise. We cannot leave up to chance, Mr. Speaker, for nonprofessionals to determine whether a person can see properly or hear properly. Also, Mr. Speaker, they will also have to pass the Road Code Test at that particular point in time as opposed to when they are going for the exact licence.

(*Sotto voce* comments)

Dr. GUY: That too. Mr. Speaker, there is also another provision in this Legislation. There are provisions for persons at all times whilst operating a motor vehicle to have their driver's licence in their possession. Minister of National Security, I want you to listen to this one because there have been serious concerns coming from the Jamaica Constabulary Force that the current legislation gives, I think it's 24 hours or 48 hours for them to furnish, having been stopped on the road, telling the police officer that I have a licence but I don't have it in my pocket, and you have 48 hours to turn up to any police station across this country and present your driver's licence. There have been so many problems associated with this, Mr. Speaker, that there have been issues where the police have been unable to trace those persons and as a consequence a lot of - for want of a better word - criminality does and can occur as a consequence of this and this provision seeks to ensure that everybody has - every driver will have to have his driver's licence in his possession, failing that…

Mr. CHUCK: How *dem* stop Peter and him never have *fi* him?

Dr. GUY: …failing that there will be a fine.

Mr. McKENZIE: Foolishness! Rubbish! Exploitation! Rubbish that! Oonu milk money out a poor people *fi* everything!

Dr. GUY: You know, Mr. Speaker, I am a

little disappointed at that particular utterance that comes from that quarter.

As I said before, Mr. Speaker, there has to be a certain responsibility of persons on the road. There has to be responsibility. And one of the responsibilities that we are seeking to have our citizens understand is that there is the need at all times to ensure that you say who are by operating in the context in which you are operating. So if you are a driver and you have a driver's licence there is nothing wrong with you having your driver's licence on you, and if you don't have it you pay the penalty and then the next time you will ensure that you have your driver's licence.

Mr. McKENZIE: That's too draconian!

Dr. GUY: Mr. Speaker, the legislation also seeks to reclassify motor vehicles and for connected matters thereto. One important difference in this piece of legislation, Mr. Speaker...

(Cross talk)

Dr. GUY: Mr. Speaker, can I get some protection from you.

The SPEAKER: Mr. McKenzie, you will have your time.

Mr. McKENZIE: I didn't say anything, is the Minister of Security, call him.

The SPEAKER: You each will have your time.

Dr. DAVIES: Delroy and Derrick back him.

(*Sotto voce* remarks by Mr. McKenzie)

Dr. GUY: Thank you, Mr. Speaker. Desmond, let us deal with it outside.

Mr. Daryl VAZ: Omar, yuh si what happen when you bus' him?

Dr. GUY: Mr. Speaker, thank you. One important difference in this new piece of legislation, Mr. Speaker, is it removes fines and penalties from the body of the Act to the Schedules, the 5th Schedule for fixed penalty and the 6th Schedule for matters to be heard in court. And what that does, Mr. Speaker, it gives the Minister, as is empowered by the legislation, to amend the Schedules without having to come back to amend the actual legislation. I mentioned about increased fines and penalties to act as a deterrent to flagrant committing of road offences by motorists as well as to cover the cost to the court and to act as a tool to modify drivers' behaviour on the nation's roads.

Mr. Speaker, whenever there is an accident now what happens is that the two vehicles that are involved in it their insurance companies will settle, but where there is damage to the structure such as the road where people - even in this Legislation, Mr. Speaker, where people damage the road by putting things in the road which will damage the road surface, where you burn things on the road you are liable to be charged because it is covered in this particular legislation (Applause) because we feel, Mr. Speaker, that there has to be a certain responsibility of our people to appreciate and accept that Government can't always...

Mr. McKENZIE: One hundred per cent (100%) you have my support.

Dr. GUY: All right, stay inside and we deal with it now. Thank you.

Mr. Speaker, another matter that has come up for concern which this piece of legislation

seeks to also address is the contentious matter of the use of electronic devices while driving. It is not only - well it is not only anecdotally, Mr. Speaker, but there is clear evidence to suggest, there is medical evidence and scientific evidence to suggest that whilst you are preoccupied on your phone, whether hand-held or otherwise, there is a tendency for you to be distracted. And, Mr. Speaker, we have reached a compromise in this particular Bill in that, Mr. Speaker, there was a call for a complete ban of the use of cell phones while driving. There was that call. However, the Committee in its wisdom, and I want to say in its wisdom, collective wisdom and, as you have been told, the Member from Western Kingston, the Member from North East St. Andrew and the Member from - supported it.

(*Sotto voce* remarks by Opposition Member)

Dr. Guy: It is hands-free, hands free use is allowed in the legislation whether it is hands-free in the vehicle or you have loops in your ear for it, but not whilst you are driving; so you want both hands on the steering wheel. We feel, Mr. Speaker, that although, that although, that although, there is still an element of distraction that this is the best compromise that we can.

The second thing that is also covered in this piece of legislation, Mr. Speaker, is - we note that there are many vehicles where there are DVD players inside them which are being operated whilst the vehicle is in use, Mr. Speaker, whilst the vehicle is in motion. And I am not talking about DVD devices that are mounted on the rear of the front seat but also on the dashboard of the vehicle, that the driver watches a movie while he is driving, Mr. Speaker...

(*Sotto voce* remarks by Government Member)

Dr. GUY: Thank you, Member - and this will not be allowed under this piece of legislation. So, Mr. Speaker, I am saying to all of...

(*Sotto voce* remarks by Mr. Daryl Vaz)

Dr. GUY: Thank you Member from West Portland. I don't need to say anything more.

Dr. WHEATLEY: The importation of vehicles. You need to ban the vehicles. That's where it starts from.

Dr. GUY: Mr. Speaker, there is another significant element which this piece of legislation covers as well. Mr. Speaker, I know that there might be some who will want to use a term that was used earlier on, but so be it. The truth is, Mr. Speaker, is that we have been faced with some security issues, and the legislation now speaks to the fact where for a vehicle to be licensed now a plate will belong to a vehicle as opposed to belong to an individual.

Mr. McKENZIE: Explain that.

Dr. GUY: Same like what used to happen before.

Mr. SHAW: More money again, funds transferrable from a vehicle.

Dr. GUY: No, no. The fact of the matter is you will have persons owning three, four, five different plates. One - yes, more money because you have to buy four, five different plates that time; and you know who introduced it.

The reality is that a lot of criminal enterprises, Mr. Speaker, switch plates because they have more than one in a particular vehicle. After a number of deliberations about it, Mr. Speaker, it was thought that we should go back to that particular system where a plate is assigned to a vehicle and it moves with the vehicle whenever you sell it, Mr. Speaker, as used to obtain in some years ago.

Secondly, Mr. Speaker, I made mention of the fact that there in terms of how the Bill is laid out there can be easier modifications to it.

Mr. Speaker, I want to also mention some other important elements of this particular Bill. One, Mr. Speaker, has to do with the motorcyclist I mentioned already, I also mentioned the granting of a drivers license...

(*Sotto voce* comments by Members)

Dr. GUY: No, no that is what you said. Okay, I also mention, Mr. Speaker, the renewal of the permit or the driver's license and the paying of traffic fines before the renewal is granted.

Mr. Speaker, the other area that I want to mention of significance which is also one of few that is in the new legislation is the utilization and I mentioned it of the use of other electronic devices whilst operating a motor vehicle.

Mr. Speaker, the Road Traffic Act - sorry the Road Traffic Bill of 2014, was reviewed by your Joint Select Committee during the period September 9, 2014, to February 11, 2015.

I want, Mr. Speaker, to express my sincere gratitude to the Committee on all those individuals and organizations that made written submissions and oral presentations or participated in the deliberations.

I want to say special thanks to the policy-technical and legal support staff of the Ministry of Transport, Works and Housing, its agencies and departments, the office of the Chief Parliamentary Counsel, the Ministry of National Security, the Minister and Ministry of Justice, Members of the Jamaica Constabulary Force, particularly the Traffic Department, the Tax Administration of Jamaica, the Attorney General's Chamber, the Legal Reform Department and the Ministry of Health.

Mr. Speaker, the deliberations as the Members will tell you who sat on the Committee were vibrant and they were focused primarily, Mr. Speaker, on safety of all our road users. In fact, Mr. Speaker, the point about safety requires that even for a new driver a Class A or Class B driver that there is a requirement that for the first year of the license that he should not exceed 80 kilometers per hour. There is also a provision in there, Mr. Speaker, to ensure that in terms of the blood alcohol level of that new driver that it is less than an experienced driver, not significantly less, but less than what we would expect, I think it is 0.01 per cent as oppose to 0.02 per cent for the established driver.

Mr. Speaker, as a consequence of the vibrant and focused discussions the recommendations for the amendments to the Road Traffic Bill was highlighted. And, Mr. Speaker, that is part of the reason why it took so long for the Committee to complete

deliberations. Members had different viewpoints, we argued over some, we compromised on others, we had consensus on some and, Mr. Speaker, I want to say on another note, part of the reason why the delay was there was that the Committee had challenges finding time availability of space to meet because of competing committee meetings at a particular time. So those were some of the issues why we took so long.

Now, Mr. Speaker, I want to now indicate what were some of the major findings and recommendations for amendments from the Committee and Mr. Speaker there are a lot but I will just speak to the major ones.

One is in the preliminary where definitions were accepted with few changes such as definition of a child to a more acceptable one based on the research of the Legal Reform Unit. We tasked them, Mr. Speaker, to look at other jurisdictions which had definitions for a child because even in the current legislation that we have, there is no definition which fits for a child within the motor vehicle environment, in that we have child restraint devices but we were not able to determine whether under other legislation a child is one who is one below sixteen or eighteen. So we have them - the Legal Reform Unit being tasked to look at other jurisdictions and we - the definition of a child states that a child includes any persons whose age, size, height or built such that the person experiences or is likely to experience problems or difficulty with the prescribed upper anchorage point of a seat belt.

It was considered - it was the considered opinion of the Committee, Mr. Speaker, that size should not be included in the definition as there are small persons, small adults, small persons who cannot be described as a child. So we reached a compromise on that - you would not fit within that category Audley, so don't worry, Christina would.

Clause 3, Mr. Speaker, I spoke about the establishment of the Island Traffic Authority and the Committee recommended a redraft of this particular clause that the Island Traffic Authority is redefined as an agency of government and shall consist of five members comprising-three members to be appointed by the Minister one of whom shall be the Chairman, the CEO of the National Works Agency or his nominee and the Commissioner of Police or his nominee.

Clause 21 there was a restriction on driving without a permit or drivers' license and production of drivers licence on demand, I spoke to that earlier on, Mr. Speaker. The Committee took the decision to remove the 48 hours grace period as was initially proposed.

As it relates to Clause 55 where sidewalks are mentioned, the Committee recommended that this clause be amended to include reference to the provision of cycle lanes and facilities and pedestrian refuges as well as sidewalks as the protection of these categories of road users is important.

Mr. Speaker, whilst I am on this particular point, although, although, Mr. Speaker, this particular legislation does not address it, I want to just make an appeal, Mr. Speaker, whilst I am on the subject of road safety for those persons who jaywalk on the road they

create not only challenges for themselves but also for the motorists and other users of the road. Although it is not covered in this piece of legislation, Mr. Speaker, it is something that we have to be mindful of and it is something that we will have to look at down the road.

I mentioned before, Mr. Speaker, but Clause 100 speaks to damage to the roads. The Committee supported the recommendation that damage to roads should remain as a criminal offence but there could also be a provision that allows the agency that would have to repair the road to be able to claim as a civil debt any repair that they may need to carry out.

Further for offences causing damage to the road both the driver as well as the owner would be charged as the driver would be at the point where the offence was committed.

A MEMBER: What about the road causing damage?

Dr. GUY: Clause 102, Mr. Speaker - you can speak to that when you come.

Clause 102, Mr. Speaker, demerit points on conviction of certain offences, it was found that the ITA had problems with receiving court orders relating to demerit points and those should have been sent to them by the courts. The information is not received in a timely fashion and only on receipt can the ITA take the necessary steps. The Committee felt that timely exchange of information was necessary and it was also necessary to strengthen the coordination between the different institutions.

We find now, Mr. Speaker, that they are issues because people sometimes go to Court pay whatever fines that they have to pay but they are still on the books of the police and they stopped on the road. So the Committee felt that in terms of the various agencies within government the police, Tax Administration of Jamaica, ITA and whatever agencies there ought to be better coordination and we are putting measures to ensure that this is so.

Mr. Speaker, Clause 106 operating motor vehicles in excess of prescribed maximum laden weight. The Committee recommended that the first two levels of overloading offences which are less than 500 kg, that is - sorry 500 to 1,000 kg should be ticketed and fines paid at the tax office and should be included as offences in the Fifth Schedule of the Bill.

The Committee also agreed, Mr. Speaker that where mention was made of an owner and an operator penalty should apply to both.

There are many other recommendations generally by the Committee in the Report, Mr. Speaker, and I commend it to the Members of the House to have a look at this so that we can have a fulsome debate on this.

Mr. Speaker, I now present to the Honourable House the Report of the Joint Select Committee for debate and acceptance on the Road Traffic Bill for debate by the Parliament.

Thank you, Mr. Speaker.

(Applause)

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker, I move that the debate be suspended until next week.

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, June 16, at 2.00 p.m.

The SPEAKER: The question is that the House do adjourn until Tuesday the 16th of June, 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 approximately 4.20 p.m. until Tuesday, June 16, 2015, at 2:00 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2015 – 2016

TUESDAY, June 16, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:37 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

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

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

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 Water, Land, Environment and Climate Change

OTHER MEMBERS

MR. EDMUND CURTIS BARTLETT, CD, (JLP), St. James, East Central

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

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

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. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western

MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern
MR. RAYMOND FRANKLYN PRYCE, (PNP), St. Elizabeth, North Eastern
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. 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

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: Before we get down to today's business, let us welcome Miss Teen Jamaica and her entourage that are visiting with us today.

(Applause)

(DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central, entered and took his seat.)

(MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern, entered and took his seat.)

(HON. RICHARD EDWARD AZAN, (PNP), Clarendon, North Western, Minister of State in the Ministry of Transport and Works, entered and took his seat.)

STATEMENTS BY MINISTERS

Mr. ROBINSON: Mr. Speaker, we'll have a Statement from the Member for Central Kingston and the Minister of Education, Reverend Ronald Thwaites.

(MR. WILLIAM JAMES CHARLES HUTCHINSON, CD, (JLP), St. Elizabeth, North Western, entered and took his seat.)

(MR. RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, entered and took his seat.)

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

The SPEAKER: Minister Thwaites.

Rev. THWAITES: Thank you, Mr. Speaker.

Mr. Speaker, there are three matters about which, I wish to update this Honourable House, related to the Education Sector, and one is to support the Ministry Paper Number

102 of 15, which is expected to be laid later this afternoon.

Mr. Speaker, I begin by presenting a preliminary report on the performance of students in the Grade Six Achievement Test - the GSAT - for 2015. The results will be available to the primary level institutions on the evening of tomorrow, Wednesday, June 17, 2015.

The Grade Six Achievement Test was administered on March 27th and 28th of this year and conducted in over 1,000 schools; 38,662 students - 18,399 males and 20,263 females - were eligible to sit the examination.

Mr. Speaker, I'd like to note that there's a gradual decline in the size of this cohort. The birth rate in Jamaica is modifying itself and therefore the arc is turning downwards gradually in respect of the number of candidates in each class in our schools.

I begin with student achievement. Student Performance in this year's GSAT Examination improved in four of the five subject areas on which they were tested. Social Studies leads the way with six percentage-points increase above last year's average. That's good. (Applause) Social Studies emphasizes the young people's knowledge about themselves, their heritage, about Civics and their capacity to cooperate as citizens.

Members will recall that last year we adjusted the curriculum for Social Studies to make it more focused and reduced the number of test questions to make them comparable with the Science test. Increased efforts - excuse me - Communications Taskforce - Tasks rather, recorded the next largest increase three percentage points and this is followed by marginal increases in Language Arts and Science. Mr. Speaker, what is disturbing is that there was a decrease of 3.7 percentage points in the students' performance in Mathematics, compared with last year.

Although the decline in students' performance in Mathematics is of concern to us at the Ministry of Education, our analysis points to an area of teaching and learning that requires targeted intervention. In this year's Mathematics test we increased the number of items that required students to reason and to apply concepts.

The challenge students faced handling these items may be attributed to one of the issues with which the Ministry continues to contend as it relates to the teaching and learning of Mathematics, and that is the emphasis on rote learning rather than the teaching of concepts. Placing an emphasis on students remembering steps without an understanding of the underlying concepts will affect the ability of students to handle items they may consider as unusual or non-routine.

Taking this into consideration, plans are currently being put in place to provide additional levels of support to the system under the National Mathematics Programme in the following ways: -

- Increased efforts to support schools, both the sending and the receiving schools, in analyzing GSAT profiles and using the data to make decisions about teaching and learning.

You know, Mr. Speaker, every time a student takes GSAT, there is a careful analysis

of the strengths and weaknesses of that student that is given. These analyses are often underused by the schools receiving those students and we are emphasizing the need to do so, so that remediation in appropriate areas can take place. This will include:-

- The development of remediation programmes to support incoming Grade 7 students to ensure that identified gaps are treated as well as the development of programmes designed to improve the capacity of students to reason and apply mathematical concepts.

Mr. Speaker, I want every student who scores less than 50% in the mathematics examination and even those who are marginally above that, to go to some summer programme to be subject to remediated attempts in Grade 7 before we emphasize and go on with the remainder of the new curriculum. The foundations must be laid first, otherwise we are placing them on a spiral of downward failure.

- Continued emphasis would be given then on the teaching of concepts during professional development sessions, which are being facilitated for teachers at the regional and school level both at the primary and secondary elements of the education system. And this will be supported by increasing the access to sample lesson plans built around these strategies.

You can't teach to the test anymore, Mr. Speaker, you have to teach the concepts and help the study of Mathematics to involve problem-solving rather than remembering formulae and theorems.

- Working closely with principals and teachers of the current Grade 5 to ensure that they are equipped to make the necessary adjustments to their programmes by ensuring there is greater emphasis on concept building and to strengthen their capacity to develop and administer assessment tools, which require increased levels of reasoning and application.

We don't want the slip back that has occurred this year to continue next year, Mr. Speaker. And there will be:-

- Continued implementation of strategies targeted at changing the culture surrounding the teaching and learning of Mathematics so that all stakeholders recognize that Mathematics and numeracy speak to the use of ideas, not only in the classroom, but in everyday life. And as a result, the experiences we offer our children must include those which allow them to develop an appreciation of the applicability of the concepts they are learning, not just in the classroom, but in everyday life.

Mr. Speaker, we have to develop a math culture in Jamaica. Too many of us think that math is hard and it's something that we can progress in life without. (Applause)

(HON. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western, Minister of Local government and

Community Development, entered and took his seat.)

(MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern, entered and took his seat.)

(HON. HORACE WASHINGTON DALLEY, (PNP), Clarendon, North, Minister without Portfolio in the Ministry of Finance and Planning with responsibility doe Public Service, entered and took his seat.)

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

Mr. Speaker, of the 37,575 students who sat the GSAT Examination 33,546 were placed in high schools; 3,177 were placed in technical schools; 836 were placed in primary and junior high schools and 15 placed in special schools where their challenges can be met.

Mr. Speaker, for the first time in Jamaica's history no secondary age students are being placed in all-age schools or private institutions. (Applause) Coming from a percentage of independence of less than 20%, Mr. Speaker, in 2015 despite all of the asperities of the time and by the continued dedication to education of both sides of this House and the Jamaican taxpayers, this year 100% of all of our children will have the opportunity of a five-year high school education. This is progress, sir. Twenty seven thousand one hundred and eighty-nine, 27,189 or 73% of the students were placed in their preferred schools. May I repeat that, Mr. Speaker, because it has been the subject of some misunderstanding; 73% of all GSAT placements involved one of the preferred schools that the child or their parents put down, yes, 73%; (Applause) 9,486 or approximately 25% of the students have been placed on the grounds of proximity either to the primary school where they attended or to the home, the addresses that they gave. We have done this in order to minimize long transportation hauls such as, Mr. Speaker, the people of South Manchester are fully aware and so many others in Jamaica. We are trying to make students be placed in the most appropriate areas while at the same time respecting the choices of their parents and themselves.

The Ministry of Education in the meanwhile is employing strategies to increase quality secondary school places by taking schools off shift, more than 30 this year will be taken of shift, Mr. Speaker, within our existing budget, no extra money, (Applause) reducing overcrowding and improving the qualities of facilities, teaching and learning.

In addition to the remedial measures already mentioned regarding Mathematics, the Ministry of Education considers students scoring 50% or less in any subject to be in need of intervention in order to adequately manage Grade 7 studies. Therefore all high schools are being directed to one, make full use of the GSAT subject profiles for each student in order to determine weaknesses and two, to undertake upgrading and remediation at the outset of Grade 7 and the Ministry

stands ready to provide specialist interventions to schools, particularly in the areas of Language Arts and Mathematics.

Mr. Speaker, I wish to continue because I am pleased to advise Members of this Honourable House that the Ministry of Education has launched a series of televised programmes to assist students in preparing for the Grade 4 Literacy and Numeracy Tests to be held on June 30 and July 1, respectively. This year's sitting of the Grade 4 Literacy Test, in particular, takes on added significance as this is the target date for the country to achieve the Millennium Development Goal of 85% of the Grade 4 age cohort achieving mastery of literacy. The country is presently 7.6% points below the target and it is expected that we will meet that target this year. Remember 85% equates to 100% of the cohort who do not suffer from any intellectual or physical challenge which might affect their capacity for this examination.

You know, Mr. Speaker, the Grade 4 Examination is one of the most crucial tests during a student's career. If a student achieves mastery, literacy and numeracy at Grade 4 they are on an escalator of success throughout the remainder of their career. And therefore the video lessons called 'Grade 4 Genius' show revision tips and techniques through story telling involving children and adults.

The literacy lessons are on writing and reading comprehension, while the numeracy lessons are on place values. The Ministry encourages parents, students and teachers to utilize these free lessons, these free extra lessons. The literacy and numeracy revision lessons can be accessed every Monday and Wednesday from 5:00 to 5:30 in the evening on 20 cable channels that transmit programmes by the Public Broadcasting Corporation of Jamaica.

In addition, the literacy and numeracy lessons are carried on JET-TV Monday to Sunday 3:00 to 4:00 p.m. and on DC DIGITAL/LOVE TV free-to-air Monday to Sunday at 4:00 to 5:00 p.m. This gives adequate coverage to the entire nation, Mr. Speaker, and they will soon also be available on the Ministry of Education's website www.moe.gov.im.

I would like to congratulate and thank the young Grade 4 students from St. Andrew Preparatory, from Mona Prep, from other schools who have come together with their parents and teachers and are actors and participants in making these videos. And it is just the beginning, Mr. Speaker, because as we go through the year, as promised in my sectoral contribution, all subjects and all grades will have their lessons transmitted on television in order to offer the best possible teaching to all of our children outside of as well as inside the classrooms. (Applause)

The Ministry of Education is currently in discussion with other broadcast carriers to distribute these videos all across the island. Where there is no broadcast carrier, we will provide the schools with DVDs.

Mr. Speaker, finally I feel compelled to make a statement to this Honourable House on the cost of graduation exercises so-called. While we understand the wishes and desires of parents to celebrate with their children,

especially when they have done well, I wish to make it clear that such functions are not compulsory. In recent years, and in particularly during the month of June, it has become quite costly for parents and the schools, to some extent, to stage graduation exercises.

Mr. Speaker, I have in my possession a breakdown of a graduation package for a primary school in the inner city which shows the cost of $6,500 with an additional $4,000 for a graduation ball at primary level; a total cost of $10,500 outside of the cost for hairstyles, fancy dresses or suits, footwear and transportation. And Mr. Speaker, as every Member in this House knows sometimes wrong priorities are at work here. Because the parent who came to ask for help with these graduation expenses owed money for the contribution for school and also for extra lessons, and when I enquired this is a good person - but when I enquired whether the donation she sought from the Member of Parliament ought not to be used to defray those expenses, she told me that *mek dat* stay. Mr. Speaker, this represents an overblown right of passage euphemistically referred to as a celebration of excellence at the expense of providing the much needed learning support such as books and meals during the course of the year.

Mr. Speaker, may I contrast for the Honourable Members, because while this is true of a primary school and it is not unusual Shortwood Training College, which is giving a degree to their graduates, their cost for the exercise is $6,000, half of what, almost half of what we are doing for a primary school and an infant school the Member is correct, very often, with the same extravagance.

Mr. Speaker, I brought this to this Honourable House because the Ministry of Education strongly encourages that school leaving exercises be simple, attracting a cost of about $2,500 at the primary level. (Applause) We - and I am sure this entire House doesn't wish to kill the joy of any parent seeing his child passed through such an exercise. We reach out to parents who long for celebrations with their children to make their priority that of supporting teaching and learning, proper nutrition rather than high expenditure on graduation exercises.

Mr. Speaker, we ask the support of this House to encourage simplicity over extravagance to arrange (Applause) school-leaving ceremonies which are joyous, inexpensive occasions celebrating real achievement and readiness for the next level of education.

May it please you. (Applause)

Mr. SAMUDA: Mr. Speaker.

(MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western, entered and took his seat.)

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

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

(MR. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, entered and took his seat.)

(MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary, Western, entered and took his seat.)

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: Mr. Speaker, I am sure that the Member will confirm that the greatest single asset that the country possesses is its human capital. Consistent with that philosophy, and you might rule me out of order for mentioning it here, but I think it's appropriate. The Minister made mention of assistance inside and outside of class in order to build this human capital. And there is a programme called the Constituency Development Fund designed to bring relief and to assist in building our national capital base. Yet it denies the use for the purpose of training students in the art of computer operation. You cannot take funds from the Capital Development Fund to train students in a lab established for giving them that assistance. You cannot do it. You cannot pay for rental of a facility at the constituency level.

(*Sotto voce* remarks by a Government Member)

Mr. SAMUDA: CDF. No, Constituency Development Fund - I said it's a capital project. You cannot pay for training because they say the Fund is not designed for that, but you can pay to bush a sidewalk and clean gullies and all the rest of it, but you cannot use it to build the educational base of the country. Now to me I think that that is a flawed programme. It's flawed. And many times attempts have been made by Members to establish a facility like that to enhance the development of students in computer science so that they can go on to become much better at writing their exams when the time comes, but they are denied the opportunity of doing that. And I am saying, Mr. Speaker, that the CDF Committee must review that policy and bring a recommendation to this Parliament that it be changed to make accommodation for that level of expenditure.

Mr. BARTLETT: Mr. Speaker.

(*Sotto voce* comment by the Speaker)

Mr. BARTLETT: Mr. Speaker, I would like to just congratulate the students who...

(Cross talk)

(The Speaker gavels)

Mr. BARTLETT: Mr. Speaker, can I have the benefit of speaking?

(*Sotto voce* comment by the Speaker)

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

Mr. Speaker, I would just like to congratulate the 37,000 students who have been placed in the various institutions of secondary training in the country as a result of the results...

(*Sotto voce* comments)

(The Speaker gavels)

Mr. BARTLETT: Mr. Speaker, can I have some protection?

The SPEAKER: I am trying my best.

Mr. BARTLET: Thank you.

(*Sotto voce* comment/Laughter)

Mr. BARTLETT: Mr. Speaker, I would like to congratulate the 37,000 students who

have been placed in the various schools of secondary educational attainment, and to particularly, Mr. Speaker, make reference to three key points which the Minister raised, which I think is worthy for our consideration, in addition, of course, to the many other points of value that he raised.

The first I would like, Mr. Speaker, is to look at the reduction in the number of students who actually sat the exams this year, and to wonder aloud whether it had, in fact, to do with a population rebalancing which is perhaps, taking place; or it had to do with the ability of the parents to afford to have the children in school, first of all; and secondly, to have them attending school with the regularity to ensure that they will qualify to sit the exam as the time became due.

And I am drawn to that, Mr. Speaker from the statistics that we have here, that some 8,682 students who did the exam were from the PATH Programme. That represents nearly 25 per cent of the total number of students who sat the exam. And when you put that against the fact that the Poverty Index is suggesting a 20 per cent, the question really is asked as to whether or not poverty isn't a contributing factor to the reduction in the number of students who actually sat the exam.

And I really want us to consider this because there are problems out there. People are struggling and suffering and all of us as MPs know that. And we need to take a closer look, perhaps, at what is happening in the homes of some of these students, and how indeed, we can perhaps, be more responsive to the needs therein.

The second point that I wanted to raise, Mr. Speaker, has to do with the placement of students within proximity to where they live. I happen to feel, Mr. Speaker that it is an excellent idea to try to place the students as close to where they live as possible. (Applause) And that is borne out of the experience that I am having today with students who live in my constituency, and travel to two parishes down the road to high schools: the problems that we have had with child abuse; the problems that we have had of missing children; the problems that we have had of children reaching school so distressed and stressed out from the hassle of commuting, and the problems of moving from one bus or one mini bus to another mini bus; from one taxi to another taxi, and perhaps, having to walk some distance in order to get to school in the end. By the time they reach to school, they are tired...

Mr. CHUCK: And they are wet and sweaty.

Mr. BARTLETT: ...and they are wet and sweaty, and their capacity to absorb and to retain is significantly diminished. No wonder, Mr. Speaker, the attention span of the students are reducing by the day.

And so, I think that - I know there is a voice that is saying, why are you placing my child at this school, this is a sub school. Mr. Speaker, I think we have to take that seriously, but we have to recognize that the answer is not to enter into a fight with the parents about placement, but is to significantly reform the school, and uplift the schools within the areas. Ensure that the resources are provided; the

schools are properly resourced by way of quality teachers, appropriate and available instructional materials, and all the infrastructure required to enable that school to perform at the highest level.

And finally, Mr. Speaker, I wanted to make the point that the level of placement to preferred schools, I think it is a function of the grades that the students get.

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

And in my own experience in my constituency, we have what we call the 80s and 90s Club where you are aware of - every year we have these awards for GSAT students who have performed at that high level, and we provide them with incentives and scholarships to move further.

But, Mr. Speaker, those who perform at the 50 per cent and below - I note that the guidance here is for the schools to establish remedial classes to lift them to Grade 7 standards. Now, I think that a review of that needs to be done in the context, Mr. Speaker, of what you do to those children because they go to the schools feeling slightly inferior to the others. And staying in the all-age system provides an opportunity, I believe, for that level of upgrading, and enabling them, perhaps, to do what used to be - I don't know if we still have it - what was called the Over-Age Scholarship, that is the scholarship to technical high schools.

But what it would do is to give those students a chance to lift themselves without feeling inferior being amongst students who are placed there because their performance and their grades were higher. And that would give them a chance - a second chance. And indeed, those students too, could later on be placed in the HEART programme, and in other kinds of training and development programmes that will enable them to hone their skills and to become valuable citizens in the country.

So Mr. Speaker, those are the points. The final one on this is the quality of the early childhood education intervention, because that has a lot to do with the number of students who we end up graduating into secondary school and beyond.

And Mr. Speaker, I want perhaps, to draw special attention also to the Grade 4 programme - the Literacy and Numeracy at Grade 4. We need to make sure that we lift that and carry it to the levels of the 80s and 90s as you are supposed to be both in languages, as well as in numeracy.

Those are the points that I want to make, but again, congratulations and I think this year's Programme went fairly well. And I want to congratulate the teachers, too, for the job that they are doing and hope, Mr. Speaker that they will realize the just reward for the services that they are offering.

The SPEAKER: Mr. Hylton.

Mrs. DALRYMPLE-PHILIBERT: Mr. Speaker...

The SPEAKER: Mr. Hylton.

(Applause)

Mr. Andrè HYLTON: Thank you, Mr. Speaker.

Mr. Speaker, first, let me congratulate the students on their success with the GSAT Exams. I also wish to congratulate the parents, the teachers, the Ministry, for the work in Education, and of course, these results.

Mr. Speaker, I have two questions for the Minister. One, I would like to know if there are any considerations given to the total amount of males. We see in 2015, 17,000 males sitting the GSAT *versus* females 19,000; almost 2,000 difference, Mr. Speaker, and considering we need to educate our boys and have them performing at the same levels as the girls, I am wondering if the Minister could shed some light on the programmes in place. Because, Mr. Speaker, boys learn different from girls, and I believe this is a known fact. Whether the Ministry has taken this into account fulsomely, I don't know, but I would like the Minister, if he would speak to those numbers.

Also, there is a decrease in the overall numbers, Minister, and I wonder what is the reason - if you had given those reasons because I am not sure I heard that.

The next thing, Mr. Speaker, I would like to recommend, Minister Thwaites, that animation is a very attractive way of teaching young people. And we know the Ministry of Science, Technology - the Member from South East St. Andrew is very passionate about it - if we shouldn't really be looking at using animation with these television broadcasts. We have some young animators being developed in Jamaica. Get them in a creative way to look at fun learning Math, English, *et cetera*, but get the young people interested, using animation. I think it is an opportunity for the industry to develop, and it is a creative way of having our children doing better at learning, so I really want you to look at that possibility, Mr. Speaker.

I also wish to thank you, sir. My primary school, New Providence, is now off the shift system. We visited recently and the teachers, the children are all happy. But of course, we have Papine High sir that needs to be off the shift system.

The next thing I want to raise, Mr. Speaker, is there are some primary schools that, at one time was dubbed as failing schools, who are now doing very well. But one of the things I am picking up, Mr. Speaker, is that this new success has reached a point where the schools are now looking for the brightest students to recruit in their schools, and traditionally, they are recruited children from the surrounding area.

So the challenge that the Minister is trying to deal with now, we are almost going back in that situation where schools, when they are doing well, rather than continuing with their local pupil, they are looking for external persons who are with better grades, so that they can be seen in the eyes of the Ministry as being a success school. And I think that we need to be careful that, rather than solving the problem on one hand, we are widening the problem.

The final thing, Mr. Speaker, is the business of graduation. It is a real - Minister, I am glad you raised it and all Members of

Parliament have the challenge where persons come looking for monies to pay graduation. I have some young men who are - one came to me with almost tears in his eyes because his - the mother of his child is pressuring him because they want the child to graduate.

(*Sotto voce* comment)

Mr. Andrè HYLTON: Exactly! Mr. Speaker, the only graduation you put on your resumé when you apply for a job is a high school graduation. Primary school and basic school is not - is of no relevance. So, Mr. Speaker, we need to really try to implore our people - and the schools - to... I wouldn't say desist, but certainly reduce, or cut it out altogether, because in a time when scarce resources and people are under pressure for them to be further pressured to go and spend $20,000, as you said, probably even more, to graduate from a prep school, or a basic school, or primary school, it is unwise spending, Mr. Speaker, and we must encourage our people. And we, as Members of Parliament, have to do our part in trying to cut this out. I, for one, tell my people, I don't support graduations; I do not support graduations, so if you come for books or to help to pay your tuition, yes. I will go to the ceremonies, but I don't support it financially.

So Mr. Speaker, I just wanted to raise those points, and ask the Minister to respond.

Thank you.

The SPEAKER: Mrs. Dalrymple-Philibert.

Mrs. DALRYMPLE-PHILIBERT: Mr. Speaker, I want to join with the Minister any my other colleagues in congratulating the students and teachers.

But, Mr. Speaker, through you, I am just wondering if I could encourage the Minister, whether or not it wouldn't be appropriate for us to pass a simple resolution this afternoon in Parliament to cap the amount of money that is being spent on these graduation exercises.

(Applause)

And why do I say that. I am thinking that if a resolution, a simple resolution is passed then it is you can send it out to the schools and it probably will carry more weight, because the burden is dreadful on the parents and on the Members of Parliament and people in the community. And I just wondered whether or not that is my contribution, we could pass a simple resolution that in fact, could go out to all our schools that might help with the situation.

(Applause)

The SPEAKER: Mr. Charles.

Mr. CHARLES: Mr. Speaker, I just would like to get a clarification on a matter. But let me join the - my colleagues in congratulating the teachers, parents, and students as the Minister has presented, the success the Minister has presented to us here in Parliament.

Mr. Speaker, the Member from North Central Clarendon - North Central St. Andrew made a presentation and I would like to get some clarification on it.

It has been brought to my attention that the CDF cannot be used for children - assistance to children going to All-Age and

primary schools. I just want to - I would like - 1 have been advised that the parish...

(*Sotto voce* comments by Members)

Mr. CHARLES: Can I address you, Mr. Speaker, in peace.

The SPEAKER: You are supposed to address me.

Mr. CHARLES: I don't ask questions that I know the answer to publicly.

I have been advised that if you make an application for funds to assist students in All-Age and primary school it is not permitted. If that is not so I would be happy to be advised.

(*Sotto voce* comments by Members)

The SPEAKER: It is not so, Mr. Charles, move on.

Mr. CHALRES: Mr. Speaker, although I am attracted to the Minister's presentation about graduation, I want you to take a cultural and social look at the basic schools and other schools where people are graduating. I don't want you to focus only on the cost, I want you to look at the social and cultural feeling of these parents, particularly, some in the deep rural areas who may never see their child graduate from anything else. I think that children are being exploited, because it is becoming a money making venture rather than, you know, a cultural and social support for a child who is going to look at her photograph after that achievement. I don't think we should be hostile to it, I think it will probably comes down to a statement from the Minister, the Ministry of Education as a policy discussion with the teachers, because if teaches are not accommodating this graduation situation it won't happen. But as long as teachers are willing to say parents, I want you to dress-up - when a parent goes out to borrow money just to see her little girl dress and walk, there is more to it than just the money, and we need to look at that, be sympathetic to the social and cultural feeling of these parents. And so Minister, probably you have to do an evaluation on the overall situation. Well, what I am saying is the exploitation of Members of Parliament who have to meet, call and demand from many for help to get my child to graduate. It may be good for you to give an overall policy presentation after discussion, as I have said, with the teachers and it may rid us of this problem.

So sir, I can feel that people coming from All-Age and primary school, according to my colleague here on the left they can be assisted from the CDF and I would be very happy for that.

Thank you very much, Mr. Speaker.

Mr. PRYCE: Mr. Speaker, let me just add a few points to the presentation made by the Minister in the following questions.

On the second page, Minister, under the headline 'Student Placement', you indicated that of the 37,575 students 33,546 were placed in what is described as high schools, and 3,177 were placed in what is described as technical schools. I am asking if the placements of apportion placed at the technical spaces is that a corollary of the total number of technical spaces available across the secondary network. And does technical spaces include STEM spaces, and ought we to be promoting tech and STEM spaces so that

more students and parents opt for them? And otherwise, are we working with any level of earnestness to convert more of the so-called high school spaces or traditional spaces into STEM or technical spaces when we also are aware of the ongoing reality and the discussions that more jobs in the modern workforce require those application skills rather than, shall we say, the pure academic skills?

And let me also, Mr. Speaker, if you would allow. The Member from East Central St. James with respect to his very well made points about the various costs for the travel time and the distance that students have to go from their residential community to the location where the school space is to which they have been assigned are to be found. And let me, in joining him in those remarks, also make note of the increase in spaces generally that now allow for more schools such as Balaclava High, now Roger Clarke High, to come off the shift system and also to say, on behalf of a grateful community and constituency the people of Aberdeen, Quick Step and surrounding areas are happy now, sir, that they have a high school within walking distance to the places of domicile of their students.

The SPEAKER: Rev. Thwaites.

Rev. THWAITES: Mr. Speaker, thank you so much to the Members for their great interest in education and the important questions that have been answered.

Mr. Speaker, the Member for North Central St. Andrew, I don't - I am not able to speak to any limitation of the use of the Constituency Development Funds, but I can inform him that the HEART/Trust NTA is open for all students who wish to become computer literate, and they will not turn back anyone, they will ensure that whatever level you come at, they will take you and advance you towards this. This is new policy and it is vital if we are going to meet our objectives of a trained and certified workforce.

With regard to the Constituency Development Fund though, without having the details, I am sure the Chairman could give us more. But my understanding is, that over 60 per cent of what falls to the nomination of Members of Parliament is in fact used on education, and it is a tribute to the consciousness that the people's representatives have of the value of education and it is a response to the canard that comes from to time to time that is some kind of slush fund. When you spend on education you are investing in the future of this country. (Applause)

And you know, Mr. Speaker, it is invidious to single out any constituency and I mean no criticism of anyone. But when one sees what with relatively limited funds is done in places like Northwest St. Ann, East Rural St. Andrew... (Applause) ...South St. Andrew, South West St. Andrew, East Central St. James, and East St. Andrew these are important steps that are made and there are many others by Members of Parliament to devote themselves to education and the uplift of their constituents.

(*Sotto voce* comments by Members)

Rev. THWAITES: I am sure all of you do, all of us do.

Mr. Speaker, in relation to the points made by the Member for East Central, St James, there is no doubt that the reduction of the GSAT cohort is connected with - in some instances significantly, with the reduction of family income, with poverty. There is a decline in the birth rate, but of this number, one of the first questions I asked when presented with the figures is what about the over eight hundred children who in fact were registered, Mr. Speaker, but did not turn up for the exam? It is - we have tracked them down, I believe for the first time, we have - we are ensuring that they are placed somewhere in the system.

Mr. Speaker, we cannot afford for students to drop-out of school prematurely you know. (Applause) Whether it is because of pregnancy, whether it is because of lack of lunch money, whether it is because of disinterest in education, all of these, it matters not, we have to make sure that everybody stays in school because the Minister of National Security reminds us often that merely staying in school decreases significantly the opportunity or the likelihood of antisocial behaviour later on which cost so much money. So we are going after those. (Applause)

Mr. BARTLETT: We can help you.

Rev. THWAITES: Thank you.

We have a problem though that the Member needs to advert to, in that our average attendance in high school is about 83 per cent average, that is not good enough, you know, Mr. Speaker, Honourable Members, we need to increase that year by year by at least 5 per cent until only those who are justifiably absent even think of staying away from school. The worst thing that you can do for a child is to keep them out of school unnecessarily. And if poverty is the issue, I beg you to get in touch with the guidance counselor, with the regional offices of the Ministry of Education or the Ministry of Social Security, it is the best investment we can, to provide the welfare assistance, not the chronic dependency of parents who put everything in front of their children's education. But where there is real need we have to deal with that need right there in the school rather than have it fester into a real problem, a pathology later on.

As far as the placement is concerned, this year, we feel sure that the majority of those students taking the GSAT will be placed either according to their preferences or closer to their homes.

Mr. Speaker, what are we to do though with the parents who live in one town and will express a preference for their child to go a school three parishes, a distant. We have to ask our parents please to modulate their choices with more relation to their capacity to afford the expenditure to meet them.

To do this, the instructions of the Honourable Prime Minister are very clear. We are spending money more and more on those schools which are the nontraditional high schools to ensure that they take their place and therefore, over $600 Million this year will be spent on capital uplifts, not on those schools that are traditionally able and can handle themselves with alumni assistance *et cetera*, but on those schools which don’t normally - aren't normally chosen as preferential choices,

but which need the additional help to come off shifts, to improve their laboratories, their instructor - their workshops, and so, give a better chance to students.

Mr. Speaker, our experience with the All-Age schools is not that they are good at remediation, in fact, the All-Age schools have been doing quite poorly and we feel it's better to do the remediation so that they can be placed, the students, all the students can be placed in a high school programme. And one understands entirely the point made by the Member regarding how, formative and probative early childhood education is.

Mr. Speaker, I wonder if the Member for East Central St. James knows that the former Prime Minister, the Most Honourable Edward Seaga has commissioned a study on early childhood education and it is most significant. What it does is to - I think it is being led by Mrs. Joan Spencer Hernandez - an important feature in - factor in education who assist greatly in South St Andrew. What it shows, I am told, is that if you have a good early childhood experience and you track that student through the school system they do uniformly well, and a negative or indifferent early childhood experience has the completely opposite result. That is why we are placing so much emphasis on Early Childhood and Special Education this year, and I thank the Member for his participation.

The Member for East St. Andrew asked about the education of boys, and it is true that there is a differential in the results from boys from girls. You know, Mr. Speaker, not so for the children who go to preparatory schools; the boys do as well in those locations as the girls. In the primary schools it is the general uplift of education and sufficient attention being paid to behaviour modification. You know if the primary schools simply did nothing more than teach our children adequate levels of English and Math and how to behave themselves that is all that's needed you know, sir. (Applause) That simple task is hard enough and it's essential enough for us to continue, but yes, the answer is that we are paying close attention to uplifting the standards of boys.

May I say something else on this subject and ask again for the counsel of Members. Over 90 per cent of the teachers in this country here and, indeed, it's a worldwide trend are females. God Bless them. But, Mr. Speaker, young people, particularly young boys, but girls too need a strong male figure in their life. (Applause)

MEMBERS: Hear, hear!

Rev. THWAITES: Yes, and you know, Mr. Speaker, we need to attract more young men into the teaching profession.

Mr. Speaker, today I am coming from the Diaspora Conference and I'm pleased to have made the contact between the Chief Executive Officer of the Grace Group and the incoming Principal of the Mico University for a programme to develop scholarships for young men who are prepared to be trained and to be bonded in the education system. We need more good and moral male teachers in our schools especially when we have a problem in our families.

(Applause)

MEMBERS: Hear, hear!

Rev. THWAITES: I agree entirely with the Member as to the appropriateness of animation and will ensure that this skill is appropriately used in the Education Broadcasting Network. It is a fact, Mr. Speaker, that some of our primary schools have moved away from being neighbourhood schools and give entrance exams or charge a registration fee when they are recruiting. That is wrong, sir. A primary school is basically a neighbourhood school and must take children from the curtilage and there is no charge for going that. (Applause) Instructions have been given and I hope this exposure here will emphasize that.

I thank my friend from South Trelawny for her suggestion on a resolution about graduation excesses and I'm sure that will be considered. The Member from the Northern most parts of Clarendon spoke about the cultural meaning of graduation and I agree there is tremendous need for people to have an occasion when they can expose themselves, when they can be celebrated for excellence. But, Mr. Speaker, yes, many of our children at the high school level are leaving with a certificate of attendance and a pretty picture in cap and gown. That's not the case. And at the Early Childhood level what is more important is that they have achieved some level of aptitude and readiness for primary grade not the extravagance of their dress. We in Jamaica, Mr. Speaker, have to make a distinction between what is substantial and what is poppy show. (Applause)

A MEMBER: Hear, hear!

Rev. THWAITES: That's a very important consideration. Bulletins have been issued in this regard, but we need to emphasize it and I'm glad for the support of Members today.

The Member for North Eastern St. Elizabeth I'd like to inform that the technical school places referred to in the Ministry Paper refer to the fourteen technical schools only and yes, it is our intention to develop more STEM places. Mr. Speaker, I wish to report that in a 110 of a 168 secondary schools strong robust programmes of technical and vocational competence have been added to during the past two years and that will continue and by 2017, there are two changes that are going to take place:

1) at the GSAT level and at the CSEC level, you're going to have to take an oral examination in language in order to be able to succeed; and
2) that you must take some examination in English and Mathematics establishing a level of competency and in one marketable skill; at least one marketable skill.

There is no doubt the practical applications and competencies enveloped in the acronym of science and technology, engineering, arts and math, STEAM we call it rather than, STEM are vital to the employment prospects of the individual and to the course of national development upon which the nation is embarked.

Mr. Speaker, I thank my colleagues for their broad and incisive questions.

(Applause)

ANNOUNCEMENTS

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

- **Ministry Paper No. 102**
  Grade Six Achievement Test 2015 Preliminary Report
- **National Works Agency**
  Annual Report and Audited Financial Statements for the financial year 2010/2011
- **Transport Authority**
  Annual Report and Audited Financial Statements for the financial year 2009/2010
- Report of the Standing Committee of the House of Representatives appointed to consider the delimitation of constituencies
- Report on the deliberations of the Public Administration and Appropriations Committee of the House of Representatives for the financial year 2014/2015

REPORTS FROM COMMITTEES

Mr. BARTLETT: Mr. Speaker, I beg to lay on the Table of the House a copy of the Report on the deliberations of the Public Administration and Appropriations Committee of the House of Representatives for the financial year 2014/2015.

The SPEAKER: Dr. Duncan.

Dr. DUNCAN: Mr. Speaker, I beg to lay on the Table of the House a copy of the Report of the Standing Committee of the House of Representatives appointed to consider the delimitation of constituencies.

NOTICES OF MOTIONS GIVEN ORALLY

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 on the deliberations of the Public Administration and Appropriations Committee of the House of Representatives for the financial year 2014/15, which was laid on the Table of the House on the 16th day of June, 2015, be adopted.

The SPEAKER: Dr. Duncan.

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 Committee of the House of Representatives appointed to consider the delimitation of constituencies, which was laid on the table of the House on the 16th day of June, 2015, be adopted.

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. ROBINSON: Mr. Speaker, I ask for the suspension of that item and – of the Standing Orders for us to take Questions and ask for it to be recommitted after 3:15.

(Cross talk/Laughter)

The SPEAKER: The question is for suspension of the Standing Orders to allow for question time to go beyond the allowed limit.

Put to the House and agreed to.

The SPEAKER: Mr. Smith.

Mr. D. SMITH: Thank you. Mr. Speaker, at the expiration of twenty-one days it's my intention to ask the Minister of National Security the following questions:

Question 1:

Will the Minister state the establishment of the Jamaica Constabulary Force's (JCF's) fleet of vehicles?

Question 2:

Will the Minister give a breakdown as to the type and number of vehicles comprising the JCF's fleet at present?

Question 3:

Would the Minister say whether the existing fleet puts the JCF in a position to effectively discharge its mandate in crime management and responding to emergencies?

Question 4:

Can the Minister present the age breakdown of the vehicles in the JCF's fleet?

Question 5:

Will the Minister advise of any imminent plans to increase the JCF's fleet of vehicles and if so:

a. state how many?
b. advise as to when this will materialize?

The Speaker: Mr. Samuda.

Mr. SAMUDA: Yeah, Mr. Speaker, I wish to ask the Minister to respond to the questions lying in my name on the Order Paper item No. 14.

The SPEAKER: Minister Hylton.

(Cross talk)

Dr. WHEATLEY: Can I get a recommittal, Mr. Speaker?

(Cross talk)

The SPEAKER: Mr. Samuda, we're going to come back to that.

(Cross talk)

We're going to come back to questions later.

Dr. Wheatley.

Dr. WHEATLEY: Thank you, Speaker. Mr. Speaker, I beg to give notice that at the expiration of twenty-one days I will ask the Minister of Education the following questions:

Question 1:

Is the Minister aware of the existence of the Central Repository for Educational Materials (CREM)?

Question 2:

Will the Minister state the purpose of CREM?

Question 3:

Will the Minister advise as to where the CREM is currently located?

Question 4:

Will the Minister advise as to which ministry, department or agency is currently responsible for the management and operation of the CREM?

Question 5:

Will the Minister provide an update as to the operational status of the CREM?

Question 6:

Will the Minister state the current value of the CREM including hardware, software and infrastructure?

Question 7:

Can the Minister advise to whether the CREM is presently insured?

Question 8:

Will the Minister state the amount of money spent to date on the creation of educational material to be housed on the CREM?

Question 9:

Will the Minister advise as to whether there is an intention to bring CREM online?

a) If the answer to Question 9 is in the affirmative, willthe Minister provide a schedule/implementation timeline as to when this will occur?
b) If the answer to Question 9 is in the negative, will the Minister advise as to why there is no such plan at this time?

Question 10:

Will the Minister indicate if the CREM will provide material for the Tablets in School initiative?

a) If the answer to Question 10 is in the affirmative, willthe Minister provide a schedule/implementation timeline as to when this will happen?
b) If the answer to Question 10 is in the negative, will the Minister state the reason?

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Mr. ROBINSON: Mr. Speaker, on behalf of the Minister of Agriculture and Fisheries I move to introduce and have read a first time a Bill shortly entitled: "The Fishing Industry (Amendment) Act, 2015".

Bill shortly entitled:

"The Fishing Industry (Amendment) Act, 2015",

read a first time.

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

PUBLIC BUSINESS

Mr. ROBINSON: Mr. Speaker, we'll be taking the DNA Evidence Act to be led by Minister Peter Bunting.

Mr. SHAW: What happen to the answers to the questions?

(Cross talk)

Mr. BUNTING: Mr. Speaker.

The SPEAKER: Minister Bunting.

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

Mr. D. SMITH: Mr. Speaker, a most unusual situation exists here...

Mr. BUNTING: You're asking me to yield?

Mr. D. SMITH: ...where the Member already asked the question and then we've moved on to something else.

Mr. BUNTING: But we moved on long ago.

Mr. D. SMITH: This is very unusual and...

(Cross talk)

Mr. L. BUCHANAN: Are you instructing the Speaker?

Mr. D. SMITH: So we would really like the questions to be answered.

The SPEAKER: It will be answered, but later.

(Cross talk)

Mr. D. SMITH: Yeah, but my question to you, Mr. Speaker, with the greatest of respect, the question was already out so why not answer it now?

Mr. BUNTING: We passed that long ago.

The SPEAKER: The House Leader asked for it to be deferred. It's not that the question will not be answered; the question is going to be answered.

Mr. BUNTING: It's going to be answered. Be patient.

Mr. D. SMITH: You know, Mr. Speaker, this has been a developing situation over the last few months...

The SPEAKER: Where? What is that?

(Cross talk)

Mr. D. SMITH: ...where questions are put back until late in the afternoon and this part of a new strategy to time for afternoon news cast.

The SPEAKER: Well, I'll research that to see….

Mr. D. SMITH: No, no, well, I'm telling you that, sir. I know you wouldn't know.

The SPEAKER: No, no. I hear you.

Mr. D. SMITH: So I'm asking that we answer the questions now.

The SPEAKER: It will be answered in due course.

Minister Bunting.

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

THE DNA EVIDENCE ACT, 2015

Mr. BUNTING: Thank you, Mr. Speaker.

Mr. Speaker, I place before this Honourable House of Representatives for consideration and passage a Bill entitled: "The DNA Evidence Act, 2015", which I shall hereafter refer to as the DNA Bill.

The DNA Bill is a critical legislative instrument in our fight against the scourge of crime. It is the third of three pieces of significant crime fighting legislation introduced by the Government through the Ministry of National Security in the last three years. The others are the Law Reform (Fraudulent Transactions) (Special Provisions) Act 2013 and the Criminal Justice (Suppression of Criminal Organizations) Act, 2014.

The Government of Jamaica has embarked upon a programme to utilize DNA technology in both the criminal investigation and identification processes. As such this Bill seeks to anchor in statute a framework for the regulation of the taking of DNA material for forensic investigation and for human identification. The Bill also seeks to provide for the keeping, maintenance and operation of a consolidated forensic databank to be known as The National DNA Register. In addition, the Bill seeks to provide for the regulation of the taking of bodily samples other than fingerprints taken for purposes of the Finger Prints Act from persons and crime scenes and the retention or destruction of samples and DNA profiles.

Mr. Speaker, I think it's useful to give some background to this technology.

First of all, I would like to share with Members of the House and with the public the basic questions. Like, what is DNA? Deoxyribonucleic acid, more commonly known as DNA, is a complex molecule that contains all of the information necessary to build and maintain an organism. All living things have DNA within their cells. In fact, every cell in a multicellular organism possesses the full set of DNA required for that organism however, DNA does more than specify the structure and function of living things. It also serves as the primary unit of heredity in organisms of all types. In other words, whenever organisms reproduce a portion of their DNA is passed along to their offspring. This transmission of all or part of an organism's DNA helps to ensure a certain level of continuity from one generation to the next, while still allowing for slight changes that contribute to the diversity of life.

Mr. Speaker, the usefulness of DNA lies in the fact that it is the most powerful tool available for identification in forensic investigations. Because of its ability to link physical evidence found at a crime scene to a single person, it is often referred to as a digital fingerprint. This method is so precise that it can ensure - pinpoint accuracy down to one in a billion. DNA exists in every cell of the human body. From hair, to blood, to skin, even to tears, and these can be shed or deposited while committing a crime. That means it is often the only means for accurate identification. DNA has been used to identify criminals with incredible accuracy when biological evidence exists. By the same token DNA has been used to clear suspects and exonerate persons mistakenly accused or convicted of crimes. In general, DNA technology is increasingly vital to ensuring accuracy and fairness in the criminal justice system. Technology has changed many aspects of the criminal justice system and the use of DNA evidence represents one of the best examples of how technology has altered the criminal justice landscape.

DNA analyses were introduced into policing in 1986, almost 30 years ago, and have aided thousands of investigations across the world. DNA evidence has been used in our Jamaican courts for at least 15 years, and has been shown to be conclusive in resolving a number of difficult cases, resulting in the successful conviction of serious offenders and in some instances the exoneration of persons wrongly accused. In other cases it has identified criminals many years after the commission of the offence.

Mr. Speaker, for example, in 2002 samples were taken from the victim of a rape. At that time there was no suspect. In 2003 another rape was reported. This time the suspect was nabbed and a sample was taken from him. The sample not only proved that he was guilty of the 2003 offence, but also positively identified him as the perpetrator of the 2002 offence. He was convicted of both offences and sentenced to 40 years in prison.

In the highly publicized Irwin rape case, the use of DNA evidence exonerated the first suspect and then identified the real

perpetrator. The perpetrator was positively identified by his DNA sample which was found at the Irwin crime scene. Equally important, those same DNA results have also implicated him in other cases of rape for which he was also in custody. The use of DNA evidence was able to link him to other unsolved rape cases which occurred in Western Jamaica, Clarendon and other parts of the island. In total that individual has through DNA analysis, been positively linked to over 20 cases of rape across the island. He is now behind bars having confessed to the Irwin rapes.

So, Mr. Speaker, the question might be asked, given that we have been using DNA evidence Jamaica for years, what is added by this new DNA Bill? Well when the DNA Bill is passed it will provide for the establishment of a consolidated DNA data bank, otherwise called the DNA Register, which will be used primarily for investigation and identification purposes. It will also provide for the compulsory taking of DNA samples from suspects and convicted persons.

It provides for safeguards, in particular, safeguarding rights as it relates to children and protected persons. It outlines and establishes procedures for collection, retention and preservation of DNA samples. It provides for the destruction or the retention of DNA profiles, and it also establishes offences and penalties for breaches of the Act, including falsifying any profile, swapping DNA samples or DNA profiles with intent to deceive, willfully mislabelling or mismatching a sample or a DNA profile, and tampering with a container or package containing DNA samples or profiles.

These provisions will substantially increase the benefits of this technology. There have been calls, Mr. Speaker, for this DNA Bill to be sent to a Joint Select Committee of Parliament, however, we do not agree with this call for the following reasons:

- As was mentioned before, the use of DNA evidence has long been used in our Jamaican courts, therefore, police investigators, prosecutors, defense attorneys, and the judiciary, are already familiar with DNA testing. It is used routinely in a great many jurisdictions right across the world.
- The second reason is that we have seen from experience that the submission of a Bill to a Joint Select Committee invariably causes substantial delay. The Joint Select Committee on INDECOM has been meeting for over two years. The Joint Select Committee on the Integrity Commission, the new Integrity Commission, has been meeting for over a year, and the resources of Parliament are limited to host all these Joint Select Committees.
- But, Mr. Speaker, perhaps the most compelling reason of all is when I speak to officials at CISOCA. They report - and CISOCA means the Centre for Investigation of Sexual Offences and Child Abuse - they report that on a weekly basis they

receive several cases where young girls, under the age of 16 years, come to them for a range of offences but in the order of 200 per year, where they have become pregnant for adult men.

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

The major difficulty in bringing the perpetrators of these rapes to justice is the fact that the child victims are often reluctant to testify in court against the alleged perpetrators either out of fear for their lives, fear of being shamed, or otherwise wanting to protect the perpetrators, which as we know, in many cases can be family members. As such, there is no conclusive evidence to secure a conviction of what used to be called statutory rape but now is having sex with a child under the age of 16. This is not fair to our children, Mr. Speaker, and we have a duty to ensure that our children are protected and that the perpetrators of these crimes are not allowed to go unpunished.

Mr. Speaker, we can't all be expressing concern and regret about these monsters preying on our children but when we have a chance to do something about it we procrastinate. (Applause)

When this Bill is passed, investigators will have a powerful tool to provide conclusive evidence of the rape of these children. These perpetrators must be brought to justice, and I feel the passage of this Bill, by itself, will have a chilling effect on their criminal activities. (Applause)

In any event, Mr. Speaker, amendments can be made when the House resolves itself into a committee of the whole House to consider the Bill clause by clause, based on any improvements recommended or defects identified during the debate, and which we accept.

Since the debate will not close for a couple weeks, two to three weeks, there is ample opportunity for examination and comment. And, Mr. Speaker, I know the Opposition spokesperson has expressed that his preferred position is to go to a Joint Select Committee, but he has accepted as a compromise that interested parties can comment and inform the debate over these next two to three weeks, and in particular, I believe he is speaking of people like the Bar Association, the Advocates Association, human rights groups, the Law School, the Legal Aid Clinic and so on.

Mr. Speaker, I will now turn my attention to a clause by clause examination of the Bill.

Clause 1 cites the name of the Bill as the DNA Evidence Act, 2015, and provides for the commencement of the Bill on a day to be appointed by the Minister by notice published in the gazette.

Clause 2 defines key terms used throughout the Bill. In the Bill authorizing officer means any of the following persons who authorizes the taking of a sample, (a), in the case of the force, the Jamaica Defence Force or the rural police, an officer of the rank

of Sergeant or above. In the case of a forensic analyst, the custodian. In the case of the Independent Commissioner of Investigations, the person appointed as the Commissioner under Section 3(2) of the Act. In the case of the Correctional Services, a person of the rank of Assistant Superintendent or above. In any other case, the most senior officer in the place of detention.

The Bill also makes provision as to who is a Detention Officer. In the Bill Detention Officer means any of the persons below, namely:(a), any member of the Force; (b), any member of the Jamaica Defence Force when acting in support of the Force; (c), any member of the rural police who is authorized by an officer of the Force, a forensic analyst, a correctional officer, a person appointed as an investigator under the INDECOM Act, or any other person with responsibility for the operation of a place of detention.

Another useful definition, Mr. Speaker, is the difference between an intimate sample and a non-intimate sample. An intimate sample includes any of the following taken or cause to be taken from a person under this Act:

a) A sample of blood, urine, semen, tissue fluid obtained by breaking the skin or pubic hair;
b) A swab, washing or sample taken from any part of a person's genitals or bodily orifice other than the mouth;
c) A dental material; or
d) A fetus or products or conception.

Non-intimate sample, on the other hand, means any of the following taken from a person under this Act:

a. A sample of saliva, hair, other than pubic hair, a nail or any material found under a nail;
b. A cheek or mouth swab;
c. A skin impression; and
d. A swab washing sample taken from any part of a person's body, other than a part from which a swab washing or sample taken would be an intimate sample.

Another important definition, Mr. Speaker, is that of protected person, and that means an adult or a child who, by reason of a mental disorder, intellectual impairment, physical disability, illness or injury, lacks the capacity to:

a) Understand the general nature and effect of the taking of a sample of the adult or child;
b) Indicate by speech, sign language, or any other means of communication, whether or not he consents to a sample being taken from the adult or child; and
c) Guard himself against violence, exploitation or abuse, whether physical, sexual or emotional by another person.

Mr. Speaker, the final definition - the final two definitions I would like to speak to, the first has to do with a qualified person because unlike a non-intimate sample, when an intimate sample is to be taken, only a medical laboratory technologist, a registered nurse or a nurse practitioner, a registered medical practitioner or other person who in the opinion of the Chief Medical Officer is qualified to

take DNA material for forensic science analyses. One of these qualified persons will have to take the intimate sample.

Where it is a non-intimate sample, and that in most cases would be the cheek swab essentially where you use a cotton swab and rub on the inside of the cheek, that can be taken by a detention officer. And all of these - all cases of samples being taken for DNA testing only applies to relevant offences and relevant offence here is defined as an offence punishable by a term of imprisonment.

Clause 3 provides that the Bill applies to relevant offences committed or believed to have been committed before, on or after the commencement date.

Clause 4 sets out the principal objects of the Bill. These include making provision for:

a. The taking of samples from persons suspected or convicted of certain criminal offences;
b. The established maintenance and operation of the National DNA Register at a Forensic Institute; and
c. The retention or destruction in certain circumstances of samples and the destruction or removal from the National DNA Register of any DNA profiles generated in those samples.

Part II deals with the administration of the Bill; deals with the structure and purposes of the National DNA Register and the functions of the custodian.

Mr. Speaker, the Institute of Forensic Science and Legal Medicine, what used to be called the Forensics Lab, is the place where the DNA data bank will be housed. Members will recall that the Institute is now a department for the Ministry of National Security, completely independent of the JCF since the start of this fiscal year. The Institute of Forensic Science and Legal Medicine is known as a regional leader in the English speaking Caribbean and continues to undergo significant developments in the area of capacity building.

Mr. Speaker, Clause 5 mandates the Director of the Forensic Institute as soon as maybe after the commencement date, to establish, maintain and operate in accordance with this Act, a consolidated forensic DNA data bank.

Clause 6 restricts the purposes which the National DNA Register may be used.

Clause 7 provides that the National DNA Register may be kept otherwise than in a legible form, but must be capable of being converted into a legible form and being used to make a legible copy or reproduction of any entry in the National DNA Register.

Mr. Speaker, Clause 8 provides that the National DNA Register shall comprise two or more divisions: the Investigation Division, the Identification Division and such other division as the Minister may prescribe for the purposes of this Clause by order published in the *Gazette*.

The Investigation Division of the National DNA Register contains the crime scene index, the reference index, the suspected person's index, the convicted person's index, the statistical index and the elimination indices.

The Identification Division is to contain the missing and unknown person's index and

such other index as the Minister may prescribe. Each index is also to contain registrable particulars and other information that may be used to identify the person from whose biological material each DNA profile was generated, whether before or after the commencement date.

Mr. Speaker, as a country prone to natural disasters such as hurricanes and earthquakes, I wish to make the point that this is where another valuable advantage of the National DNA Register is revealed and I know that the Member from West Hanover would be interested to know that in cases where mass catastrophe occurs as a result of natural disasters perhaps caused by climate change, matching of DNA profiles of volunteers against DNA profiles of missing and unknown persons is of tremendous value in identifying deceased persons. Surviving relatives who might otherwise, without the existence of this National DNA Register be unable to identify loved ones by their remains, will now be able to positively identify their relatives, thereby finding some measure of comfort and closure.

Mr. Speaker, Clause 9 requires the custodian to rectify an entry in the National DNA Register if a clerical error has been made.

Clause 10 seeks to designate the Director of the Forensic Institute as the custodian.

Clause 11 sets out the functions of the custodian.

Clause 12 empowers a member of staff of the Forensic Institute to search the National DNA Register for the comparison of DNA profiles committed in accordance with the Bill and the administration of the National DNA Register subject to limitation. The clause further restricts the search of the National DNA Register by any persons other than by a member of the staff of the Forensic Institute.

Clause 13 empowers the members of staff to process and use the information in the register for statistical purposes and analysis but protects the identity of the person whose profiles are entered in the National DNA Register.

Now, Mr. Speaker, I turn to Part III of the Bill which deals with the taking of samples with a person's informed consent. Situations involving competent adults will not give rise to questions of unlawful interference with a person's rights since consent, once it is informed, negates any possible claim of violation of the person. The Bill provides for the giving of consent and sets out the procedure by which consent is obtained.

Clause 14 defines the meaning of the informed consent which is required before an intimate sample may be taken.

Clause 15 sets out the procedures relating to taking of samples generally.

Clause 16 provides that any information to be given to detained persons who are children or protected persons under this Part is to be given in a manner and language that is appropriate to the level of understanding of the protected person or child and is age appropriate in the case of children.

Clause 17 provides for the mandates that no samples can be taken from a protected person unless certain persons are present and further specifies the circumstances in which

they can be excluded. Even where a Justice of the Peace is present for the taking of samples Section 17(2) provides that the Justice of the Peace shall, as far as practicable, be of the same sex as the person from whom the sample is taken.

Part IV pays considerable attention to how persons in detention should be treated in relation to the taking of samples. It is recognized that persons in detention fall within different categories in the Bill, namely an adult who is not impacted by any mental or physical incapacity to render them a protected person under the Bill, a child and a protected person, whether adult or child. Where the Bill authorizes the compulsory taking of a sample, such samples may only be taken where an authorizing officer - an authorizing officer here means Sergeant or above in the JCF, the custodian of the Institute of Forensic Science and Legal Medicine, the Commissioner of INDECOM, a correctional officer of the rank of a Superintendent and above or in any other case the most senior officer in the place of detention. An authorizing officer is generally the most senior person with decision making authority at the place of detention.

Mr. Speaker, we were deliberate in providing heightened safeguards in cases where samples are taken from minors and other individuals under some incapacity. Special attention is given to the treatment of minors, mentally challenged and other persons under disability in recognition of the greater potential for abuse of their rights as against fully competent adults. Accordingly, interaction between law enforcement agents and those vulnerable groups are carefully controlled. The consent of a parent, guardian, adult relative or independent person, for example, the children's advocate to DNA sampling will often be made a precondition to the conduct and the procedure.

Clause 18 restricts a detention officer from taking a sample or causing a sample to be taken for forensic testing of a person who is detained for a relevant offence other than in accordance with this Part after the commencement date.

Clause 19 mandates that where an authorization to take an intimate sample is given, an authorizing officer at the place of detention is of the opinion that the person may be a protected person, he shall as soon as practicable, after detaining the person, have that person assessed by a registered medical practitioner for the purpose of certifying whether or not the person is a protected person.

Clause 20 of the Bill provides that the detention officer may take a non-intimate sample or cause such a sample to be taken from a person detained for a relevant offence for the purpose of generating a DNA profile and that person to be entered in reference index. However, a non-intimate sample will only be undertaken if the person gives informed consent in writing for the taking of a sample or an authorizing officer authorizes it to be taken for the purposes of entering that DNA profile in the reference index.

Clause 21 deals with the taking of an intimate sample from a person in detention. Where the taking of an intimate sample is being taken from a detained person certain

preconditions must be met before such a sample is taken. An intimate sample can only be taken if the authorized person at the place of detention authorizes the taking of the sample for the reference index; the detained person gives his written consent for the taking of the sample.

Similarly, as in the taking of a non-intimate sample, under Clause 23 an authorizing officer may not authorize the taking of an intimate sample unless he has reasonable grounds for suspecting that the person from whom the sample is to be taken is involved in the commission of the relevant offence for which he is detained, and that the sample will tend to confirm or disprove the involvement of that person in the commission of the relevant offence concerned, and that the results of the forensic testing of the sample may be given in evidence in any proceedings.

Clause 22 empowers a detention officer to apply to the Court for an order authorizing the taking of an intimate sample from the protected person or child who is detained for a relevant offence.

Clause 23 provides for the application to the Court for an order authorizing the taking of an intimate sample from protected persons and children.

Clause 24 specifies the persons who are authorized to take certain samples.

Clause 25 sets out the steps to be followed where reasonable force is to be employed in the taking of intimate or non-intimate samples. The taking of the sample must be authorized by an authorizing officer who shall determine the number of detention officers that is reasonably necessary for enabling the sample to be taken or to prevent the destruction, loss or contamination of the sample. The person from whom the sample is to be taken is to be informed of the taking of the sample and the procedure shall be recorded or witnessed by a Justice of the Peace or an authorizing officer.

Clause 26 authorizes a second sample to be taken where a sample taken from a person who is detained for relevant offence is insufficient.

Part V, Mr. Speaker, governs the taking of a sample from a volunteer for the purposes of generating a DNA profile in respect of that person.

Clause 27 authorizes a detention officer to request any person, whether or not he is detained for a relevant offence, to have a sample taken from him under this Section for the purpose of generating a DNA profile in respect of that person in relation to investigation of a relevant offence for inclusion in the National DNA Register. In the event that the DNA profile of a victim or a person reasonably considered to be a victim is required in relation to the investigation of an offence or incident, this Section applies, that is, he is to be treated as a volunteer. Before seeking the consent of a volunteer to the taking of a sample, the member or authorized person must inform the volunteer of certain matters, including that he is not obliged to provide the sample. The volunteer's consent must be in writing.

Clause 28 sets out the arrangements for the retaking of a sample which proves to be insufficient or was inadequately labelled or for any other good reason.

Clause 29 authorizes the taking of samples from offenders and defines who is an offender.

Clause 30 defines who is a former offender.

Clause 31 authorizes the taking of samples from former offenders to be used to generate a DNA profile in respect of the former offender to be entered in the Investigation Division of the National DNA Register.

Clause 32 authorizes that samples be taken under the section from the body of a deceased person for the purpose of generating a DNA profile.

Clause 33 authorizes the use of reasonable force to take the sample from an offender or young inmate and sets out the circumstances in which reasonable force can be used.

Clause 34 deals with the retaking of a second or further sample.

Clause 35 similarly provides for it for former offenders.

I now turn, Mr. Speaker, to Part VII. This Part provides for the taking of samples from persons who, in execution of their duties, are considered to be at risk of inadvertently contaminating crime scene samples with their own DNA and the entry of the related DNA profiles in the elimination index. This is Part VII - Clauses 36, 37. But essentially where you are, for example, a police scene of crime investigator they would take your sample and put in this elimination index, so that in the course of collecting evidence from the crime scene you may inadvertently shed a hair or otherwise get your own DNA mixed up with the crime scene samples. And so this provides...

(*Sotto voce* remarks by Mr. D. Smith)

Mr. BUNTING: Targets everyone here. So this allows for those.

Clause 36 authorizes the taking of a sample under this Part from a person to be used to generate a DNA profile in respect of the person for entry in the elimination index for the purpose of ascertaining whether that person has contaminated a crime scene.

Clause 37 empowers relevant authority to direct the relevant person to give a sample. The relevant authority includes the Commissioner of Police and the relevant person includes a Constable, and the relevant authority may also be the Commissioner of Corrections, as the case may be, where it applies to a correctional officer.

Clause 38 provides that where a sample is taken from a person under this Part is insufficient or was inadequately labelled a second or further sample should be taken.

Clause 39 deals with the taking of samples in relation to missing persons. A sample may be taken under the section in relation to a missing person who is missing in circumstances referred to in subsection (2) or (b) from a person who is an adult relative by blood of a missing person for the purpose of generating a DNA profile in respect of the person concerned to be entered in the Missing and Unknown Persons Index of the National DNA Register to assist with finding or identifying the missing person.

Clause 40 deals with the taking of samples in relation to unknown persons and 41 with the taking of samples in relation to unknown deceased persons.

Clause 42 authorizes the retaking of samples.

Mr. Speaker, Clause 43 provides that Part VIII is not to affect the provisions or powers relating to investigation of offences or investigations relating to death of deceased persons. I now turn, Mr. Speaker, to Part IX of the Bill, the post collection procedures.

Clause 44 empowers the Custodian upon the direction of the DPP or the Court, to make available to have qualified persons engaged at a Forensic Laboratory, as soon as practicable, a sufficient part of the sample that was taken or is to be taken for independent DNA analysis.

Clause 45 requires the detention officer to ensure that the sample is placed in a tamper evident container and is preserved, stored, sealed, labelled and delivered to the Custodian in the manner required by the Custodian. In order to prevent fraud or contamination the container is required to be marked with a unique number for the purpose of facilitating the identification of the sample sealable after the sample is placed in it without interfering with the integrity of the sample and unable to be open without leaving visible evidence. A package containing a sample that has been delivered to the Custodian shall not be open by any person other than a forensic officer.

Clause 46 requires a forensic analyst, within seven days of carrying out a DNA analysis on a sample, to generate a DNA profile in relation to the sample, prepare a forensic report thereon in writing in the prescribed form and cause the DNA profile to be included in the National DNA Register.

Part X contains the circumstances in which samples taken under the Bill are to be destroyed and DNA profiles removed from the National DNA Register.

Clause 47 provides for the destruction of samples in certain circumstances.

Clause 48 authorizes the making of an application to court for the destruction of a sample or DNA profile if proceedings for relevant offence are not instituted against the person from whom the sample was taken or the DNA profile generated in connection with the relevant offence within a period of eight years from the date on which the sample was taken and sets out the matters referred to which the Court shall have regard to in making the order.

Clause 49 imposes a duty on the Custodian to inform the person from whom the sample was taken or cause the person to be informed, as soon as may be after the sample has been destroyed, of its destruction, or of the removal of the sample or the DNA profile generated from the sample for the National DNA Register.

Mr. Speaker, the non-routine retention of a sample where a person has been acquitted or there has been no prosecution of the case is a deliberate policy. (Applause) This is part and parcel of striking a balance between upholding the rights of an individual who has been acquitted or where prosecution has been discontinued or not initiated, whilst at the same time ensuring that law enforcement continues to have the capability to protect the public and bring criminals to justice. This balancing act also includes granting power to

law enforcement officials to apply to the Courts for retention of DNA material where the interest of justice warrants it.

This very issue, Mr. Speaker, of balancing of rights *versus* the retention of DNA material was decided by the Supreme Court of the UK in Gaughran *versus* Chief Constable of the Police Service of Northern Ireland. In that case, the Supreme Court held by a majority that although the indefinite retention of a convicted person's DNA profile, finger prints and photographs interfere with the rights under Article 8 of the European Convention on Human Rights, that's the article that deals with the respect for private and family life, the interference was held to be in pursuit of the legitimate purpose of the detection and prevention of crime and to assist in the identification of future offenders. It was considered necessary in a democratic society because it was a proportionate response to the legitimate purpose for several reasons. Among the reasons given were that the retention of the data was seen as representing, and I quote, "A very minor intrusion" into Mr. Gaughran's private life and the retention serves the purpose of discouraging a convicted offender from re-offending.

Chapter 3 of the Constitution of Jamaica, the Charter of Rights, provides for a right to privacy which is similar to Article 8(1) of the European Convention on Human Rights, and the Derogation Provision in 13 (2) is similar to Article 8(2) of the European Convention, where it provides for the justifiable interference with a right if it is demonstrably justified in a free and democratic society.

Based on the decision of the UK Supreme Court in the Gaughran case which is of persuasive authority, it is our position that the retention of DNA material would fall within the derogation allowed in Section 32, that is, that the retention of such material may represent an intrusion in a person's private life, albeit, in a very limited way, is demonstrably justified in a free and democratic society.

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

Mr. ROBINSON: Mr. Speaker, I move that the Member's time be extended sufficient to complete the presentation - 15 minutes, Mr. Speaker.

The SPEAKER: The question is that the Members time be extended by 15 minutes to allow him to complete his presentation.

Put to the House and agreed to.

The SPEAKER: Minister.

Mr. BUNTING: Thank you, Mr. Speaker.

Mr. Speaker, Clause 50 sets out the circumstances in which a dismissal of charges, quashing of convictions and determination of proceedings is to be held - to have occurred.

Part XI provides for the offences and penalties under the Bill.

Clauses 51 to 56 prescribes offences under the Bill, including the following:

- Offences relating to samples and DNA profiles;
- Offences of obstructing qualified persons, *et cetera*;
- Offences relating to information;
- Offences relating to removal and destruction of samples and DNA profiles;

- Offences relating to tampering, *et cetera*, with package containing the sample or the DNA profile; and
- An offence of failure to keep records.

Clause 57 specifies that every person who commits an offence for which no special penalty is provided is liable on summary conviction to a fine not exceeding $1 Million, or in default of payment of the fine, to imprisonment for a term not exceeding six months.

Clause 58 provides for the penalties under the Bill to be specified in the Second Schedule.

Clause 59 provides that where an offence committed by a body corporate, that is proved to have been committed with the consent or connivance of, or to be attributable to any willful default on the part of any other officer of the body corporate, the officer and the body corporate shall be liable.

Part XII, Mr. Speaker, deals with the whole quality management system.

Clause 60 mandates the Custodian to develop recommended standards for quality assurance, including the standards for testing the proficiency of forensic science laboratories, the standards for forensic analysts who conduct DNA analysis and the standards for the various types of DNA analysis.

The Clause further requires that privately operated forensic science laboratories that perform any DNA analysis for the purposes of the Act, under a contract with the Government comply with the quality assurance standards established under the Act.

Part XIII, Mr. Speaker, deals with a number of general issues.

Clause 61 authorizes the taking of a sample from which a DNA profile may be generated from the clothing or other belongings of a person, or from things reasonably believed to belong to, or to have been used by the person, or which the person is reasonably believed to have been in contact.

Clause 62 empowers a Justice of the Peace, where he has information which was taken on oath which indicates that there may be DNA material in any place, to issue a warrant authorizing a detention officer to enter the place specified in the warrant, to search for and seize DNA material.

Clause 63 provides immunity from civil and criminal proceedings for persons in respect of the taking of samples or the generation of DNA profiles if those persons have taken the sample or generated the profile in accordance with the Bill.

Clause 64 seeks to protect a person from liability for anything done or omitted to be done in good faith in the exercise, or intended exercise of his functions, under this Act.

Clause 65, Mr. Speaker, provides that in any proceedings for criminal offence a certificate purporting to be signed by an authorizing officer, the Custodian, or a forensic analysis is in the absence of evidence to the contrary, proof of the matters so certified.

Clause 66 empowers the Minister, after consultation with the Custodian, to make regulations for giving effect to the purposes and provisions of this Act. The breach of a

provision and regulation attracts a maximum fine of $1 Million, or imprisonment for a term, not exceeding one year, or both.

Clause 67 establishes the proper procedures for the taking of samples and the generation of DNA profiles which are set out in the Second Schedule to the Bill.

Clause 68 empowers the Custodian to prepare and submit to the Minister, a Draft Code of Practice, or Draft Codes of Practice, for the purpose of providing practical guidance on the procedures regarding the taking of samples under the Act.

The Minister is required to consult with the Heads of the law enforcement agencies, and where relevant, any other person on the parts of the Code that relate to their functions. The Minister may approve a Code of Practice or approve it, subject to modification.

Clause 69 empowers the Minister to amend the Second Schedule by Order published in the Gazette. An Order under this Clause is subject to affirmative resolution.

Clause 70 empowers the Minister to amend or vary any monetary penalty imposed under the Bill by order.

Mr. Speaker, Part XIV speaks to certain transitional provisions.

Clause 71 provides the samples taken, DNA profiles generated from samples, registerable particulars, and other information obtain from, or in relation to the samples and the DNA profiles before the commencement date of the Bill are valid, and may be retained and included in the National DNA Register, and otherwise used in accordance with the provisions of the Bill.

The First Schedule sets out the penalties for offences specified in the Bill. The Second Schedule, in paragraph 1 protects the privacy of persons by requiring samples to be taken only in the presence or view of a person whose presence is necessary for the taking of the sample, or required, or permitted under the Bill. The paragraph provides further that the taking of samples shall not involve the removal of more clothing than is necessary for taking the samples.

Paragraph 2 of the Second Schedule requires samples to be taken in a manner that is consistent with appropriate medical or other relevant professional standards.

Finally, paragraph 3 of the Second Schedule seeks to minimize the painful taking of samples by requiring that where a sample of hair, other than pubic hair is taken from a person, under this Bill, the sample may be taken by plucking hairs with their roots, and insofar as is reasonably practicable, the hair shall be plucked singly.

Mr. Speaker, in closing, let me say that Jamaica stands to benefit from the use of DNA technology to aid in police investigations and prosecutions. This is just one element of the multifaceted approach this Administration is taking to tackle crime. We need the legislative foundation provided by this critical Bill to address the scourge of crime that has been affecting Jamaica. Consequently, I commend this Bill to this Honourable House. Thank you.

(Applause)

Mr. ROBINSON: Mr. Speaker, I move for the suspension of the Standing Orders and

recommit Questions and Answers to Question.

(*Sotto voce* comments)

Mr. ROBINSON: Suspend the Debate.

(*Sotto voce* comment)

Mr. ROBINSON: Okay and I move for the suspension of the Debate.

Put to the House and agreed to.

The SPEAKER: Recommittal of Item, Questions and Answers to Question...

Mr. ROBINSON: I seek to recommit the Item, Questions and Answers to Question.

The SPEAKER: The question is 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: Mr. Samuda.

Mr. SAMUDA: Mr. Speaker, I now ask the Minister of Industry, Investment and Commerce to answer the questions listed in my name.

Question 1:

Has the Cabinet received and assessed the recently announced investment projects estimated at US$5 Billion?

Question 2:

If so, will the Minister please present the findings to Parliament prior to any final decisions being arrived at?

Question 3:

Will the Minister provide specific answers to the following:

a. The names and locations of the projects to be undertaken and the associated costs;
b. The names of the entities and/or principals that will undertake the identified projects;
c. The source of financing and the extent to which the Government of Jamaica will be required to provide any form of equity;
d. The timeframe within which any of the proposed projects will begin and the anticipated time of completion; and,
e. The role of JAMPRO in the development, facilitation and marketing of these projects.

The SPEAKER: Mr. Hylton.

Mr. Anthony HYLTON: Mr. Speaker, the Honourable Member for North Central St. Andrew posed a number of questions in this Honourable House on Tuesday May 26, 2015 to me in my capacity as Minister of Industry, Investment and Commerce. The following answers are provided.

Mr. Speaker the answers to the questions posed can only be answered through the implementation of the non-binding Memorandum of Understanding signed on April 21, 2015 between the Government of Jamaica and the proposing parties of Krauck Gruppe, Krauck Systems and Anchor Finance Group LLC. The MOU was established for a period of six months with the implementation contemplated over two phases.

The objective of the first thirty days, Mr. Speaker, of the MOU, which is phase 1 are to

allow for the proposing parties to satisfy the GOJ that -

a) the Proposing Parties have the financial and technical capacity and experience necessary to execute the project;
b) the proposed funding is from a legitimate source; and
c) the personnel and the proposing entities are fit and proper persons to do business with the Government of Jamaica.

This, Mr. Speaker, would require the GOJ to receive the requisite information from the proposing parties, and to verify the information received. If the information presented has been reviewed and approved by the Cabinet as being satisfactory, then phase II will be authorized. Phase II will involve the following:

a. a determination of the feasibility of an integrated approach to the global logistic hub initiative;
b. definition of the role of the proposing parties, and the development and execution of the proposed Framework Agreement; and
c. a determination as to whether or not there are any issues that the GOJ would wish to have any further direct negotiations or discussion with the proposing parties and if so, in relation to those items, to determine whether or not the GOJ has any existing contractual or non-binding arrangements with third parties in relation to the same, and if so, to determine whether those projects should be excluded from the discussions and negotiations with the proposing parties pursuant to this MOU.

Mr. Speaker, Cabinet has appointed a National Logistics Initiative Council to manage the implementation of the MOU including the financial due diligence on the proposing parties in the MOU. NLIC is chaired by Professor Gordon Shirley, Chairman and CEO of the Port Authority and with Deputy Chair being Eric Deans, the Chairman of the Logistics Hub Task Force at the Ministry of Industry, Investment and Commerce.

The other members of the Council comprised representatives from the Ministry of Industry, Investment and Commerce, the Ministry of Transport, Works and Housing, the Ministry of Finance and Planning, the Development Bank of Jamaica, the Planning Institute of Jamaica, JAMPRO, the Attorney General's Chambers and the Airport Authority of Jamaica.

Within the context outlined, Mr. Speaker, the following answers are provided.

Question 1:

Has the Cabinet received and assessed the recently announced investment projects estimated at US$5 Billion?

Answer:

It must be noted first, that I made no announcement that there were investment project estimated at US$5 Billion, rather announcements were made by me of an expression of interest by investors for investment of up to $5 Billion in the Global Logistics Hub Initiative. With that

clarification, with that clarification, Mr. Speaker, we can say that no conclusive and definitive report has been received by Cabinet, and as such, Cabinet has arrived at no decision on the projected investment. NLIC which is the National Logistics Initiative Council, NLIC - otherwise called NLIC - submitted a Preliminary Report to Cabinet.

Mr. SHAW: Call what?

Mr. Anthony HYLTON: NLIC.

NLIC submitted a Preliminary Report to Cabinet on June 1, 2015.

NLIC's Report raised significant concerns on matters that require clarification and verification from the proposed investors in respect of their capacity to execute the intended projects and their fit and proper status to do business with the Government of Jamaica.

As a consequence, and following on that, Cabinet instructed that NLIC meet with the proposing parties to clarify information already reviewed, and to facilitate the provision of any additional relevant information.

NLIC met with the proposing parties, Mr. Speaker, and clarify certain matters and is in the process of receiving, additional information. A second interim Report was made to Cabinet on June 15, which was yesterday, and again, the results were inconclusive. Cabinet has instructed that NLIC complete the receipt of information and that international third parties, which could include international banks, and international development partners be engaged to assist in the process of the verification of information received.

Any findings to date, Mr. Speaker, are preliminary in nature and cannot be discussed until NLIC, the Cabinet appointed subcommittee has completed its deliberations and report to Cabinet. Cabinet will determine which, if any, of the commercially sensitive information emanating from this process will be reported or made public through Parliament to the people of Jamaica. It would not be appropriate at this stage to report the preliminary findings to this Parliament.

Question 2:

If so, will the Minister please present the findings to Parliament prior to any final decision being arrived at?

Answer:

See the response to Question 1.

Question 3:

The third question is, will the Minister provide specific answers to the following?

(a) The names and locations of the projects to be undertaken and the associated cost.

(b) Thenames of the entities and/or principals that will undertake the identified projects.

(c) The source of financing and the extent to which the Government of Jamaica will be required to provide any form of equity.

(d) Thetimeframe within which any of the proposed projects will begin and the anticipated time of completion and;

(e) The role of JAMPRO in the development facilitation and marketing of these projects.

Answer:

To these questions will only be - the answers to these questions will only be available if Phase 2 of the MOU between GOJ and Krauck Gruppe, Krauck Systems and Anchor Gruppe LLC is implemented.

But further, let me add, Mr. Speaker, we know even from this outset that there will be no equity contribution from the Government of Jamaica in any of these proposed projects. Anchor and Krauck Systems are neither begging nor borrowing or lending money to the Government of Jamaica. And that fact should be very, very clear. They are neither begging, lending nor borrowing money from the Government of Jamaica.

Thank you. (Applause)

Mr. SAMUDA: Yes, Mr. Speaker.

(*Sotto voce* comments by Members)

Mr. SAMUDA: Mr. Speaker, I have heard of the word obfuscation, but I have never seen it used in this bare-face fashion. I have never witnessed in this Honourable House, an attempt by a senior Minister to avoid answering a straightforward question that has been the results of an announcement made by him to the people of Jamaica, that there was something good in the offing for us.

These answers are not worth the paper they are written on. These answers cannot possibly provide us with any information at all as to the position of the Cabinet. The question I want to ask is very simply this.

On what basis, on what basis did he as the Minister make the statement that any information coming from the likes of Dunn & Bradstreet was not privy to information that they had. Could you enunciate the information that you had, that Dun & Bradstreet was not aware of when they expressed concern about these investors?

That is just the first one.

Mr. Anthony HYLTON: Mr. Speaker, let me say that Dunn & Bradstreet is a venerable institution, its - the information provided by Dunn & Bradstreet are gathered from publicly provided information, or if a private entity supply the information they do so voluntarily for reasons in their own interest or, if they are required by regulations to provide these information. None of these apply, in this case, to Anchor LLC. Anchor is a limited liability privately held company, and as such, the information available to Dunn & Bradstreet would be information that Dunn & Bradstreet would be able to gather in the public space because Anchor has no activity in borrowing money in the public space; Anchor is not a commercial or retail organization that operates in the ordinary public space, as a commercial bank would do. And therefore, Anchor - the information available is limited to that which Anchor would normally supply or that would be normally available in the public space which is very limited information, because that is how closely held or privately held institutions like Anchor, operating in this space operate.

Now, having said that, I have said, and it is true that when the furore about Anchor -

about Dunn & Bradstreet, I simply said, that the information available to me at that time was not information widely available. And what was that information? That information, Mr. Speaker, was that, at that stage, Anchor had provided two bonds, two bonds to the Government for them to be authenticated...

(*Sotto voce* comments by a Member)

Mr. Anthony HYLTON: Two bonds, two bonds or medium-term notes, financial instruments to the Government, both of them initially, one in an approximate value that Anchor said was about $1.72 Billion and the other was for $3.5 Billion, those two bonds were provided.

By the time we came to...

Mr. SHAW: US or...?

Mr. Anthony HYLTON: US bonds were provided, and Deutsche Bank, one of them Deutsche Bank and the other European Investment Bank.

And so, and by before we spoke, we know that at least one of those bonds was authenticated, at least one of those bonds was authenticated as to its authenticity. But the ownership of that bond was still in question they were wondering who owned that bond.

(*Sotto voce* comments by a Member)

Mr. Anthony HYLTON: No, no. of course it is, but the information to be supplied could only be done within the confines of an MOU that gave the party protection of information that would be critical to determine ownership, source of funds and these critical and sensitive commercial issues. And so, that is information to which I was privy to that Dunn & Bradstreet would not be privy to.

Mr. SAMUDA: Yes, but, Mr. Speaker, it is obvious that we are dealing with smokes and shadows here. What we have here is a - you are saying that these people are operating in the shadows? Dunn & Bradstreet is unaware of their high scientific approach to doing business? You know, in a former life I was a representative.

Mr. Anthony HYLTON: I made no such statement.

(*Sotto voce* comments by a Member)

Mr. SAMUDA: I worked with a company called Retail Credit, called Retail Credit of Canada and one of the main sources of information was gathered from Dunn and Bradstreet. The Minister sitting to your left knows only too well the significance of Dunn & Bradstreet, so he cannot but be laughing to himself quietly there, and regarding your statement as utter nonsense.

The SPEAKER: No, Mr. Samuda, you gone too far.

Mr. SAMUDA: But he can't, because that is the reality of international finance, and credit worthiness.

The SPEAKER: You cannot speak on behalf of...

Mr. SAMUDA: Don't tell me rubbish, Mr. Speaker - Mr. Speaker, not you.

(*Sotto voce* comments by Member)

Mr. SAMUDA: Not you. I am talking about the Minister, not you.

A Government MEMBER: Withdraw the statement.

Mr. SAMUDA: Mr. Speaker, I am not saying that you are speaking rubbish, and if it is misinterpreted to mean that you are implied

and you are speaking rubbish, I withdraw.

The SPEAKER: No, Mr. Samuda.

Mr. SAMUDA: But he is talking absolute rubbish.

The SPEAKER: No, no, no!

Mr. SAMUDA: Absolute rubbish, you know, Mr. Speaker...

The SPEAKER: No, no, we can't bring down the debate down to this level.

Mr. SAMUDA: But, Mr. Speaker, listen....

The SPEAKER: It is inappropriate man, it is inappropriate.

Mr. SMAUDA: Mr. Speaker, we were told...

Mr. WARMINGTON: Look at the word rubbish in the dictionary. It is not a bad word.

The SPEAKER: The context, Mr. Samuda.

(*Sotto voce* comments by Members)

Mr. SAMUDA: Gentlemen, gentlemen.

The SPEAKER: No, the point I was making, Mr. Samuda, you cannot speak on behalf of the Minister of National Security.

Mr. SAMUDA: No, but I don't have to speak because he has already communicated....

Mr. SHAW: And he has not denied what he said.

Mr. SAMUDA: ...he has communicated it to me.

(Laughter)

Mr. BUNTING: Point of Order, Mr. Speaker, the Member is misleading the House. (Laughter) We have had absolutely no discussion on that matter.

Mr. SAMUDA: I did not say how he communicated it to me. You don't have to communicate verbally, but his body language is very clear.

Now, Mr. Speaker, here we have a scenario where a Minister makes an announcement, earth-shattering announcement that interest in Jamaica to handle investment projects to the tune of $5 Billion....

A MEMBER: Up to.

Mr. SAMUDA: Up to $5 Billion and that he will be announcing further the details because they will be interning into an MOU.

Now, I asked the question of you, Mr. Speaker, any reasonable person occupying that position would first, before making the announcement, have satisfied himself that the people of whom he speaks and who he intends to enter into an agreement with have been checked, even preliminarily. Now, they go further to put together a committee seeking to get the protection of the integrity of the chairman of the committee and the report went to Cabinet as to what that committee felt about the proposed investor. And the Cabinet has done the correct thing; they have sent him packing with that rubbish. That is what this piece of paper says; they have unceremoniously dismissed him and dismissed the proposal as a farce, a farce.

The SPEAKER: You can substantiate that?

Mr. SAMUDA: It's in the document.

The SPEAKER: No, no, no!

Mr. SAMUDA: He hasn't been brave enough to put it down in the way I have said, but that's what it amounts to, a farce. It is a farce and I said to the Minister privately, which I will say here, I say, Minister, when

you get caught and you make a mistake just confess.

Mr. WARMINGTON: Just admit and correct it.

Mr. SAMUDA: Just admit it and move on.

Mr. WARMINGTON: Correct it.

Mr. SAMUDA: Don't implicate other distinguish Members of your Cabinet with this rubbish. Just say, I made a mistake and it's time to move on. I apologize for misleading the country. That's all.

(Cross talk)

Now, Mr. Speaker, if I might…

(Cross talk)

No not read. No, if I might ask the Minister...

(Cross talk)

May I ask the Minister when he says they are now to determine - now, listen to this, he makes this earth-shattering announcement and they are now - after all this time, you know, they are now to determine whether what the people expressed an interest in is the subject of an MOU with a third party. Understand me what he is saying, you know, I am prepared to enter in an MOU. I am prepared to legitimize this proposal by announcing it to the people of Jamaica - having been caught embarrassingly with an unsubstantiated investment proposal, he is now saying, I can't go any further until we determine if there is an existing MOU that covers some of the aspects of what these people are interested in. Good God almighty, Mr. Speaker, this is unprecedented.

(Inaudible comment by Mr. Vaz)

Mr. SAMUDA: This is unprecedented. I have been around this place for thirty-five years. It's unprecedented.

Mr. Anthony HYLTON: Point of Order, Mr. Speaker. Mr. Samuda, Mr. Speaker, point of order. Mr. Samuda may be in these Houses for a long time...

(Cross talk)

...but if he has a question it cannot be statement being given to the question and answers being posed to me.

(Inaudible comment by Mr. Warmington)

Mr. Anthony HYLTON: No please, is there a question for me to answer, Mr. Samuda?

The SPEAKER: Yes, you're correct, Mr. Hylton. Question, Mr. Samuda. Question.

(Cross talk)

Mr. SAMUDA: I had asked him a question, at the time when he made the announcement did it occur to him that he should check to find out what - by the way, he hasn't even told us what the people are investing in? (Laughter) We don't even know.

Mr. CHUCK: Ganja farm.

Mr. SAMUDA: Somebody comes and says we're interested in doing up to US$5 Billion not J$5 Million, you know - the size of the national budget and you don't say what specifically are you interested in. He hasn't told this country a single detail about what -

The SPEAKER: Question, question to the Minister.

Mr. SAMUDA: That's the question, what are the details of his discussion and how did those discussions come to take place?

The SPEAKER: Thank you.

Mr. Anthony HYLTON: Mr. Speaker, among the many things the speaker before me said was to ask, I gather, about the due

diligence done by the MIIC before. And let me say, Mr. Speaker, that MIIC was - had engaged in due diligence up to the point where we came to the same conclusion as the other agencies, including Dunn and Bradstreet, that was no more information publicly available and the time had come for us to get private information that could only be in the possession of Anchor or Krauck Systems and its partners and the MOU became essential for the provision of those commercially sensitive information.

And I'll make the following point that through JAMPRO, we had acquired - search and acquired the Dunn and Bradstreet Report. We had also gotten a report from our Honorary Consul in Austria on Krauck Systems itself and by that time we had contracted the services of a financial expert when we recognized that some of the matters involved in this issue went beyond the resources that were available either to the Ministry and/or to JAMPRO. So those were the steps taken, that's one.

Secondly, that the MOU should address the matter of third party interest is critical or projects that third party may have an interest in is critical, because it is known that the expression of interest by the Krauck Gruppe - Krauck Systems and its partners was for an integrated approach to the logistics hub and that meant that they were interested in acquiring or otherwise engaging with the Government for a number of the assets that could be integrated meaning coordinated, design, developed and implemented in a coordinated approach. And that included initially the Port, which as we now know is now the subject of a concession and is no longer available, but at the time...

(Inaudible comment by Mr. Henry)

Mr. Anthony HYLTON: ...at the time they expressed an interest; that matter was not concluded, and so technically and legally the Port was still available.

Similarly, they've expressed an interest in the NMIA, at the time and still is technically available NMIA, technically is still available, except that NMIA is the subject of a divestment process, RFP process to be exact. And so depending on when this matter came to Cabinet to consider if there may be one or more or several projects that would be available and still could form the subject of an agreement with these persons - with these potential investors. So the third party interest need to be put in these to say, in essence, that upon signing this MOU, if there are consideration or discussion taking place and if those are still available, then those could be the subject of further discussion in Phase II. So that's the reason for the third party inclusion.

With respect to what are the investors interested in. I have said on numerous occasions very clearly to this country that they're interested in an integrated approach which means essentially those projects that we had identified publicly to Jamaica that we were building not only the Port but the Airport - we have discussed those preliminarily – but there is Vernamfield. There is the special economic zone. There is a dry dock facility and there is the railway and potentially a

commodity post. So there are at least five other assets that are now not the subject currently except in perhaps the railway with some kind of discussion taking place. But at least five projects that potentially be available. That's that.

Mr. SAMUDA: Mr. Speaker, I put it to the Minister in the form of a question, is it your view that having looked at all the possible projects that would attract foreign or local investors, that those projects when combined together do not add up to US$5 Billion; all don't come to US$5 Billion? If you would just answer that first for me.

Mr. Anthony HYLTON: Mr. Speaker, as I indicated that at the .very outset that these were a range of assets available some like the Port - in the case of the Port is now off the table at least for now. In addition to this, we have articulated that what the Government of Jamaica is about is a logistic-centred economy as well as a logistic hub initiative itself, so that in the contemplation of the Government there are potentially a number of related projects: there are the hub projects that could be implemented, there are number of potentially - other projects, support projects, housing, roads, number of other projects. The development of downtown we have twinned with this issue that has been articulated as critical too and a support infrastructure for the logistic hub. So there is a range of projects and really what we have said is up to $5 Billion. So if at the time there are projects that are less well, fine, but they have indicated an interest to spend - invest in Jamaica and they continue to do so to invest in Jamaica up to $5 Billion.

Mr. SAMUDA: So when say by invest, are you suggesting they were going to acquire? They were going to purchase some of these projects? They were going to develop these projects so that they would go and make a bid for the airport, at the time the Port, the railway, the Caymanas development, all the various projects that JAMPRO has on their investment. Are you saying that these people...?

(Inaudible comment by Mr. Shaw)

Mr. SAMUDA: No, that's why I'm asking him because he's using the word, "*invest*" and I don't know if - are these people interested in investing by buying or investing by marketing? And in that case, if it is marketing, what would be their relationship with JAMPRO? Were these things considered when you made the announcement of up to $5 Billion? What specifically did they discuss with you? Not in some hairy fairy, nebulous way, but you're talking about representing a country at the level of a Minister in charge of investments. What specifically did they say to you they were interested in? That's that part. The other part is, where did this meeting take place and on what basis did it occur that would give you the feeling that to make this outrageous announcement was justified? Where did it take place? Was it in your office? Was it by email? Was it by correspondence? Was it by an emissary? Who spoke to you and gave you that assurance and what specific projects were they talking about?

Mr. Anthony HYLTON: Mr. Speaker, the - first of all, I will continue to use the term "investment" because as of now and until those discussions take place around specific projects it is yet to be determined what is the specific nature of the asset transfer that would take place.

Mr. WARMINGTON: Nonsense!

(Inaudible comment follows)

Mr. Anthony HYLTON: Firstly, there are some things that the Government will wish to enter in a concession arrangement with. The Port for example - as an example, the Port is a concession arrangement and that was determined by the Government that it will engage in the transfer of that asset by a particular route. It is quite possible that in the case of say Caymanas, for example - again, I don't know what the Cabinet will decide.

They could decide that they could sell the land there and they could develop the land. In the case of the railway, if that could be concession. It could be a long term concession arrangement or a management arrangement or several other forms of transfer of assets. So I continue to say, they are prepared to invest in those assets as and how the Government determines that it wants to transfer those assets. One.

Secondly. The issue is about - I will simply say to you that Krauck Systems and its representatives have been in Jamaica looking at these assets and these opportunities for over a year, for well over a year and a half. They were not newcomers, they visited, they looked at the project, they have had several discussions, they have gone to agencies, JAMPRO, several of the agencies of Government to inquire and to get the information. So, I can say that those information to me comes directly and indirectly from a number of agencies, representatives, my own representative in the Ministry, and ultimately their written expression of interest.

Mr. SAMUDA: Can you advise us Minister, if in all of their research for over a year that they made direct contact with the Ministries under whose portfolio those assets lie? Such as, for instance, the Minister of Transport and Works, the Minister of Water and Land, other Ministries. Could you say if they held discussions with those Ministers and could you give the Parliament some indication of the level of response that they got from those Ministers who did not make the statement about $5 Billion. Was it that the Ministers wanted you as the Minister to make the announcement, rather than them? Were there discussions with them? That's what I want to know. If you find that too complicated, what were the level of discussions that took place with these investors and other Ministers that are in control of the assets that you have enunciated?

(Heckling)

Mr. Anthony HYLTON: Mr. Speaker, I can attest clear as to the discussions that I have had, that representatives from my Ministry has had - that JAMPRO has had with the investors. With respect to whether they would have met with other Ministers, I can't speak to that specifically. I cannot speak to that specifically.

Mr. SAMUDA: Why?

(Heckling)

Mr. Anthony HYLTON: I cannot speak to that specifically without…

(Heckling)

Mr. DALLEY: He can only speak generally.

(Heckling)

Mr. Anthony HYLTON: I cannot speak to that specifically, and so, I am saying to you, what I do know is that by virtue of the information, particularly the expressions of interest in the written form and the articulation, they would be as Members of Cabinet all be aware, of the expression of interest in those assets.

Mr. SAMUDA: Mr. Speaker, you know, I don't have any much more for this Minister.

The SPEAKER: Mr. Shaw wants to ask some questions.

Mr. SAMUDA: I am talking about me. I don't think there is anything that is going to be gained by having any further questions asked of this Minister. This Minister is without information sufficient to form any kind of sensible opinion as to his stewardship in respect of investments in this country. If that type of approach is what we are being treated to here this evening, on behalf of the Government of Jamaica, then God help Jamaica, because he doesn't even know - at the time he has made that statement he didn't even know whether or not those investors had spoken to the Minister of Transport and Works.

Mr. DALLEY: That's abusive!

Mr. WARMINGTON: Him not abusive, he just didn't answer the question…

(Inaudible comment)

Mr. SAMUDA: He didn't know, he didn't know whether the Minister of Water, Land, Environment had any discussion with them, so as far as they are concerned these people are strangers. He is the only one with information on them except, of course, the limited amount that Dunn & Bradstreet might have gathered. So the point I am making is - and you know what is also hurtful, Mr. Speaker? Is that there are Members of this House who don't realize that defence of that kind of approach diminishes them in the eyes of the public and the country. So to believe you are defending your colleague in a matter of this nature, you are only diminishing yourself in this Honourable House.

The SPEAKER: Thank you, Mr. Samuda. Thank you. Mr. Shaw.

Mr. SAMUDA: So I have no further questions of this Minister. My position with this Minister from the other day has been reinforced, and I conclude by simply saying, if I were the Honourable Anthony Hylton I would tender my resignation to the Prime Minister of Jamaica.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, just a couple follow-up questions of the Minister.

In his Statement he has referred to two phases of due diligence, and the first would be the 30 days of an MOU, and he lists three things to be discovered in that first phase, Mr. Speaker, which appears to me to be very, very basic things. The proposing parties have the financial and technical capacity and experience to execute the project. The

proposed funding is from a legitimate source and its personnel and the proposing entities are fit and proper persons to do business with the Government of Jamaica.

My question in relation to that first phase, Mr. Speaker. Would the Honourable Minister say whether this would not be the kind of preliminary information that he should have sought to obtain before going to an international conference on investment in Montego Bay to announce the interest of investors in investing $5 Billion? Would this not have been the very basic and preliminary information that you should already have had at your disposal before you committed and made that Statement in front of the Honourable Prime Minister, other Members of the Cabinet, and in the face of the international press at an international investment conference?

Mr. Anthony HYLTON: Mr. Speaker, as I indicated previously, that due diligence exercise was carried out, we were at that stage of the information available, the parties having indicated that because they are privately held entities, none of them publicly held entities, that those information would have to be the subject of MOUs because of the sensitive commercial and financial nature of that information, and therefore, the appropriate ways in which to have those information transferred would be through a nonbinding MOU in which they would be able to freely pass those information. But as I indicated before that, by the time we spoke, I spoke at the investment forum, the Cabinet had already approved the signing of the MOU to accommodate and to accomplish that, and I said so in my statement.

Mr. SHAW: So the Cabinet approved your signing of the MOU to acquire this information? But you have not acquired the information, and since then you have carried the country, the Government and the country, and all of us into further embarrassment by failing the first test, causing the Cabinet to appoint a National Logistics Investment Council NLIC, to carry out the further due diligence that you and your Ministry, if you are worth your salt, should have carried out yourself, and then, the NLIC makes not one report to Cabinet, but two reports to Cabinet. And I ask you now Honourable Minister, the Cabinet has gone to the extreme step of taking the due diligence out of your hands, put it in the hands of a national logistics investment council who has now furnished two reports to the Cabinet and, as it turns out, the two of them are unacceptable to the Cabinet. Don't you think, Minister, that you should scrap this embarrassment now?

Mr. Anthony HYLTON: Mr. Speaker, I would like to - you are privy to the outcome of a second report to Cabinet?

Mr. SHAW: I am reading from your report.

Mr. Anthony HYLTON: My report said no such thing.

Mr. SHAW: May I intervene?

Mr. Anthony HYLTON: Yes, please.

Mr. SHAW: The Minister has informed us, Mr. Speaker that there was a preliminary report of the NLIC on June 1, 2015, and as a consequence of that report the Cabinet instructed that the NLIC should do further due

diligence. They came back on the 15th of June with another report. That's the two reports I am referring to.

(Heckling)

Whereupon - Now, let's continue now. Whereupon the Cabinet reported after the second report, the Cabinet has instructed that the NLIC complete the receipt of information and that international third parties, international banks, international development partners, be engaged to assist in the process of the verification of the information. So let me add something to that question now.

Mr. CHARLES: Mathematics.

Mr. SHAW: It is obvious that the Cabinet did not accept the completeness of the two reports, so they asked for further work. So now I want to ask you. In this further work they have said that they must engage all these international banks and partners. Can I ask, at whose expense will these people be engaged to do the further due diligence?

Mr. SAMUDA: And how much have you spent already?

Mr. Anthony HYLTON: Well, first of all, let me just say that I thought or maybe I misheard the Member say that the two reports were failed, that they were failed reports, and I…

(*Sotto voce* remarks by Mr. Warmington)

Mr. Anthony HYLTON: Please, let me make it very clear. Let me make this very clear. This is as it is. This is the examination of the evidence, of the probative value of the evidence provided to the NLIC. The NLIC, by the way, you should know, was not constituted for this purpose, the NLIC is an institution created by Cabinet at a much earlier stage for exactly this purpose, to deal with the assets under the Logistics Hub Initiative. So it was not specifically provided for or created for this purpose. The NLIC has been in place and is more operationalized around this, because as we have said before, the first phase is due diligence, the second phase goes to the assets and how those assets are to be transferred or discussed.

So, if as is usual - my understanding is, if as is usual the information that are provided and the examination of those information, because those information cannot simply be provided and accepted by the party, those information have to be verified, they have to be pursued and those information have to be verified not by the Ministry per say, but by the institution that the Cabinet has provided in this case, NLIC, to carry out that exercise, and if, as in this case there may be assistance needed, it is normal, there is nothing unusual about this exercise, that the assistance of third parties would be sought, and in whatever the arrangement, and that include up to now -

(*Sotto voce* remarks by Opposition Member)

Mr. Anthony HYLTON: That's not my job. That is not my job, and that's not unusual. That, when the third party examination is - have been undertaken, because principle - because as was said before, this is a project that span multiple Ministries, it's not simply the Ministry of Industry. The Ministry of Industry is one of the key Ministries we have said before. Ministry of Transport and Works is another key Ministry with its agencies involved, and so it crosses multiple Ministries,

and therefore had to be conducted in a coordinated fashion in the examination.

Mr. SHAW:

Question:

Can the Minister tell us what is going to be in the projected cost of the completion of the receipt of information and to use his words, "international third parties" that is to say, international banks, international development partners be engaged to assist in the process of verification of information receipts? Two questions: what is going to be the cost of it and number 2, in regard to the fact that you have continually told this House that these are privately held entities and if Dunn and Bradstreet couldn't get this information, how will these other partners and banks get the information and at what cost?

Mr. Anthony HYLTON: Mr. Speaker, firstly, the first question invites speculation. I don't know what the cost for the meeting hasn't been held just yesterday, I don't know what arrangement would finally be eventually and I don't know what arrangement that invites a level of speculation that I can't do.

The second point is that again if the information that is being inquired and requested and is being pursued is of a financial nature, then those have to be done through financial intermediaries. Correct? I know you are aware of that as the former Minister so those that's the exercise now that has to be carried out through international and other international partners to ensure that the information provided is as it is represented and that the source of fund are fit and proper, all of those are finally clarified.

Mr. SHAW: Honourable Minister, you have mentioned that the companies are in possession of over US$4 Billion above - being held above our heads like a carrot.

Mr. WARMINGTON: Like a what?

Mr. SHAW: Like a carrot and I'd like to know how do you expect us to believe that these bonds are really theirs when they have failed to provide the proof to you that they own the bonds.

Mr. Anthony HYLTON: Mr. Speaker, that's what the due diligence exercise is about. They are not - they were never intended that - the information as I said at the very beginning are information that goes to source - sources of their funding, who their partners are, what are their arrangements and those are quite sensitive information and they're not publicly banded about or even shade the Minister otherwise other than in a framework of confidentiality and that's the position they have taken and it has to be respected; that is the position.

Mr. SHAW: Mr. Speaker, I am approaching the end of this torturous exercise and it is torturous because the Minister keeps referring to the confidentiality issues.

Mr. BARTLETT: Yes, it can't work, it's disintegrated.

Mr. SHAW: The Cabinet of Jamaica in its wisdom gave the Minister a vehicle through which this confidential process could unfold and it is clearly not unfolding, and it is clearly, Mr. Speaker, becoming increasingly a

waste of time and an embarrassment to the Government...

Mr. SAMUDA: And the Parliament!

Mr. SHAW: ...the other senior Members of the Cabinet in this Honourable House will not even get up in your defense this evening. And my question to you, my final question to you is this, very simply this, this - these companies that have been mentioned because I have been in investment, I have been in investment promotion and I can trot out my credentials here!

(Heckling/Laughter)

Mr. SHAW: I can trot it out!

(Heckling/Laughter)

Mr. SHAW: And having regard, Mr. Speaker, to my background in investment promotion in this country, and having regard to - have been a Minister of Finance where people come and go with all kinds of ideas, is it not about time that you publicly admit that these people are not investors, but they are fly-by-night middle-men, will you just admit that and end this empty affair? (Applause)

Dr. CAMPBELL: Showtime, showtime!

(Heckling/laughter)

A MEMBER: Ah buoy.

The SPEAKER: Is there an answer coming, Mr. Hylton?

Mr. HENRY: Mr. Speaker...

The SPEAKER: Is there an answer to Mr. Shaw's last... Mr. Henry?

Mr. HENRY: Him go answer you, you know.

The SPEAKER: Mr. Henry.

Mr. HENRY: He's going to answer.

A MEMBER: Oh God!

Mr. HENRY: Thank you very much, Mr. Speaker. As some of the projects mentioned I'm very familiar with and as the former Minister of Transport, I recognize when these issues cross over Ministries. My question is firstly for clarification. As to whether there still exists in the Cabinet a thing called the Economic Development Council and the Economic Development Council usually approves projects before they get out there in the public's interest. If the Economic Development Council still exists, did any of these projects go through the Economic Development Council? I'm aware about some of them would have gone through as a former Minister of Transport and in that aspect is the NLIC meant therefore merely to now replace that the addition to and is that the pressure point - the development point which logistics is to be developed?

Mr. Anthony HYLTON: Members, the member is quite right that there once existed an Economic Development Council and there still exists the Economic Council and the projects, not individually - not in the individual state but as the Global Logistic Hub Initiative have been approved by the Economic Council and has been positioned as one of the growth - pivoting growth agenda of this country and I say to the third question you asked was - the third part of your question was, could you remind me what the third part was?

(Inaudible comment by Mr. Dalley)

Mr. Anthony HYLTON: No, and it is not, it is not intended to replace the Economic Council which still exists, the element, as I

said, was set up to assist in the implementation stage of this project.

Mr. HENRY: So that the logistic investment is going to rest totally with your Ministry and totally for implementation by your Ministry or by a joint ministerial approach?

Mr. Anthony HYLTON: I'm glad that you asked the clarifying question so I can amplify that it is precisely because of the cross-ministerial nature of the exercise why the NLIC was created and that is to aid in the coordination; its very membership and the composition of NLIC suggests a cross Ministry and other agencies support in the implementation process.

Mr. HENRY: So Mr. Minister, the Economic Development Council consists of you and your parallel Minister so I wondered why you were feeling around so much for this $5 Billion investment. When you're asked to break out the projects that relate to $5 Billion and $5 Billion is small in terms of the infrastructural development Bill. When you're asked to break-out these figures, could you break them out for me again and name the projects because it would have come from the Economic Development Council. We would have to approve it for the next stage of development and the logistic end is now being shared by the Transport Authority which usurps your leading position as investment. Can you therefore name for me the projects and give me some idea of the projects that you're asked?

Mr. Anthony HYLTON: As I said, I have no financial cost attached to any specific projects. The Economic Council as you know having served on it, served in a policy role and for declaring to policy and NLIC is implementation to policy.

Mr. HENRY: But Mr. Minister, resting in the Ministry of Transport is a cost factor for Vernamfield, readily the Ministry is a cost factor restoring the railway, resting in the Ministry of Transport is a presentation to you also, you announced a deep sea and a dry dock. And if the dry dock is more than $5 Billion in a period of time, so I'm a little surprised that the projects would not be more specifically related and in seeking to say that the port is already divested, is not so because there's a six month leeway on the port, we still will be waiting on the report in terms of what CMACGM can do. So it appears to me that there's a gap in Cabinet or an issue between how the Ministries cooperate in moving this project forward.

Mr. Anthony HYLTON: Member, I just like to say that very few of the several projects that are available, the feasibility studies and some of them, in fact, the majority of them have not yet done or completed and on those on which there may be feasibility, they have to be revisited because they have done so long ago, the numbers are not necessarily what you'd see, but we said at the very beginning that it's a guesstimate, when we announced the project, that it is a guesstimate and it's on record between $8 - $10 Billion so $5 Billion represents a significant part, but the total - the totality of it including the dry dock and other potential assets have significant other values that are to be assigned as at the time of the feasible studies.

Mr. HENRY: In closing, from my point of view, Mr. Minister, it speaks to the fact that there's no coordination between what we want to do in developing a logistics hub or clear understanding of what it is.

Mr. Anthony HYLTON: No, I think the Member misapprehend what the structures are and as I said, not only is it coordinated between the Cabinet, but between the Ministers, we speak from time to time on the specific issues but beyond that, NLIC, and that is why the NLIC has been instituted by Cabinet, not specifically but this project as I have said, but institutionally to carry out the implementation.

Mr. HENRY: Mr. Minister, I don't want to push the point any further, but CMACGM is seeking $300 Million right now for investment. If you talk to each other, how is it you didn't know which speaking to these persons that CMACGM was close to an agreement? So basically, obviously, you're not speaking the same language.

Mr. Anthony HYLTON: No, that's the process, that's the outcome of a different process. The - a decision was made that an RFP process would cover the privatization of the port, that process went on, we're still now in the process of due diligence so clearly, that would not have awaited and in fact I'm happy they did not wait because no we are much further ahead with the port privatization, at least at a concession stage and the other assets are yet to be decided.

Mr. HENRY: You're happy that the port being a transshipment port and not a logistic hub for it?

The SPEAKER: House Leader?

Mr. ROBINSON: Mr. Speaker, we are going to continue the public business with the report on the Joint Select Committee of Public Procurement to be continued by the Member from North Central Clarendon, Minister Horace Dalley.

Mr. SHAW: Is closing him closing? No, no.

Mr. DALLEY: No, it's not me, it's not me, Mr. Chairman. I am not going to speak, the speakers are Mr. Audley Shaw - sorry, House Leader - acting House Leader - and Mr. Daryl Vaz and then after which, I will - and Mr. Ed Bartlett.

Mr. VAZ: Audley, go ahead.

Mr. CHUCK: Just withdraw it.

The SPEAKER: Who is coming up now?

Mr. CHUCK: Just withdraw it.

The SPEAKER: Mr. Shaw?

A MEMBER: Confusion in the House!

Mr. SAMUDA: Just withdraw it.

The SPEAKER: House Leader.

(Inaudible comments)

The SPEAKER: Let us defer it.

Mr. ROBINSON: The Member from North East Manchester is indicating that he was told the debate would continue next week....

The SPEAKER: Next week?

Mr. ROBINSON: ...so I'm asking that the matter be...

The SPEAKER: Okay, well that's the case, then.

Mr. ROBINSON: We'll defer, just defer it.

The SPEAKER: Okay, well if that's the case then we'll defer.

Mr. ROBINSON: Just defer the matter.

Mr. SHAW: You can adjourn.

Mr. ROBINSON: No, no, we have other matters to deal with.

(Inaudible comments)

Mr. DALLEY: Mr. Speaker, please... we started the Debate on the Report of the Joint Select Committee last week; three Members indicated that they would speak today in continuation of the Report - of the Bill.

(*Sotto voce* comment by Mr. Warmington

Mr. DALLEY: Colleague who served on the Joint Select Committee... please... just cool. Mr. Daryl Vaz, Opposition Spokesman on Finance, who has claimed paternity for starting the procurement...

(*Sotto voce* comment)

Mr. DALLEY: What is wrong with you guy... and Member Edmund Bartlett. So, therefore I was hoping they would make their presentation on the Report of the Joint Select Committee, and at the end of it, I will close the Debate. (Laughter) And when I close the Debate, either this afternoon or next week Tuesday, I intend to take the Bill through clause by clause. That's simple.

(*Sotto voce* comments)

The SPEAKER: Are the three Members prepared to speak?

Mr. WARMINGTON: We already said next week.

The SPEAKER: Next week? Well, if that is the case then, we put this off until next week...

Mr. DALLEY: I have no difficulty with that.

The SPEAKER: ...and we take it right through to the end. House Leader...

Mr. ROBINSON: Mr. Speaker, we continue Public Business. There is the continuation of the Debate on the Road Traffic Act. I am advised that the Member from Central Clarendon, Mike Henry, and the Member from North East St. Andrew - North Central Clarendon are to make their contribution.

(*Sotto voce* comment)

Mr. ROBINSON: West Kingston as well? You are prepared. Okay.

The SPEAKER: Mr. Henry.

THE ROAD TRAFFIC ACT

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

Mr. Speaker, having myself had to be a part of this Bill which was brought here last week, this is a Bill that is long overdue, and still has a distance to go. No one can deny Mr. Speaker that the carnage which is increasing on our roads needs to be addressed, and that our outdated Regulations must be amended. Successive governments have recognized this and much work has been done to arrive at this point. In the Bill we are seeking to address things that need to be changed, and modern day issues like seat belts, air bags, helmets and cell phones, and TVs in cars.

In an attempt, however, to deal with this it is left to speak to how we will place a deterrent to the carnage. The Bill adopts the approach that heavy penalties in fines and incarceration is one of the ways to go. By its draconian structure, however, it would appear that it seems to be the only way to go. The

method has not deterred in the past, and I am sure will not do so now.

For my part, more needs to be done in the educating of our drivers, even before they become drivers. For indeed Mr. Speaker we do not drive based on just how we learn to drive; we drive by road signals. We haven't taught our drivers how to be defensive drivers, and I am suggesting that support of this Bill for the future must lie on implementation of teaching the subject of driving in schools at the 15 to 18 year olds. If it is even by teaching them what the signals are, what they mean, at a level at which they will begin to become drivers, is perhaps one of the most important elements that I think we could support in this issue here.

For Mr. Speaker, the kind of Bill, the depth and the extension to which it goes with its varied charges and changes is going to demand a Monitoring and Implementing Unit, if it is not to be abused by an authoritative police force, or a Transport Authority already grappling with rules and regulations that are conflicting in nature.

For instance, we have not defined what kind of vehicle is a taxi, and operators have to resort to using second-hand passenger vehicles out of Japan, converted to taxis. I could draw on experiences. Any of us who go to the large City of New York will notice the bullet-proof glass in a specific taxi between the driver and the passenger. And that is a taxi defined in what role it has to play. This is not so in Jamaica. Because, for instance, we have not defined what kind of a vehicle is a taxi.

As I said, the operators are using vehicles that were passenger vehicles and family vehicles.

Those persons need licence to use a taxi or be faced with seat belt issues... rider numbers. And this has manifested itself in the Transport Authority's issues of conflict right now, in respect of the Toyota Isis and Picnic, which are imported as seven-seaters, approved to carry six plus one, then not approved, in terms of being re-licensed, and creates its own problems in the transport system. That contributes to the absence of general orderliness, whether by - whatever approach you take.

The approach that I was taking when Minister, was colour coding. But, any other means that requires the attention and the improvement of orderliness is important. But, Mr. Speaker, we ourselves as government, the Ministry itself that is responsible for this - the road signs are woefully wanting in my areas, the marking and road maintenance, and road designs need to be improved, and need urgent correcting.

I could cite a case of something that I - when I was growing up I remember the founder of that Party won a case in Court, the Honourable National Hero Norman Manley - and I remember he presented the fact that the person who they said broke the stop sign and knock down the person could not have been obeyed it because it was not a stop sign. His reasoning was - and he won the case - the stop sign did not have the outer white rim and the thing right across the middle; it was one of those where they left the white on the outer border.

And some of these issues that we have to address in what are the areas; we must pay attention to them. I quickly cite pedestrian crossings. I think in the Bill it says the pedestrian crossing must be open at 6:00 in the morning. Many children go to school before 6:00. And I know a lot of these were - I was not a member of the Committee that examined the Bill in detail, so I didn't want go in and go over what is already in the Report we have. But then, Mr. Speaker, how many of us, on Labour Day, have seen pedestrian crossing being painted in blue, in pink? I may be exaggerating there for emphasis.

Mr. DALLEY: Have you ever seen a pink?

Mr. HENRY: All right, I am exaggerating, I said, for emphasis, because the basic point is, as I've said, we must remember, language is not the language of driving, or English is not the language of driving, it is being able to read signals. For instance, you can't go in a Court overseas and say you - and they charge you with exceeding the speed limit, and you say you didn't see a 50 mile per hour sign because every electric post in a developed country is 100 yards apart, and once we are 100 parts, you know, you are in a thirty-mile zone. And these are all by international standards which we are adopting. So, the status, Mr. Speaker, of our declining economy, also speaks to the fact of what confronts the drivers whom we are here trying to discipline by an approach of heavy fines. Unfortunately, for me, the Bill therefore would fall in the category of where you are compounding the difficulties for the authorities in many ways.

Again, the practical exposure to the transport industry will show that a great deal of the vehicles that we complain about and are being driven, are not being driven by owners, they are being driven by drivers. And those drivers either have no addresses when you want to find them, and are not found when they have tickets, and when they break the rules.

It is therefore important, Mr. Speaker, for us to recognize that, as I said, we need parallel areas of development. And I urge us to use this Bill to begin to move to a national registration of our people that we can be able to also implement the issues that we are trying to achieve.

So, Mr. Speaker, we have not yet completed all the regulations, Mr. Minister, am I correct? So, we have a period in which we have to look at the new regulations that will relate to the new areas that we are doing, so that we have to now look at the use of cell phones.

As I said, I was not a part of the Committee, but I believe some of these, Mr. Minister, could have been discussed because - I am not going to be long - but cell phones are going to be an important element to the ordinary taxi driver who has to be in touch with someone, especially (a) when working late at night and (b) equally, this is his only means of identification back to the owner.

I don't know to what extent we might find that the police and the Island Traffic Authority misuses and abuses some of that in not understanding. But, for me, the most important part that has to be addressed in

relation to this is that in - us looking at the Bill in more detail before it goes on to the next stage, I would like to then revisit the Island Traffic Authority and its role as set out in the Joint Select Committee's presentation, because that is where a great deal of indiscipline comes in, and the inkling of misunderstanding.

You know, Mr. Speaker, I was most surprised to find the ways in which we are dealing with the taxi operators - if the Minister is aware, I don't know if it's been approved, but an Island Traffic Authority personnel marking money in order to hold the taxi operators, the high cost of the trucking - of the wrecker services they have to face; some of it misuse and abuse by the police, overall, sends great messages to me about the draconian fines that I see here. I don't want to say the draconian fines are meant to make up for the lack of productivity, and to fill any economic gap, because the importance of this Bill is very needed.

So, the Opposition, Mr. Speaker, participated through its Members on the Committee that made its Report. The Report is for everyone, and we are going to go through it clause by clause to make other recommendations. I believe, however, Mr. Minister, are you two years away from completing the Regulations, so that the Regulations must first come, however, before, I hope, you gazette and implement the law because I think we need a lot more debate around the fines that are in here. I think some of the fines in some areas could be re-looked at. I believe some of the fines in some areas are very harsh in relation to it.

And I am not clear Mr. Minister, because I haven't kept up-to-date on the areas, but your weight control of vehicles... certainly, we are establishing a lot of scales across the country. We were supposed to see that implemented to reduce the damage to the roads. Personally, I see more and more heavy vehicles driving on the roads, and certainly, my colleague from St. Thomas, if he is here, I haven't seen a road that deteriorates more from heavy weight vehicles than that one.

However, in the Ministry, I would hope that you would now look at the fact that maybe we don't have to move - maybe we don't have to move all of those heavy material by roads, but you will begin to move some of them by barges to the various ports, and therefore reduce it.

But the Opposition is aware of the need for these changes. We are aware of the antiquated aspects of the road traffic laws as they exist now. We are aware that they must be upgraded, and updated, but I ask, Mr. Minister, that we re-look at some of the fines in here, and look at them in terms of how they are going to affect the industry out there, and indeed, not the collectible in the ultimate end.

So I pass the position that I have exposed here on, and close my presentation.

(Applause)

Mr. ROBINSON: Mr. Speaker, we intend to suspend the debate on this matter and to continue at the next sitting of the House.

Mr. Speaker, we move for the suspension of the Standing Orders and to recommit Public Business. I have two Bills.

The SPEAKER: The question is for the recommittal of item, Public Business.

Motion put to the House and agreed to.

PUBLIC BUSINESS
(Recommitted)

Mr. ROBINSON: Mr. Speaker, I beg to move that the Bill shortly entitled, "The Electricity Act, 2015", standing in the name of the Minister of Science Technology Energy and Mining be withdrawn from the Table of the House.

Mr. Speaker, since the Bill was tabled, the Ministry had recognized that some adjustments should have been made to the Bill, and we felt that it would have been tidier to withdraw and retable the Bill instead of commencing debate and then making the adjustments. So it is our intention to withdraw the Bill and retable it.

The SPEAKER: Is that the wish of the House?

Motion put to the House and agreed to.

The SPEAKER: So be it, withdrawn.

Mr. ROBINSON: Mr. Speaker, I would like to recommit Notices of Motions given Orally.

The SPEAKER: The question is for the recommittal of item, Notices of Motions given Orally.

Motion put to the House and agreed to.

NOTICES OF MOTIONS GIVEN ORALLY
(Recommitted)

Mr. ROBINSON: Mr. Speaker, on behalf of the Minister of Science Technology, Energy and Mining, I beg to give notice that at the next meeting of the House he will move to introduce and have read a first time a Bill shortly entitled, "The Electricity Act, 2015". (Applause)

Mr. Anthony HYLTON: 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 Nuclear Safety and Radiation Protection Act, 2015".

ADJOURNMENT

Mr. ROBINSON: Mr. Speaker, it is not our intention to do any further business today, and I so move for the House to adjourn to June 23.

The SPEAKER: The question is that the House do adjourn until next week Tuesday, the 23rd of June, at 2:00 p.m.

Motion put to the House and agreed to.

The SPEAKER: House stands adjourned. The Honourable House of Representatives accordingly adjourned its sitting at 6.09 p.m. until Tuesday, June 23, 2015 at 2.00 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2015 – 2016

TUESDAY, June 23, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:38 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. 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. 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. 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 EDWARD AZAN, (PNP), Clarendon, North Western, Minister of State in the Ministry of Transport, Works and Housing

OTHER MEMBERS

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

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

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

MR. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern

MRS. MARISA COLLEEN DALRYMPLE-PHILIBERT, (JLP), Trelawny, Southern
DR. DONALD KEITH DUNCAN, (PNP), Hanover, 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. RAYMOND FRANKLYN PRYCE, (PNP), St. Elizabeth, North Eastern
MR. AUDLEY FITZ ALBERT SHAW, CD, (JLP), Manchester, North Eastern
MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western
MR. DWAYNE FRANCOIS ST. MICHAEL VAZ, (PNP), Westmoreland, Central
MR. CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western

PRAYERS

Prayers were offered by Mr. Paul Buchanan.

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, at a later time today the Minister of Labour and Social Security will do a Statement.

ANNOUNCEMENTS

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

- **Ministry Paper No. 103**
  University Hospital of the West Indies Annual Reports for the financial years 1999/2000 to 2009/2010
- **Ministry Paper No. 104**
  Annual Report and Audited Financial Statements of the All-Island Jamaica Cane Farmers' Association for the year ended September 30, 2014
- **Ministry Paper No. 105**
  Annual Report and Audited Financial Statements of the Coffee Industry Board for the year ended July 31, 2013
- **Ministry Paper No. 106**
  Cabinet Agenda Issues dated May 18, 2015
- **Office of the Public Defender**
  14th Annual Report for the year 2014
- The Customs Tariff (Revision) (Amendment) Resolutions, 2015 Under The Customs Act
- The Provisional Collection of Tax (Excise Duty) Order (Confirmation) Resolution, 2015 Under The Provisional Collection of Tax Act

NOTICES OF MOTIONS GIVEN ORALLY

Mr. DALLEY: Mr. Speaker...

The SPEAKER: Minister Dalley.

Mr. DALLEY: 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 Revenue Administration (Amendment) Act, 2015".

Mr. Speaker, I also beg to give notice that at the next meeting of the House I will move the Provisional Collection of Tax Act the Provisional Collection of Tax (Excise Duty) Order (Confirmation) Resolution, 2015.

Whereas by virtue of Section 1 of Section 3 of the Provisional Collection of Tax Act hereby referred to as "the Act", the Minister may, by Order prescribed in the Gazette, provide for variation, renewal or imposition of any tax;

And Whereas the Provisional Collection of Tax (Excise Duty) Order, 2015 was made by the Minister and published in the *Gazette* on the 2^{n} day of April 2015;

And Whereas it is provided by Section 3 of Section 3 of the Act that an Order made under that section, subject to its confirmation with or without modification by a resolution of the House of Representatives within 30 days of publication in the *Gazette*, shall continue for a period of six months next following publication thereof in the *Gazette*;

And Whereas Section 4 of Section 3 of the Act provides that under - that every Order made under Section 1 of that section shall cease to have effect unless it is confirmed with or without modification by a 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 (Excise Duty) Order, 2015 be confirmed:

Now Therefore be it Resolved by this Honourable House of Representatives as follows:

1. The Resolution may be cited as the Provisional Collection of Tax (Excise Duty) Order, (Confirmation) Resolution, 2015;
   and
2. The Provisional Collection of Tax (Excise Duty) Order, 2015 which was laid on the Table of the House on the 23rd day of June 2015 is hereby confirmed.

The Customs Act - Mr. Speaker, the Customs Tariff (Revision) (Amendment) Resolution, 2015.

Whereas under the provision of Section 5 of the Customs Act the House of Representatives may from time to time by a resolution impose Customs Duties upon any goods which may be imported or exported from Jamaica or to 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 1st day of January 1973 by a 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 and Third Schedules to such Resolution without payment of Customs Duties and so on;

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 this Honourable House as follows:

1. This Resolution may be cited as the Customs Tariff (Revision) (Amendment) Resolution, 2015 and shall be read and construed as one with the Customs Tariff Resolution (Revision) 1972 wherein after referred to as the principal Resolution and all amendments thereto. With effect from the date of publication of this Resolution in the **Gazette** the First Schedule to the principal Resolution is amended by deleting the items relating to tariff heading #01012910 and tariff heading #01012990 and substituting therefor the following Headings 01012910, race horses not for breeding, description of goods, duty rate 5%; and 01012990, other, duty rate 5%.

The Customs Tariff (Revision) (Amendment) Resolution, 2015 which was laid on the Table of the House on the 23rd day of June is hereby approved.

Mr. Speaker, I do not - based on agreement between myself taking these Resolutions on behalf of Minister of Finance and Planning, the Opposition Spokesman on Finance and myself agree that we take them next week.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Mr. PAULWELL: Mr. Speaker, on behalf of the Minister responsible for Industry, Commerce and Investment I move to introduce and have read a first time a Bill shortly entitled, "The Nuclear Safety and Radiation Protection Act, 2015".

Bill entitled:

"The Nuclear Safety and Radiation Protection Act, 2015"

read a first time.

Mr. PAULWELL: Mr. Speaker, on behalf of the said Minister I beg to give notice of second reading of the Bill.

Mr. Speaker, I also move to introduce and have read a first time a Bill shortly entitled, "The Electricity Act, 2015".

Bill entitled:

"The Electricity Act, 2015",

read a first time.

Mr. PAULWELL: Mr. Speaker, I ask for second reading of the Bill, and I also beg to

give notice that at a later stage today I will move for the suspension of the Standing Orders to enable me to move for second reading of the Bill.

(MR. WILLIAM JAMES CHARLES HUTCHINSON, CD, (JLP), St. Elizabeth, North Western, entered and took his seat.)

(MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern, entered and took his seat.)

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

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

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

(DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central, entered and took his seat.)

(MR. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, 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. FITZ ARTHUR JACKSON, (PNP), St. Catherine, Southern, entered and took his seat.)

PUBLIC BUSINESS

Mr. SPEAKER: We will commence with Public Business dealing with Reports from Committees and we will start with a brief report to be debated by the Committee dealing with Constituency Boundaries. The Member for Eastern Hanover will lead this short debate.

The SPEAKER: Dr. Duncan.

Dr. DUNCAN: Mr. Speaker, at the last meeting of the House I move that:

> Be it Resolved that the Report of the Standing Committee of the House of Representatives appointed to consider the Delimitation of Constituencies, which was laid on the Table of the House on the 16th of June, 2015, be adopted. Your Committee met on several occasions as required by the Constitution and the Electoral Commission of the Jamaica reported through your Committee that there were two constituencies in among the 63 constituencies in Jamaica which had breached what is called the Lower Limit allowed by the Constitution for a particular constituency; those constituencies were Southern Trelawny and North East St. Andrew.

In addition, your Committee considered those and - which is to record - have the House approved that those breaches be corrected. In addition, there were some, as required by the Constitution, there were some

parish boundaries that were breached in relation to polling divisions going across from one parish to the other. The Constitution does not allow for that and the Electoral Office of Jamaica identified a significant number of such breaches and presented those breaches to the Committee - to your Committee for it to be approved that we give the instructions for those breaches to be corrected.

So it is in that context and against the background of the need for urgent action, since we are now into the second year that is allowed for these breaches to be corrected, that we are asking that this House of Representatives adopt the Committee's Report.

There are two word changes in the Report to this Parliament, which the Honourable Member from South West St. Catherine will deal with quickly.

The SPEAKER: Mr. Warmington.

Mr. WARMINGTON: Thank you, Mr. Speaker.

I don't think this Report need any debate because we agreed on it, and we only have 10 months within which to deal with the boundaries required. But, in the last paragraph on page 2, there are two words there that I would like to - I don't know if we can amend; I understand we... (Inaudible) ...amend the Report, but to say that there was an error where it says: w*here alignment of those parish boundaries, as well as other parish boundaries*, that we - the word *parish* here was an error, and I must make it known that the error was due to my insistence. It was caused by me. (Laughter) It was caused by me, so, I want it to be noted that these two words were an error in the Report, so we all ask if you just accept, noting these two words that they were error in the Report... This is... (Inaudible) ...hand in the Report, and that they can go off right away.

(MR. KARL GEORGE SAMUDA, CD, (JLP) St. Andrew, North Central, entered and took his seat.)

The SPEAKER: No, it is...

Mr. WARMINGTON: I understand that you can't remove it from the Report, but it would be noted that, you know, they should not be there.

The SPEAKER: It is implied...

Mr. WARMINGTON: Yes.

The SPEAKER: ...that they are parish boundaries; the word *parish* is implied.

(*Sotto voce* comments)

The SPEAKER: But Mr. Warmington has insisted.

Mr. BUNTING: It is not restricting it... (Inaudible)

Mr. WARMINGTON: The issue is that, why... I have thought about it, and I don't believe we should tie the hands of the Electoral Commission in dealing with this, so, that is why I am asking for the two words...

(*Sotto voce* comments)

(The Speaker gavels)

Mr. BUNTING: Very good of you! (Applause) I see you are finally coming around.

Mr. WARMINGTON: I came around long ago, before you... that in the letter to the Commission, it can be noted that they can

ignore the two words at *parish boundaries* - *parish* and *parish* in the last paragraph...

The SPEAKER: Okay.

Mr. WARMINGTON: ...that they ignore those two words, and do what has to be done.

The SPEAKER: Any other contributor? Okay... Dr. Duncan.

Dr. DUNCAN: Mr. Speaker, with those corrections to the Report, I move that the Report be adopted.

Put to the House and agreed to.

The SPEAKER: (Gavels) Report adopted.

Mr. PAULWELL: Mr. Speaker, I want to thank the Members for cooperating on that very important Committee Report.

Mr. Speaker, we will resume the Debate now on the Report from the Road Traffic Act Joint Select Committee, and this afternoon we have two presenters, starting with the Member from North East St. Andrew.

The SPEAKER: Mr. Chuck.

Mr. CHUCK: Mr. Speaker, let me say how very happy I am to speak on this particular Bill. And at the beginning, Mr. Speaker, to congratulate the Member from South St. Andrew who, as Chairman of the Committee, did an excellent job in ensuring that we dealt with this Bill in an orderly and satisfactory manner.

There were many disagreements in terms of the provisions in the Bill, and even now, I will point out there may still be some slight disagreements as to what should be finally in the Bill which shortly, I will note.

(DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, entered and took his seat.)

(MR. RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern 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.)

But Mr. Speaker, we have here a new Road Traffic Act, or proposed new Road Traffic Act. And Mr. Speaker, the Members of the Committee had to deal with them section by section, and it is very unfortunate that all the Parliamentarians have not had the opportunity to read the Bill because, Mr. Speaker, it is a very commonsense Bill as to how you behave on the roads, how you get your licence, how you appeal various refusals, *et cetera.*

And Mr. Speaker, it has many commonsense provisions. It is one of these Bills, Mr. Speaker, where the provisions are easily understood. It is not complex legal language; they are common sense provisions and I would urge, Mr. Speaker, that when we finally pass it, that this Bill - hundreds of copies should be printed and put, not only in the police stations, in the libraries, but all the taxi drivers should really try and get a copy.

(*Sotto voce* comment)

Mr. CHUCK: Thousands then. And also, Mr. Speaker, the bus drivers, the taxi drivers should have a copy of this Bill, so they know

how to drive on the road, how to overtake, where to stop - because many of them don't know where to stop, even when the stop sign is in front of them.

And there is no doubt, Mr. Speaker that this Bill, when finally passed, will set the framework which hopefully, when enforced and if enforced, can see some discipline on the roads.

(DR. DAYTON RICARDO CAMPBELL, (PNP), St. Ann, North Western, entered and took his seat.)

Mr. Speaker, we are having serious problems on the roads. We have chaos, disorderly conduct on the roads. We have most egregious overtaking, we have speeding, and we have all sorts of misbehaviour on the roads, Mr. Speaker. And the difficulty is that many of the provisions of the Road Traffic Act are not being enforced. And the truth, Mr. Speaker, is that we cannot depend totally on the Police Force to enforce every provision. They need assistance. And the only way they can get this assistance, Mr. Speaker, or the main way is that the Government has to invest in some technological equipment where, Mr. Speaker, you see them in other countries - cameras.

(MR. MIKAEL ASHER PHILLIPS, (PNP), Manchester, North Western, entered and took his seat.)

You need some cameras on the highway, at stoplights, at road crossing signs, that can capture, Mr. Speaker, many of the breaches of these road traffic offences, because, Mr. Speaker, in most - in many countries, I wouldn't say most, but in many countries, drivers know that when they are on a particular road, they can see cameras; the cameras are there, you know, Mr. Speaker, checking the speed at which drivers are moving on the highway, checking to see which motorists are breaking the traffic lights, or breaking the stop signs, which motorists are overtaking wrongly, *et cetera.*

And what is happening, Mr. Speaker, we cannot have a policeman at everybody's elbow, we cannot have a policeman at every traffic light, we can't have a policeman at every stop sign, and the only way, Mr. Speaker, for that to be accomplished to enforce discipline and order on the roadway is for us to put in the necessary technological equipment that can capture the wrongdoers and bring them to justice.

So Mr. Speaker, it may well be that we can't put these cameras and technological equipment everywhere, but I would say, Mr. Speaker, put them - put some - six, maybe, at certain areas, after three months you move them to another area so that when people see them, they will know to slow down, and if you move them to another area, they see them and they slow down in those areas, and you capture some of them, technologically, Mr. Speaker, you highlight that they are being captured - the wrongdoers are being identified, and the laws are being enforced. And I'd say, Mr. Speaker, with these improvements, we may well be able to get some discipline on the

roads, because Mr. Speaker, we have far too many traffic offences.

Mr. Speaker, if you are an orderly driver on the road, and a disorderly driver overtakes you, or moves in front of you, and you point out to that person that he is wrong, as far as he's concern, you should not speak to him. In fact, he abuses you when you even try to encourage him to behave in an orderly and disciplined manner on the roadway.

And the truth of the matter, Mr. Speaker, they do so because they get away with every traffic infractions. And until, Mr. Speaker, we can enforce some discipline on the road, we are going to have a myriad of traffic offences, breaches, more injures on the road, more deaths on the road, because it is due to these infractions why we have so many deaths, so many traffic offences, so many injures, and the insurance premium keeps going up because so many claims are made on the insurance company.

So, Mr. Speaker, Minister, it is one thing passing this Act, but if we don't find ways and means to enforce them, we are wasting our time.

And I would go further, Mr. Speaker, to the Minister. We need to find a way where ordinary citizens can use their smart phones and take infractions of drivers who are behaving disorderly, or breaching the traffic laws, and with that smart phone, send it to the police, the Road Traffic Control, and let the police decide if they can prosecute using that video, or that picture that you take and send to traffic control, because, Mr. Speaker, it is just like a camera that I am proposing, could do.

Now, there is no doubt, Mr. Speaker, it may well require the Evidence Act to be modified a bit, because many persons may well be willing to send in a video of a driver on the road breaching the Road Traffic Act, but may not want to come to Court to give evidence. And the issue, Mr. Speaker, is how do we utilize the ordinary citizens, the people who drive on the road and see these infractions of the Road Traffic Act, but they are unable to act.

And if, Mr. Speaker, with modern technology, they could use their smart phones and capture the misbehaviour, and the indiscipline on the roads, and pass it on to the police for the police to prosecute, my God, I mean, we would be bringing the ordinary citizen into the enforcement of the law, but we the need to find the right evidentiary basis to be able to say that a smart phone capturing infractions of the Road Traffic Act, when it passes to the police, and the police can issue a ticket to these drivers, that it can be dealt with in that manner.

(MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, entered and took his seat.)

But, Minister, it is a suggestion and I think it should be something that we should investigate because if the ordinary citizen, with his or her smart phone can assist us in cutting out the indiscipline and disorder on the highway, we would be going a very far way.

But, Minister, it is a suggestion, and I think it is something that we should

investigate, because if the ordinary citizen with his or her smart phone can assist us in cutting out the indiscipline and disorder on the highway we will be going a very far way.

Mr. Speaker, there are certain sections of the Bill which we need to rethink. You know, Mr. Speaker, I occasionally go on the highway and one of the things that hurts me, I mean it frustrates me, I am not a fast driver, but nothing is more frustrating than trying to overtake on the right hand side of a dual carriage way and there is a slow driver who sits at 30 miles an hour in the right lane and everybody has to pass that driver on the inside line, now you know, Mr. Speaker, at the Committee Stage I suggested and it should still be adopted that we put up the sign **'slow drivers on the left, overtake on the right'** but below it you should put another sign '**can you read'.**

(*Sotto voce* comments by Members)

Mr. CHUCK: Well, that is the point, they should not be driving. So when we see them driving on the right hand side they should be arrested because they can't read. But Mr. Speaker, interestingly, Mr. Speaker Section 60 of the Bill says this;

> The driver of a motor vehicle shall observe the following rules in respect of the motor vehicle;
>
> When being approached or being overtaken by another vehicle he shall keep the vehicle to the left or near side of the road.

Now Mr. Speaker, it seems to me that this section or subsection 1(a) should be applied more forcefully. In other words, Mr. Speaker, drivers who stay in the right hand side of a dual carriageway and forces other drivers to overtake on the inside lane, they are committing an offence. In other words, Section 60 (1)(a) says when you are driving you are to stay on the left so that vehicle can overtake you on the right. So those drivers who force other drivers to overtake on the inside lane they are committing an offence under Section 1(a) because to repeat;

> When being approached or being overtaken by another vehicle he shall keep the vehicle to the left or near side of the road.

And Mr. Speaker this one I would like to use my smart phone to capture these drivers who I have to be behind regularly on the right lane waiting for the opportunity to overtake on the left side.

Now, I understand, Mr. Speaker....

(*Sotto voce* comments by Members)

Mr. CHUCK: No, no it is not a speed, it is a question that they are not to be on the right hand side, they are to be on the left hand side. No...

(*Sotto voce* comments by Members)

Mr. CHUCK: A video to show that they are actually on the right hand side and causing vehicles to overtake them on the left hand side, so they could be issued a ticket. Now I understand, Mr. Speaker that they are going at the speed limit.

(*Sotto voce* comments by Members) (Laughter)

Mr. CHUCK: I can understand, Mr. Speaker, if they are going at the speed limit and no problem if they are going at the speed

limit, but the vast majority of them in that right lane are not going at the speed limit, they are going at 30/40 miles an hour relaxing on the road and allowing people to overtake them on the inside.. And I am saying, Mr. Speaker, that is frustrating.

Dealing also, Mr. Chairman, with Section 60, I don't know how I didn't pick this one up at the committee level. Minister, Section 60 (l)(f) it says;

> While on a main road he shall not be permitted to travel backwards further than maybe necessary for turning or for other reasonable purpose.

Mr. Speaker that seems to me that we need to remove the last phrase; '*While on a main road he shall not be permitted to travel backwards'* it should stop there, but it goes on Mr. Speaker, '*...further than may be necessary for turning or for other reasonable purpose'*. Mr. Speaker, the position is very simple; you should not reverse on the main road.

So Minister, I would like us to change that. You should not - what it is allowing, the second part of that subsection is allowing you to reverse if it is necessary for turning or for other reasonable purpose. My view Mr. Speaker is that if you pass your turn off, continue and turn around.

As you know, Mr. Speaker, a Member of this House, in fact, had a traffic accident because some dummy was reversing on Highway 2000 and the Member of Parliament crashed into the back.

So Mr. Speaker I would ask Minister that we remove that second phrase about necessary turning or for other reasonable purpose. '*While on the main road you shall not travel backwards*', end of the matter.

Now Mr. Speaker, there is one matter that gave us some difficulty and it is one which, we had a - we had a vote on it and it is one that gave us many concern and that is Section 21 and in that section, Mr. Speaker, it provides that all motorists must have their drivers license on them while driving on the road. Mr. Speaker, subsection (5) says;

> A driver shall not be deemed to have committed an offence under subsection (1) or (3) if he satisfied the constable as to his identity and produces his driver's license within 48 hours at a police station.

To my mind, Mr. Speaker, that was a reasonable provision. But the police participants at the committee level took the view that a number of drivers even though given the opportunity to return to show their driver's license many of them did not and therefore they wanted that provision to be removed. And I think after a long discussion, I believe by majority we said remove it. Now, Mr. Speaker, I don't remember how I voted, I am sure I voted against it, but even if I did not vote against it I think this Parliament must allow subsection (5) to remain.

In other words, Minister, there are problems there. Because if a police officer stops a motorists and he doesn't have his driver's license or no means of identity, what do you do? You have to issue a ticket, to whom do you issue the ticket? And the alternative is that, you are going to ask that motorist to go to the police station and that motorist with his - either he, his vehicle or

both may well be kept in custody for an extended period of time. Mr. Speaker, we cannot cause such inconvenience and injustice to the ordinary motorist. I say, Mr. Speaker, there is no doubt, we should leave the provision even if it means that he must at least identify, be able to show identification. Because, Mr. Speaker, at the time I said to the Senior Superintendent in charge of traffic, suppose the man has a photocopy of his driver's license and he said that won't work. With due respect, Mr. Speaker, to the best of my knowledge we can only get one driver's license, if this provision is to remain then and I am not saying it should remain, we should be able to get at least get six driver's - I mean copies, six so you can keep one all around so, you know you can put it in a motor vehicle, put one in each handbag in a wallet or in every jacket that you may wear, you understand, but to my mind it is really unnecessary.

So, Mr. Speaker, I would urge us that we reject this particular recommendation from the Committee, and we allow this provision to remain where he must show his identity, let's get that straight, and within 24 or 48 hours must bring his driver's license otherwise he will get the ticket.

Dr. DAVIES: You have yours?

Mr. CHUCK: Sorry, yes I have.

Dr. DAVIES: Take it out and read at the top what it says.

Mr. CHUCK: I can...

(*Sotto voce* comments by Members)

Mr. CHUCK: That is correct, but the point I am making is, you frequently leave it at home because you are not - you never expected to show it, or you have an emergency situation.

To give you an example, Mr. Speaker, you may well go to Montego Bay with your driver, you don't expect to drive, but he fall sick and you have to drive home.

A MEMBER: Carry him go to the doctor.

Mr. CHUCK: But the police stopped you on the way, you can't show your identification. The poor driver needs to go to the hospital and the police is saying all of you have to come to the police station. No, Mr. Speaker, we must anticipate these problems and ensure that they don't happen. (Applause) And therefore, we need to leave that even if it caused some inconvenience to the police officer waiting to ensure that the driver's license is shown. So Mr. Speaker, those are some concerns I have.

Now, Mr. Speaker, most of the persons who have commented have seen that the fines - have commented on the really hefty fines that have been provided. I can't deny, Mr. Speaker that they are hefty fines. The reason why they are hefty is because of our poor economic conditions. (Laughter)

A MEMBER: Solid, sir, solid.

Mr. CHUCK: These are not big fines in comparable, Mr. Speaker, but regrettably you know, the average driver on the road when he sees 10,000 it is a hefty fine.

(*Sotto voce* comments by Members)

Mr. CHUCK: I don't have a problem, but I am not thinking of myself, Mr. Speaker.

(The Speaker gavels)

Mr. CHUCK: The average driver, Mr. Speaker, the average pensioner who

occasionally breaks the law, when he has to pay 5,000 or 10,000 or 20,000 that is his pension for the month.

Now, Mr. Speaker, there can be no doubt, there can be no doubt, Mr. Speaker that the fines are hefty, but the truth is, you should not have to pay them. (Applause) If you drive properly on the road and you obey the law, then there is no question of you having to pay the fines, right, I am not denying that they are heavy. What is more, Mr. Speaker, what has been provided is that the fine may move from 1,000 to 5,000 which is a big jump, but if you go to Court, if you don't accept that you have breached the law, you are taking the chance and go to Court and the Judge found that you have in fact breached the traffic law, the Judge can fine you double. So the idea, Mr. Speaker, why the fines look so high is because the fines have been doubled, and sometimes tripled if you go to Court to contest it.

Now, I am not denying, Mr. Speaker, that a lot of offenders first of all, they are given 30 days or 21 days to pay the fine, they don't pay it and therefore, they have to pay it in Court in those circumstance they may well have to pay double the fine. The idea is that you pay it soon after you get the ticket.

A MEMBER: You get a discount.

Mr. CHUCK: Exactly, so if you pay it quickly, you get a discount, but if you fail to pay it and you have to go to Court then - and by the way, you know, Mr. Speaker, all these fines by the way if you challenge them in Court you can urge the Court to reduce them. But the Court can also increase them. So that is the chance you take.

But Minister, I am going to suggest that when this new ticket system comes out you make it easier for motorists to pay the fine. Apart from paying it in the Collectorate of Taxes or in the Courts, give each ticket a number or a code that you can pay it using your credit cards. In other words, Mr. Speaker, at the moment technology is making it easier for people to pay property taxes, stamp duty, transfer tax, customs everything. Let it also be easier to pay traffic fine if you have to pay traffic fine so that all of these tickets should really have a code or a number, that you can use your traffic - sorry your credit card to pay them and you can, print a receipt you can keep, so that if the police should ever come to you, you can say that you have paid it.

Now, Mr. Speaker, it should be the way to go, but you know, Minister - it's a pity the Minister of Finance isn't here, but it seems to me, that what is happening in the collectorate of taxes is so burdensome that a lot of people when they go to the collectorate of taxes, they just look and move away because the lines are so long, when, in fact, Mr. Speaker, virtually, to the best of my knowledge now, virtually every tax can be paid on line. And if that is the case, Mr. Speaker, I would urge the Government - and if you don't do it we will do it when we get to government. If you don't do it soon we will do it when we get to government, and that will be soon.

The position is, encourage the banks to collect taxes on your behalf. How can that be done? Let a bank officer use the credit card, get attached to the Inland Revenue and with that attachment to the Inland Revenue that

bank officer can use the credit card to pay any tax. Just like a lawyer does now. For instance, Mr. Speaker, I pay property taxes for my clients, because when the client brings the property taxes I am able to go online, because I am attached to the Inland Revenue. Is a lot of taxes that I pay, you know.

Mr. ATKINSON: It's not legal work.

Mr. CHUCK: No, it's not legal work but I can pay for my client.

Dr. GUY: And you charge them.

Mr. CHUCK: No, because I get a benefit when I pay on the credit card. So I don't mind paying it. And I am saying that the banks, the financial institutions and other agencies should be encouraged to collect taxes on behalf of the Government because there is a benefit in using the credit card and the banks would benefit, the Government would benefit and it becomes much easier for the citizens of this country to be able to pay their taxes of whatever kind, be it property taxes, be it fines, be it custom duties, *et cetera*.

So Minister, it is a suggestion I have given you for traffic offences but it can apply to all other taxes and make it easier for the citizens of this country to get the service and to really be able to pay their taxes in an easy and convenient way, and I say, Minister, let us move into the technological age, let us hope that some of the points I have made you will find comfort and benefit from them.

(Applause)

The SPEAKER: Mr. McKenzie.

Mr. McKENZIE: Mr. Speaker, I just have a few comments, Mr. Speaker, on this far-reaching bit of legislation.

Mr. Speaker, there is no doubt that there is a serious need to bring under control the level of indiscipline that exists on the roads in Jamaica.

A MEMBER: Hear, hear!

Mr. McKENZIE: There are aspects of the Bill, Mr. Speaker, which I support because I believe that no country can sustain this level of indiscipline especially amongst the public sector in terms of public transportation, that you find a significant amount of this indiscipline.

It is quite clear, Mr. Speaker, that the Government was forced to take some of the measures that we are debating today, but while I support aspects of this proposal, Mr. Speaker, there are some of it that I have real difficulty with Mr. Speaker.

The Member from North East spoke on the question of the driver's licence, and the fact that it would create a lot of hardships on many persons. I will only say, Mr. Speaker that the Member is saying that the section that presently exists that speaks to 48 hours, should be retained. If the Government has a difficulty with 48 hours, Mr. Speaker, I would recommend 24 hours, but I would not and I can't support taking out the entire section. Because, the point that he made is very significant.

Take the case of a medical doctor who gets a call late at night to go to respond to an emergency and is caught in a spot check on the road and is not in possession of his or her driver's licence. You can't ask the police to exercise his or her discretion in this matter, because if the law says you must have your

driver's licence then you must have your driver's licence, so we shouldn't put it down to the discretion of the police officer. The law is the law and, Mr. Speaker, I would humbly suggest to the Government that you reconsider this position because it could have serious implications.

The Member spoke about somebody coming in from Montego Bay. What happen if I get stopped at Ironshore? What happen if I get stopped coming from Ironshore and I don't have my driver's licence?

Mr. ROBERTSON: That is straightforward.

Mr. McKENZIE: So, Minister I would urge you and I ask that the matter be reconsidered.

Secondly, Mr. Speaker, I am concerned that we are in the age of technology and I think the time is well advanced for the country to invest in the kind of technology that would have prevented us from having this discussion on this aspect of the Bill. In many developed countries if the police stop a motorist information is provided, the officer goes back to his vehicle and in two, three minutes he is equipped with the relevant information on the status of the individual. I am urging - I heard the Minister on radio saying that the cost - and Minister, while we contemplate the cost we should have also contemplated the effects of this announcement that it would have had on the public, but I would suggest Minister that this matter be looked at because in many ways it solves a lot of problems.

The third point, Mr. Speaker, is the fines. Moving fine from $1000 in some cases to $5000, and upwards to $45,000. Forty-five thousand is the actual take home pay of a lot of people in the public sector. While I understand and appreciate that something must be done, it cannot be done, Mr. Speaker, to the detriment of law abiding citizens. And there are times -

(Inaudible comment by Government Member)

Mr. McKENZIE: No, no, no, no! A law-abiding citizen, Mr. Speaker, can make a simple mistake. Not intentional. Not intentional, Minister. So while we understand the need to have the laws to ensure that we preserve integrity on the road, save lives, protect properties, I believe the Government is going a little bit overboard with the fines, and I am wondering, Mr. Speaker, if this is not a part of the revenue earning. It has to be. It has to be, because you can't move a fine to the level that some of the fines have been moved from, and also, Mr. Speaker, it does not necessarily mean because you have increased the fine you are going to collect the revenue, because some of the small fines that are being imposed now, you can't even collect them, and I am going to suggest to you again, Minister, the last time an amnesty was offered to persons with outstanding tickets, I would suggest that before we implement these new fines that we try to collect some of the outstanding ones that has been outstanding for quite a long time, but, Mr. Speaker, and the Ministers are listening and I note the Minister without portfolio is making note, these fines alone will not, will not go a far way in stemming what is taking place on our roads.

I want to make a very important observation at this point. The condition, Mr. Speaker, of our road network in Jamaica leaves much to be desired. I welcome the announcement that persons who deliberately destroy public property by virtue of their carelessness when driving must, must, Mr. Speaker, must be held responsible, but it is also the responsibility of the Government to ensure that, one, there is proper signage; two, that streetlights are working. Stoplights, and I give you two examples. Industrial Terrace on Marcus Garvey Drive, one of the biggest intersections in the Corporate Area, for the last 15 years has been without stoplights, and you don't have to walk too far. Duke Street and Charles Street corner. Just a stone throw away from this Parliament building, and the frequency of motor vehicle accidents, Mr. Speaker, at this location. So if we are going to be imposing new fines, if we are going to be bringing in a new system to ensure that users of our roadways operate in a meaningful way that safety becomes the number one priority, then it is also the responsibility of the Government to respond in a meaningful way by putting in the necessary infrastructure to ensure that our roads are worthy, Mr. Speaker.

On the question of cell phones, Mr. Speaker. That again, Mr. Speaker, has serious implications, and I must confess publicly that I am one of those who drive and - but, Mr. Speaker, I think it is welcomed. But one of the things, you know, Mr. Speaker, I would have loved, if during the Committee hearings on the Bill, it would have been good if the Government was able to present figures to say that a number of motor vehicle accidents could have been attributed to the use of persons using cell phone while driving, because it would help, Minister, if we are in a position to say definitively that this is the reason why, but just to say that we believe.

Well, well, I would like to see the studies. I would love to see the studies, okay.

A MEMBER: Google it.

Mr. McKENZIE: No, no, we *caan* Google other people's study. We must use our own experience.

A MEMBER: Not always.

Mr. McKENZIE: Use our own experience. You can't tell me about what *tek* place in America and Canada and Russia and in Syria. Talk about the Jamaican experience. I'm not opposed to it, you know, but I'm saying, Minister, let us use our own experience to guide the decisions that we make.

Opposition MEMBER: Hear, hear!

Mr. McKENZIE: And finally, finally, Mr. Speaker, Minister I remember in a meeting with you some time ago and I suggested that the parish councils have a role to play when it comes on to using the road in terms of they have responsibility for certain roads, erection of signs and they do also, Minister, have traffic wardens who issue tickets. And one of the biggest challenge Mr. Speaker that the parish council face is that when these tickets are issued a lot of the motorists ignore the tickets, because there is hardly much in terms of policing that the parish councils can do. And I suggested to you, Minister, that you could have

incorporated the parish council system by tying into the networking so that when a man turn up at the tax office to licence his motor vehicle when the information is put in you would see that there is an outstanding ticket that is there. And I believe that is something that is worthy of consideration because you must remember we still have a two-tier system of Government: that at the level of Central Government and that at the level of Local Government. And I'm disappointed that the Minister of Local Government did not make those interventions during the hearing.

(Cross talk)

No, no, it can't be local - the machinery is not there and it is a suggestion, Minister, that is worthy of consideration. It can work. It can work, because remember a lot of the taxes that is collected on behalf of the parish councils is done through the central government system, so the networking is there. So all that is required is just to tie it into that networking and I would strongly make that recommendation.

Mr. Speaker, I support the Bill but the points I made in terms of the concerns I have I hope that when we get down to the stage where we are going to make these decisions that the Minister - the Government will look at and reconsider some of the difficulties that we have just pointed out.

Thank you very much, Mr. Speaker.

(Applause)

Mr. PAULWELL: Mr. Speaker I move for the suspension of this debate.

The SPEAKER: Is it that the wish of the House.

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 suspension of Standing Orders to allow for the recommittal of item, Statements by Ministers.

Put to the House and agreed to.

STATEMENTS BY MINISTERS

Mr. PAULWELL: Mr. Speaker, the Minister of Labour and Social Security will make a Statement.

The SPEAKER: Minister Kellier.

Mr. KELLIER: Thank you very much, Mr. Speaker. I want to make sure the copies are distributed.

Mr. Speaker, I am grateful for the opportunity this afternoon to address this Honourable House once again on the nation's flagship Overseas Employment Programme, in particular, the pre-selection exercise planned by the Ministry of Labour and Social Security for the Canadian Farm Work Programme to be held between August 10 to 28, 2015. I propose to execute my address this afternoon, Mr. Speaker, within the context of the new thrust of the Ministry as was enunciated by me in my sectoral presentation in April of this year. You will recall, Mr. Speaker, that I said then, going forward, it will not be prudent to view the Ministry of Labour and Social Security under my policy/leadership solely as the farm worker Ministry on account of our ongoing sterling efforts to put labour market intelligence: data, evidence, and strategic

thinking at the centre of our endeavours to place our human resource of varying skills-set at the cutting edge of prevailing global employment opportunities.

As I speak, Mr. Speaker, such overseas employment opportunities beckon to us in non-traditional farming areas of North America and Canada, and my team and I within the Ministry are seriously assessing our options with a view to entering into protracted negotiations with existing and new employers for the further growth and expansion of the programme. So, against this background, Mr. Speaker, my purpose this afternoon is to respectfully advise the Members of this Honourable House that beginning on August 10 of this year recruiting teams from the Ministry of Labour and Social Security will be travelling to four strategic locations throughout the island to conduct interviews of candidates selected from several parishes at one location. For example, Mr. Speaker, interviews for Mandeville (sic), St. Elizabeth and Clarendon, will take place in Mandeville, and so on.

What this means in essence, Mr. Speaker, and colleagues, is that the Ministry will be going islandwide to pre-select persons who will be suitable to work under the Canadian Overseas Employment Programme so that when the Canadian employers submit requests for workers in the various categories a ready supply of suitable workers will be available. Make no mistake about it, Mr. Speaker; this is proposed to be a serious exercise. As such, it is critical that the most suitable candidates be selected for participation in this process. In light of this, let me spare a moment, therefore, and briefly explain to this Honourable House and by extension the nation, why this is of extreme importance. First of all, this Honourable House needs to know that persons who are interested in participating in this component of the programme must of necessity have farming experience.

Government MEMBER: Say it again.

Mr. KELLIER: Secondly, it would be to such persons' advantage if they have received formal training in this field from one of our established agricultural training institutions. This would greatly increase their chances of obtaining the necessary visas from the Canadian High Commission to travel to Canada and participate in the programme. Mr. Speaker, I'm going to read that again. First of all, this Honourable House needs to know that persons who are interested in participating in this component of the programme must of necessity have some farming experience. Given this, it is incumbent upon me to use this opportunity to encourage in the gentlest way possible future candidates to prepare themselves by engaging in some form of training that could prove to be beneficial in the near future in so far as their desire to participate in the programme is concerned.

Conversely, Mr. Speaker, it must be said clearly that persons who do not have the requisite farming experience, whether formally or informally, are not suitable candidates for this aspect of the programme and application forms should therefore not be distributed to them for it is highly unlikely that such persons will be granted a visa to

travel to Canada under the programme. In other words, Mr. Speaker, only the best candidates will stand the best chance of being successful.

This Government, Mr. Speaker, has a responsibility to do everything possible to preserve the integrity of this employment-generating programme whose contribution to the social and economic development of Jamaica for more than sixty years cannot be over-emphasized or taken for granted. In general, the Overseas Employment Programme, historically at the national level, assists in absorbing our surplus labour, particularly in the rural parts of the country. We note, for example, Mr. Speaker, that in the year 2014/2015 fiscal year alone more than 14,000 workers travelled overseas to take up employment opportunities. What is more, through this channel the programme assists in seeing to the basic needs of literally thousands of Jamaican families by improved access to education, better housing, healthcare, and other amenities. The economy, in turn, is positively impacted by this programme through the inflows of remittances which goes a far way in assisting to stabilize the foreign exchange market.

During the financial year previously mentioned, for instance, some C$17 Million were remitted under the programme and other benefits to the country include:

- technology transfer through the adoption of more modern farming techniques;
- improved productivity;
- higher levels of savings;
- increased macro-economic stability;
- higher levels of entrepreneurship;
- reduced levels of poverty and social inequality.

But despite Mr. Speaker these benefits to the country, the programme is not without its challenges. And in the interest of time I will here dwell briefly on two of such challenges. Firstly, faced by the programme has to do with the strain on family relationships by the temporary movement overseas of one or more family members. In face of this problem, however, Mr. Speaker, the Ministry has sought to mitigate the negative effects of these circumstances through the implementation of a functionally integrated Family Services Programme, which was started some time and developed by my colleague on the other side. This draws on the expertise of professional social workers who provide support for the families of workers who are participating in the programme. These social workers operate primarily by investigating and responding to complaints from families here at home who are unable to cope with the separation of relatives and spouses, or worse yet who have been neglected. Mr. Speaker, I am pleased to report that since its formation, the Family Services Unit has had great success in ensuring that breadwinners in the programme remain in contact with their families and, most importantly, provide financial support for them.

The second challenge, Mr. Speaker, has to do with the number of persons who going AWOL, absent without leave. Truth be told, this continues to pose a major problem for us

within the Ministry. But largely because of this problem, we have been forced to take measures to rigorously improve exponentially our recruitment, orientation, and selection processes. And we have undertaken to doing so without apology to anyone, group or institution.

As I said earlier, Mr. Speaker, the integrity of the programme must be safeguarded at all costs. For the purposes of public awareness permit me to say a few chosen words specifically about the Canadian Overseas Employment Programme. As most Members of this Honourable House are reasonably aware, the Ministry of Labour and Social Security administers four employment programmes, namely: the United States Farm Work Programme and the United States Hospitality Programme, the Guantanamo Bay Programme and the Canadian Farm and Factory Programme. Jamaican workers are gainfully employed in several sectors under these programmes such as hospitality and tourism, agriculture, fishing, transportation and health care.

The United States Farm Work Programme or H2A allows for the temporary admission of Jamaican workers to the USA to perform agricultural work on a seasonal nature, provided that US citizens are not available, while the United States Hospitality Programme caters to Jamaicans with qualification and expertise in the hotel sector.

The Guantanamo Bay Recruitment Programme, Mr. Speaker, which began in 1962, caters to the demand for skilled and unskilled workers at the US Naval Station in Cuba. To date, over 1,000 Jamaicans are employed on the base there as carpenters, cooks, electricians, drivers, firemen, food service workers, *et cetera*. For its part, Mr. Speaker, the Canadian Overseas Employment Programme operates in two streams: the short and the low-skilled programme. Mr. Speaker, this programme is some 49 years old and under it the term low skill encompasses all the other groups of unskilled workers who travel to Canada to work, but who are not for work under the Seasonal Agricultural Workers Programme.

In furthering the process of public awareness, Mr. Speaker, it should be noted that skills categorized under the term 'low skill' include agricultural workers, hospitality and fast-food workers, laundry and janitorial workers and some of the categories of construction workers and factory workers, such as those who work in the food packing industry.

Mr. Speaker, at this juncture I am pleased to announce this afternoon [that] Members of this Honourable House will receive their quota of application forms for the Canadian Overseas Employment Programme to be distributed to suitable candidates in their respective constituencies. Mr. Speaker, let me state categorically that the forms should only be distributed to persons who satisfy the following criteria: they must be between the ages of 21 to 45, have some farming experience, possess a certified copy of their birth certificate, be literate, be of good character and in good health, must not have previously been disqualified from any overseas employment programme due to

medical or any other reason, possess a valid Jamaican Passport or a CARICOM Passport, must not have a criminal record and not having been deported from any country.

I go further, Mr. Speaker, and state that it is of absolute importance that the forms not be reproduced either through photocopying, computer generation or any other means, because any such forms fall in those categories will be disqualified. Under no circumstances must the forms be sold. Under no circumstances, Mr. Speaker, must the forms be sold. Any attempt to do this will carry criminal sanctions. And let those who have ears to hear not only hear me, but be wise and take heed as well.

It is important to note that the allocation of the forms to Members of Parliament this afternoon is based on whether your respective constituencies are located in the rural or urban areas of Jamaica. In simple terms those Members of Parliament whose constituencies are located in rural areas of the island can be expected to receive a larger allocation of application forms (Applause) as we are aiming for candidates with farming experience of one sort or the other. Over and against this, Mr. Speaker, I wish to say that there really is no need for any constituency or any controversy about the recruitment process on the basis of the allocation of forms. I say this because on every occasion that we plan for recruitment exercise a finite number of application forms are prepared by the Ministry. This means that the number of forms is always limited as this depends on the number of persons actually targetted for recruitment.

In any event, Mr. Speaker, individuals wishing to participate in the programme always have the option of interacting directly with the Ministry or visiting their respective parish offices to indicate their interest.

Mr. Speaker, although historically Members of Parliament play an integral role in the distribution of application forms, the fact is that leaders of civic organizations such as trade unions and employers' organizations, the Church and other social groups also play an indispensable role in the process.

In the final analysis, Mr. Speaker, the application form should be completed by the candidates and returned to their Members of Parliament accompanied by a passport-sized photograph and a character reference from either a Justice of the Peace or a security officer.

Most important, Mr. Speaker, the forms must be returned by the Member of Parliament to the Ministry by July 10, 2015, thereafter they will be processed and the names of all candidates compiled on a master list constituency by constituency and by parish.

Mr. Speaker, Members of this Honourable House, the wider public need to know that with respect to the Canadian Overseas Employment Programme the High Commission of Canada no longer requires a fingerprint check from the Ministry for selected candidates. Instead, Mr. Speaker, a police certificate from the Technical Service Division of the Jamaica Constabulary Force is now requested. This document is to be submitted when the successful candidates are called in to commence preparation for travel and to complete a medical examination.

And in bringing the presentation to a close, Mr. Speaker, I wish to clarify the spectre of misunderstanding surrounding the use and the issue of how our workers are selected during the recruitment process. The fact is that approximately 85% of the workers who participate in the programme are known as 'requested workers'. This means that they have travelled to work overseas under the programme before and were requested to return by their respective employers. The other 15% are new workers to the programme who ultimately are selected from the pool.

From a total of 3,000 persons who were selected during the recruitment drive in 2014, Mr. Speaker, some 1,400 persons remained in the pool of which preparation is being made for them to travel during the current period into 2016. Given this, Members of Parliament are being advised that they can call the Ministry or request an update on the status of persons who were selected from their constituencies because we maintain a database where the progress of selectees are tracked and recorded. Once you pass the test we know the next stage that you go to and the next stage and the next stage until you are ready to take the plane. So at any stage the Member of Parliament can call the Director of Manpower Services at the Ministry and you can get information on each person who you have been ……..recommended. It is in place and persons who have requested the information so far have received it.

Mr. Speaker, in bringing the presentation to a close I wish on behalf of the Government and people of Jamaica to thank most sincerely our main partners in this highly-prized venture: the High Commission of Canada and the United States Embassy. (Applause) They have provided the Jamaican people participating in the Overseas Programme over these many decades with a tremendous level of professional and dedicated service to facilitate the timely dispatch of workers for which we as a Government are eternally grateful.

I therefore give the undertaking this afternoon, Mr. Speaker, that the Ministry of Labour and Social Security is committed to working assiduously with both the Canadian High Commission and the United States Embassy. The overseas employers and the Liaison Service in the United States and Canada, in ensuring that together we continue to operate at the standard and at the level required to maintain the integrity and efficiency of one of the greatest partnerships to have emerged in the past 50 years between Jamaica and Canada and the United States of America.

The Members of Parliament in rural Jamaica, Mr. Speaker, will be assigned 40 farm work cards each, 40 for all rural Members of Parliament. Those with urban constituencies will receive 20. The Members of (Councils), Mr. Speaker, will be facilitated - in the last two exercises we moved them from 3 to 4 and Mayors to 5; this time we are moving all Councillors to five and we are moving the Mayors to 10. I sincerely hope, Mr. Speaker that we will use this exercise properly to empower the people of this country who are in need as much as we can.

(Applause)

The SPEAKER: Mr. Smith.

Mr. D. SMITH: Mr. Speaker, other than the brand new MP's I think most of us would have been accustomed to receiving farm work cards for decades, both US and Canadian, so I just wonder this afternoon what's special in that we are exposed to a 12-page lecture from the Minister about the farm work programme. What's new? The question that I would like to ask, however, is the programme growing? Over the last five years are we - is the request from abroad, both US and Canadian, for more Jamaican workers or it's stagnant or is it decreasing? You know, Minister, in fairness we know about the details. In fact, most of us in the Corporate Area we get these cards, we select excellent individuals, we send them to the Ministry of Labour, never heard anything else from the Ministry. So what's new?

Mr. KELLIER: Mr. Speaker, I think it is important because of the tremendous importance and the contribution that this Programme makes to the country and to families, that the public be fully aware, and since the Members in the House claimed to know, I think the public has a right to know exactly how the project is operating. Because we want to ensure that there is transparency about how we operate this Programme, so I have to put the facts on the table for everybody to know. That's the reason why we have to explain it, so that Members can know. And you will be surprised to know, Mr. Speaker that not every Member in this House really understands...

(Cross talk) (The Speaker gavels)

….how the programme operates, otherwise some of the persons that they recommend they would not recommend them, because it means they never did meticulous selection before sending them forward.

And we have to understand, Mr. Speaker, that even though we may pass the people at the Ministry level, the Liaison Officers who do the selection process may approve them, they still have another hurdle to clear at the Embassy or the High Commission. Now we have no control, no matter how good the persons are, we all have heard the remarks and the complaints, some good, hardworking farmers but they reach to the Embassy and the Embassy or the High Commission refuses them the Visa. That is not the responsibility of the Ministry. We can't influence the decision of the High Commission. However, this is the reason why we are insisting that we try and utilize persons in the programme who fit the bill, so to speak, so that when they go to the Embassy and they ask them any question they are able to satisfy the Embassy as well or the High Commission of their credentials.

But I believe, Mr. Speaker, everyone out there who needs an opportunity, we are giving them an opportunity to get engaged in the Programme. Some will get through, some may have to try a second time, but we offer them an opportunity, and give them some hope. And I think that is important.

The amount of money that has been remitted to this country... you calculate CAN$14 Million, and tell me how much billion Jamaican dollars that is, that we are benefitting from. So, it is very, very important.

And the Programme is growing over the years. When there was a fall-off in the US economy, Mr. Speaker, there was a lull. We had challenges - and my Member opposite will recall that our service in Canada, in the United States was reduced in terms of the numbers of officers from 35 to 7. And he had to start a programme of creative arrangements, so that we could fund the Programme for it to continue. It's not as simple as you see it. We have to do a lot of hard work to keep it going, and the officers who work over there in the liaison service are doing a tremendous job...

Mr. PICKERSGILL: Hear, hear!

Mr. KELLIER: ...and we owe them a debt of gratitude.

(Applause)

So, Mr. Speaker, the Programme has picked up again, since the US economy has bounced back a little, and we are growing at a rate of 10 per cent every year since the last two years, and that is why we have reached to 14,000 plus.

The indication from the persons whom we collaborate with have told us that this season coming up, we have an opportunity to grow much more than that, and this is why they want us to recruit a larger pool because of the expectancy that they see, being the recruiters in the field.

Mr. CHARLES: I just would like to ask the Minister, just two questions.

The SPEAKER: Mr. Charles.

Mr. CHARLES: Minister, in this Paper you have not said whether or not people who have applied for visitors visas, and have been turned down, can apply. In the past, they were not permitted to; have we gotten over that point?

And secondly, you have not announced whether women - I was saying that in the past people who have applied for visitors visa and have not received such visas, or were turned down, were not accepted for the Farm Work Programme; you have not mentioned as to whether or not that still stands. You have mentioned those who have failed, but you haven't said those who have failed to receive visitors visas. Secondly, this quantum of people, will involve women?

Mr. KELLIER: Mr. Speaker, thank the Member for the question. We are recruiting both male and female, because there is the need for those who are engaged in the strawberry picking, and the picking of cherries and we have some cherry farms coming on stream now that they want women to be engaged in the picking of the cherries because of the tender nature of their hands to do the reaping of cherries.

The reaping of strawberries is increasing. The numbers are moving up and they use women - as you would know Member from North Central Clarendon. Women are mostly used in the picking of strawberries, and that is growing. So we need to have women in the recruitment process as well.

In respect to the visitor visa - I think the question is, if you failed in an attempt to get a visitor visa, if it will impair you in going on the Farm Work Programme, is that the question?

(*Sotto voce* comment by Mr. Charles)

Mr. KELLIER: What you have to go do when you go to the Embassy on the form, is to

declare that you were turned down for a visitor's visa. What happens most times is that when they go - if they were turned down for the United States and it's Canada you're going, you must tell them that you had applied and were turned down, because if you do not do that, they will find out, and by the time you are to come back they will send you a letter to say that, you know, sorry, next time. You have to put the information there, and tell them. They will call you and ask you for the reasons, and they will determine in their own judgement whether or not they should let you go or not.

People have had that problem and have gotten through, and others have had it and not declared it, because the letter that they get back from the Embassy indicates that the information that they provided was not correct, and that is the reason. They had left off - to indicate that they had applied for a visa to another country and was turned down.

Miss GRANGE: Mr. Speaker...

The SPEAKER: Miss Grange.

Miss GRANGE: Through you, Mr. Speaker, I just want to say to the Minister that I think it is not fair to discriminate against urban constituencies, because in my constituency, I have a branch of the Jamaica Agricultural Society, the Tawes Meadows Farmers Group - and it is not funny; it is real.

(*Sotto voce* comments/Laughter)

Miss GRANGE: In fact, Mr. Speaker, I am very proud of this group because we worked closely...

(The Speaker gavels)

…we worked closely with RADA. They went through training in various aspects of farming. They were all certified farmers. RADA assisted us in setting up the farmers' group, and I can tell you, I proudly, right now, have three samples of honey that came out of that project. And they farm other things. So what I did the last time Mr. Speaker, when I got 20 forms, I had everybody go to an orientation with the Head of the farmers' group, and for the first time, I got excellent results when they went to be interviewed. So, I am saying it is not impossible...

Mr. McKENZIE: Some country man run way.

Miss GRANGE: And I encourage them, and I say to them, if you are interested in farming, don't go and apply for your passport and put on it, painter, and those things - focus on the farming. So what I want to say to you Minister, consider that if there is an urban constituency with an agricultural organization, and an active agricultural group, that you should consider increasing the numbers.

(*Sotto voce* comments/Laughter)

Thank you.

(The Speaker gavels)

Mr. KELLIER: Mr. Speaker, the Member has created some amount of excitement with her proposal, but I want to say to her that I think it is a very serious proposal that she is making. And I will advise her to utilize those that she has received, well, and if there is a need to go further she can appeal to the Minister, and he will see what is possible.

(*Sotto voce* comment by Miss Grange)

Mr. KELLIER: Yes, but they are moving out now. Now is the reaping time, going down

to October, so they will start moving. So we will take that.

The SPEAKER: Minister Bartlett.

Mr. BARTLETT: Mr. Speaker, just two observations. The Minister mentioned that 85 per cent of the workers who are called are from repeat workers, and 15 per cent would be the new workers. So, Mr. Speaker, the question that...

(*Sotto voce* comments by Mr. Warmington)

The SPEAKER: Mr. Warmington, you competing with... you're competing now.

Mr. BARTLETT: The question I want to ask, Mr. Speaker is, does that mean that the 40 that we are getting, only has access to 15 per cent of the possible selectees? And the second one, of course, is what the quantity that is required on this recruitment? And the...

(*Sotto voce* comment)

Mr. BARTLETT: No, for the total number - the pool, yes.

(*Sotto voce* comment)

Mr. BARTLETT: Yes... which will be added to the pool. But the question of the 15 per cent is very important, Mr. Speaker, because it provides the threshold as to what responsibilities these new selectees will have, and we do have examples of scores of our farmers not being accepted - and I am not using the term *rejected* - not being accepted, for sometimes, reasons that distress us, like soft hands, and so on, which when you check them, the hands have never been tested. But I just wanted to be clear that we really just have 15 per cent that's available to us, and secondly, what does that 15 per cent represents of the total that is now being recruited?

Mr. Speaker, the 15 per cent - well, first of all, we are looking at a pool of an additional 2,000 people, but the growth of the programme is approximately 10 per cent. Now, 10 per cent of the 14,000 is another 1,400 give or take. And those are people who will go just so. Now, you still have to have people in the pool, because employers, from time to time, want additional people, and at the same time, new employers who get attracted to the Jamaican workers come on stream and requires workers.

Now, when they want workers they don't really want them way down the road because the apples ripe now and they want them like yesterday, so we have to have the workers prepared and ready, and in the pool. Some of them may spend a little time, yes, which is how the thing is, but sometimes some go, and go very quickly. So, you know, the fact of the matter is that, what we are trying to ensure...

(*Sotto voce* comment)

Mr. KELLIER: Yes, but what... the increase in demand - the demand increase will ensure that they leave. But what will happen, those that are already in the pool will be at the head of the line, because we have devised a system - a tracking system to ensure that those who are in there don't wait for three years.

(*Sotto voce* comment by Mr. Bartlett)

Mr. KELLIER: Yes, I know that. And we are making sure they don't stay there for that length of time in the new arrangement that we have put in place, to make sure that that does not happen.

The SPEAKER: Mr. McKenzie.

Mr. McKENZIE: Mr. Speaker, as a first time Member of Parliament, I can't really find much fault, in terms of the benefits that my constituency has received from the Programme. Minister, I have at least six persons who have been recalled to go back, but there is just one concern.

(*Sotto voce* comment by Dr. Davies)

Mr. McKENZIE: (Laughs) There is just one concern, Mr. Speaker, to the Minister. At least four of my constituents spoke to me, that when they came back, the funds that were held on their behalf, they had some difficulty in collecting the funds. It took them quite a long time to get the funds. Can you just explain, because it is of concern to, at least those from my constituency who took part in the programme?

Mr. KELLIER: Mr. Speaker, from time to time there are some glitches in the system, but the bottom-line though is that every person on whose basis the service remits money here, every person gets what they are entitled to. So, we are indeed - I'll offer my apologies to those who had to wait more than the usual two - three weeks. But normally, by the time the workers reach here - in two weeks after they reach here, the money is normally available, but sometimes there are glitches in the system, and it takes a little more time. And that may be part of the reason why they did not get it as early as they would normally get it. But, the system is working quite well but there are glitches in the system sometimes, with the whole process. But the botton-line is that every single person who goes there and funds are remitted on their behalf at the bank, they do get their money. And I am happy that you could testify that although you are an urban MP, some of your people did go work, and come back, and collected some more money. So that is important. So the programme is working.

Thank you very much, Member from Central Kingston - Western Kingston. Mr. Speaker, I have a second Statement.

The SPEAKER: Before we get to the second statement, Mr. Hylton wishes to ask you questions.

Mr. KELLIER: Oh, sorry.

Mr. Andrè HYLTON: Thank you, Mr. Speaker.

Just a quick question - a comment and a question for the Minister. As the Member from West Kingston said, I am also a new Member of Parliament, and I appreciate the fact that every year we get some Farm Work tickets to issue to our constituents. There is a challenge - and the Minister and I had spoken about it - that we have to also be clear with our communication, because I don't wish the public to get the impression - and I believe other Members of Parliament share the sentiments - that we are the persons who are coordinating the Farm Work Programme.

And what we find, Mr. Speaker - and Minister, you know the stress we go under - is that you have 1,000 persons at the office, waiting for 15 tickets - well, in my case, 20 tickets, and Mr. Speaker, it sometimes gives us more bad names than - and headache, than goodwill. So I think we need to manage it, Mr. Minister, how we communicate to the public.

And very importantly, Mr. Speaker, I believe that persons should feel that they are free to go to the Ministry and make applications.

Finally, Mr. Speaker, we know the rural MPs get twice the amount as the urban MPs, so, Minister, we understand that and we have no challenge. However, when the softer programmes come around, we would like you to give a little more consideration to the urban programme. But, please Minister, let us communicate, so it eases the pressure on our offices, because the public expects the MPs to give them the farm work tickets at all times.

Thank you.

The SPEAKER: House Leader.

Mr. PAULWELL: Mr. Speaker, of course, the last point was well taken. The Minister has a second statement.

The SPEAKER: Okay, Minister Kellier.

Mr. KELLIER: Thank you, Mr. Speaker, I believe - Mr. Speaker, this Government continues to take very seriously its moral duties and responsibilities to protect the people of Jamaica, particularly the most vulnerable and disadvantaged members of the society.

In the 2014/15 budget, Mr. Speaker, $75 Million was made available by the Government under the Short-term Poverty Intervention Project in response to the economic challenges encountered by vulnerable groups. Approximately 3,500 poor households benefitted from this intervention. (Applause)

The project was done in collaboration with the Members of Parliament, each of whom was allocated $1 Million. The funding was directed largely towards the following activities, entrepreneurial ventures, provisions of compassionate grants, and so on. And Mr. Speaker, I want to commend the Members of Parliament for recommending to the Ministry projects that were productive, meaningful and viable. To this extent, Mr. Speaker, our evaluation showed that the assistance impacted in a very significant way the economic conditions of the recipients. (Applause)

I am happy to report to this Honourable House, Mr. Speaker that based on the positive outcomes from this intervention The Most Honourable Prime Minister and the Cabinet have decided that this year another $75 Million should be dedicated to continue this initiative.

(Applause)

Overall, Mr. Speaker, each Member of Parliament will again be allocated a million dollars. However, Mr. Speaker, instead of doing it the way we did on the last two occasions, the funds will be allocated in two tranches we are going to start earlier. So, Mr. Speaker...

(*Sotto voce* comments by Members)

Mr. KELLIER: Yes, you keep it until later still, you know, $500,000 will be available in the July to September period and the other $500,000 will be available in December. In implementing this programme, Mr. Speaker, the same methodology used last year will be adopted, each Member of Parliament will receive a letter that provides the details and the Orderlies will distribute them, 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.

Mr. Speaker, I want to urge all Members of Parliament to make their recommendation for the first tranche to the Ministry, at 14 National Heroes Circle, Kingston 4, for this first tranche of the $1M programme by the end of July 2015, so that we don't have any amount of piling up and the throughput can be done very quickly and efficiently to service the clients who will be supported in this programme.

So Mr. Speaker, once again, the programme has proved itself to have been a very useful social, special social intervention programme and we wish to continue with this programme, and possible to seek further assistance as was requested by the Member opposite last time that we should try and get an increase in the amount. We have been working along with the Ministry of Finance they have been very good to us in maintaining the programme and we will continue the dialogue on this matter.

Thank you.

(Applause)

Mr. PAULWELL: Mr. Speaker, we will revert now to Public Business, and for the remainder of the afternoon, Mr. Speaker, we will take one presenter as we continue the debate on the Public Procurement Act, the Member from Manchester North East will speak. Thereafter, we will suspend that debate and we will commence debate on the Electricity Bill, after which again we will suspend that debate to close it next week. And then finally today, we will take item 5 on the Order Paper, An Act to Amend the Income Tax Act, the Minister without portfolio in the Ministry of Finance will lead that and we will conclude that today, in that order, Mr. Speaker.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Thank you, Mr. Speaker.

Mr. Speaker, the Minister has opened the debate on this - The Public Procurement Act, 2014 no doubt it will be 2015, and the main feature by way of background, Mr. Speaker, if the - I wasn't present when the Minister spoke, but the issue is that the procurement system that has been in place over the years, has not been by way of a law, as such, but by way of a handbook, a very detailed, if not a very complicated handbook on Public Procurement which has seen its evolution over the years. And with each succeeding year the handbook on Public Procurement, in my view, has gotten more and more complex and quite possibly would lead to greater and greater bureaucracy. And so this law, it is hoped, Mr. Speaker, will allow for a similar but still transparent process of Public Procurement. And the main feature of this particular Bill, among other things seeks to separate the functions of the National Contracts Commission from the Office of the Contractor General.

Now as we know, over the years, the NCC and the OCG have been very closely associated. In fact, they have even operated out of the same offices. And the antecedents, in fact of this Bill are that in the previous

administration by a Cabinet decision, the decision was made to separate the functions of the National Contracts Commission from that of the Office of the Contractor General. And there was good, and this Bill seeks to do that formally, Mr. Speaker. And so to that extent the Opposition have no - we have no opposition to it because, indeed, the genesis of it was from our administration.

And the theory behind it, Mr. Speaker, is very simple, that the Contracts Commission, which is now about to - once this is promulgated, the Government has decided to call it, A Procurement Commission that the work of this Procurement Commission which, as the successor to the National Contracts Commission, seeks in the objects - Memorandum of Objects and Reasons, seeks to improve or to promote efficiency in public procurement proceedings and the implementation of procurement contracts, as well as, the promotion of transparency and equity in the award of procurement contracts, and is also responsible for the registration and the classification of suppliers, and of course, contractors.

So, Mr. Speaker, I believe that the independence of both entities is essential. One is to deal with a transparent process of awarding contract; it is to deal with the certification of contractors, and the other one which is the Office of the Contractor General is the question of monitoring the progress and performance and the actual out turn of contracts; monitoring the system of award and after that monitoring the actual implementation of the contract.

Mr. Speaker, I think that this Bill has to be seen as a work-in-progress, because I think that it still has some areas that require improvement, and as we go along, the Minister might want to take a careful look at some of these issues. For instance, I think that, while the Contracts Commission, Procurement Commission has the duty to certify contractors, I am not sure that there is a proper system in place for them to kind of monitor the performance. I think the licensing system is what? Every two years, or maybe a year.

I think that attention has to be placed on that to ensure that the contractors know that they are always being monitored and so when they come back for certification it's not just an automatic process, but it must show that the contractors are adhering to standards in terms of their performance and in terms of their output.

Now, Mr. Speaker, there has been the question of the method of appointment and the reporting system for the Contracts Commission. In the case of the Contractor General, they are a Commission of Parliament and as such report to Parliament and the method of appointment includes the recommendation to the Governor-General for the appointment of the Contractor General. And I know that during the course of the discussions in the Committee work that that issue has come up and I don't know if it can be considered to be a settled issue because although the Committee did not seek to recommend more independence for the Procurement Commission, I think that it should be kept in view. That is to say, taking

the Commission out of the direct supervision of the Minister of Finance and giving it a more independent status, I think is something, Mr. Speaker, that is worthy of more serious consideration and contemplation.

For now, it is proposed that the appointment and the supervision will continue to take place by the Ministry of Finance and the Minister of Finance. But I am of the opinion that we should look at some kind of permutation, some kind of formula that will give the Procurement Commission not just the appearance but in reality a more independent status. It might not necessarily have to be as extreme as the question of the Contractor General or the Auditor General, but perhaps a hybrid might be developed.

But you know, Mr. Speaker, I am of the view that while we seek to promote proper methods and internationally accepted standards, and while we seek to ensure that there is adequate transparency I think we also have to admit that we have to guard against the overbearing influence of an oppressive bureaucracy that can literally slow things down and lock things down to a point where we are not able to get things expedited on a reasonably expeditious basis.

But Mr. Speaker, I wanted to ask the Minister - it would be traditional that this Bill would have the accompanying regulations, and I would like him to comment when he closes the debate on what exactly is the plan there. Is it to take the present handbook and to basically revise it so that it can become the appropriate accompanying tool to the procurement legislation? And if so, then it means - I believe that the handbook itself needs some amount of revision in order to make it a more user-friendly set of regulations, and to that extent, in normal fashion it really should come as a companion document with the Bill, it's not here yet but I urge, Mr. Speaker, that it should be speeded up so that the process can be streamlined and the contractor award system can be expedited. Those are my few remarks on this Bill today, Mr. Speaker, if it pleases you. (Applause)

The SPEAKER: Mr. Bartlett.

Mr. BARTLETT: Mr. Speaker, I too wish to make a very brief comment on what is perhaps a most pivotal piece of legislation that is coming to this House, having tremendous implications for efficiency in public procurement but more so, being a critical tool for the increase in efficiencies while at the same time opening up access to markets for our local providers of goods and services.

The intention of course, is to create a global understanding of what is required to bid on contracts and also to enable our local contractors to rise to the standards of international bidders, so that they too can seek to contract in markets other than Jamaica. But perhaps the most important aspect of it, Mr. Speaker, is the effect that it will have on transparency and the reduction of corruption and nepotism and discrimination against bidders or would be contractors, on whatever grounds, because it will provide a harmonized system of rules and regulations which will define how contracts are established, bids are made and procedures for the awarding of contracts.

But it will go further than that. What it will do, Mr. Speaker, is to challenge us to create a cadre of competent, qualified and specialized individuals, institutions and organizations. So that, when indeed a procurement programme is completed and a contract is awarded, it can stand the scrutiny of even the most discriminating and even those who would consider that Third World countries are not able to make decisions above their peers and friends and family.

But Mr. Speaker, in order for the measures to be effective - and I have looked through the 67 or so clauses that comprise this Bill, and the various areas that it does cover, and indeed they are extensive, but, Mr. Speaker, whilst this provision enables us to broaden our scope it also provides us with the possibility, or it enables a situation where some of our current professionals may not be able to qualify, to participate in the process. And I speak primarily of the small and medium enterprises, because we know that scale is very critical in enabling efficiencies as well as competitiveness in pricing, as well as speed with which we turn over. Because part of the problem that we do have with some of our investment prospectors is the turnover rate for the completion of construction projects in our country, and that the ICOR which is the definition of the coefficient required to convert investment into growth, is influenced by the rate of turnover. The ability to finish your project in reasonable time. And we have found that our contractors on a whole, in Jamaica, are somewhere in the region of 15 months to three years, to complete normal projects of the size of US$100,000 and higher, and we have to improve on that. So we have to establish the mechanism too to train develop those small contractors to be able to produce and to provide the turnover rate to create the economies that will make them competitive.

But we have to do more than that because I think that the Bill itself does not provide the scope for this training and development, and so I am to propose, Mr. Speaker, that we look at a small business enterprise and employment Act as a companion legislation to this, to enable our smaller contractors to access capital to be able to facilitate capacity building of these smaller enterprises and businesses, but most importantly, Mr. Speaker, to give them a sense of capability to perform within this new arena of larger and more competent providers of goods and services. And I think that this companion legislation in itself will provide a platform for more and more of our local people to become involved in the procurement process. The second point that I wanted to raise on this, Mr. Speaker, relates to the matter of special procurement processes established to deal with projects which are deemed to be in the national interest. And the provisions I see are there, but I believe that the weakness in it, Mr. Speaker, which we have to examine, is not to say that they are exempted totally from the procurement procedures as you have, and that it's only the Cabinet that will determine. Because if indeed -

Mr. DALLEY: And Parliament.

Mr. BARTLETT: And the Parliament, yes. But if indeed, Mr. Speaker, we have set up the institutional framework, through the

Commission and it's agency, to enable transparency, to be able to assess capabilities, to advertise properly, to use technology, to determine not only fit and proper but also experience overtime, and ability to provide the resources, the financial resources required to complete the construction within a reasonable time; then, Mr. Speaker, all the elements and tenets which are in this Bill should be adequate to deal with even mega projects, because what we don't want is for a situation to obtain, such as we now have, with large mega contractors and mega investors who come into the country, arrange special deals, get special concessions, and after the projects are completed we are still paying them by way of subsidiary and ancillary benefits that flow from the activities that they perform.

And I can look at some that we have that we're involved, perhaps, with highways and the fact that even when the highways are finished they still have residual benefits to accrue to them as a result of arrangements that were made which are more beneficial to them and even damaging to the country. And Mr. Speaker you know not just variation but some, indeed, are even offered special agreements to have access to property and large portions of public land as part of the arrangement to enable the contract to be had and the project to be realized. Mr. Speaker, that I believe would disappear where they all have to go through the same crucible, the same contractual arrangements, the same set of rules and regulations. And indeed Mr. Speaker no, I am aware of large mega contracts across the globe in other countries.

Mr. PICKERSGILL: Oh, you are aware?

Mr. BARTLETT: Yes. Where those kind of side arrangements are not a feature of it and what a proper procurement procedure allows for is uniformity of process, consistency of regulations, consistency so that what applies here applies if you make the contract in Barbados, or if you go to St. Lucia, or if you go to Australia. That is what I believe this bit of legislation is about is the harmonization of policies and procedures that are standard throughout the world. It's a feature of globalization is what we're talking about which allows you to be a contractor here in Jamaica and anywhere else in the world you go, because you can walk behind rules and regulations, a rule-based...

Mr. DALLEY: And you can perform.

Mr. BARTLETT: And you perform most - and then more importantly the standards are there. The criteria are established and it is open for all to scrutinize and that the nature of the contract is a public matter. The nature of the contract is a public matter and it is on the public space through the internet and anyone can go and see what the details of the contractual arrangement were between the country and the contracting party.

Mr. Speaker, I believe that we need to look again at how we define those what we call projects of great national importance and whether or not we do require that they be exempted from all the rules of the procurement procedures as indicated here. Because, Mr. Speaker, one thing we want to be sure about is that when we have finally agreed on any area which involves public

expenditure and, indeed, the involvement of the country as a nation at the end of the day there can be no question as to propriety, at the end of the day there can be no question of any special deal. That all deals will be on the table and everyone will compete on the same platform and the results will be to the benefit of Jamaica, land we love.

I thank you, Mr. Speaker.

(Cross talk)

Mr. SAMUDA: Mr. Speaker, I'd like just to a brief intervention in this matter, because I want to ask the Government Ministers who are here if they really are convinced that the criteria used to qualify certain contractors in terms of [a] grade or Grade 1, 2, 3 - the grading of contracts.

Mr. DALLEY: Yes, the grading of contracts.

Mr. SAMUDA: If they are satisfied that the criteria being used is appropriate to the level of development and approach to business in contemporary Jamaica - in the world today. In the old days, if you didn't have an enormous set of bulldozers and tractors and cranes and all of the various equipment necessary you could not be considered to be a contractor. However, the world has changed and the way we do business today has changed. It primarily revolves around brain-power, knowledge, how things are done so you....

(Inaudible comment)

Mr. SAMUDA: Right now a lot of the large pieces of equipment that are now necessary to qualify as a Grade 1 contractor that can be acquired by leasing, by things like that. So I want to know if there has been an attempt to adjust the basis on which a person is graded as a contractor.

Another thing Mr. Speaker is, I don't think anybody here who has been exposed even at a peripheral level would be so naive to believe that the preparation of documents, *et cetera,* for a bid and the consistency of the names that come up every time for certain types of projects and the extent to which it seems they just take turns awarding contracts within a small band if that's accidental. I don't think it's accidental. I think it is sophisticated structure that seeks to keep a certain number of contractors involved. They don't all go out there and bid and on the basis of this great bid they're so much better than the other one. I think there is a lot of contrivance. I believe that and I believe...

Mr. CHUCK: Collusion.

Mr. SAMUDA: Well, contrivance. You have to contrive in order to collude.

Mr. CHUCK: Anyway, I don't like that term. (Chuckles)

Mr. SAMUDA: So the thing is Mr. Speaker, whilst we attempt to tighten up and this is good and the methods being applied through this amendment is excellent, but I just want us to try to turn our attention as we go along to the new ways of doing business so that you're more nimble. These companies are travelling lighter but with heavier brainpower and expertise so that the human element is far more important than the specific ownership of the equipment required to do the job into completion. And the speed with which the job is completed is a function of proper planning.

So it again comes back to the use of the kind of expertise rather than necessarily the size of your equipment and the type of equipment that you have in your yard.

A Government MEMBER: That's why you have grades.

Mr. SAMUDA: Well, that's why - but it's a method of grading. Not enough, I fear, is placed on the level of human expertise than is placed on the size of the equipment that you have parked in your yard.

Thank you, Mr. Speaker. (Applause)

Mr. DALLEY: Good point.

Mr. PAULWELL: Mr. Speaker, I move for the suspension of the debate.

The SPEAKER: Is it the wish of the House.

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 move for second reading of the Bill shortly entitled, "The Electricity Act, 2015".

The SPEAKER: The question is for the suspension of the Standing Orders to allow the Minister to take the Electricity Act.

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, I want to thank you and Members.

You know every time we address new Bills in this Parliament, we do create history, because our laws are of such that they are enshrined as bodies of rules that govern our activities and so we speak to these moments as historical. Well, Mr. Speaker, today is indeed, a historical moment as we now seek to transform our electricity sector one that depended and had its basis on rules that were established in 1890 under the Electric Lighting Act. One hundred and twenty-five years have elapsed since there has been wholesale revision of the legislation that governs this sector. Within that period of time, Mr. Speaker, the sector has been marred by a lack of transparency undefined roles and responsibilities as well as the absence of rules that provided a modern and enabling framework. During that period as well, there have been uncoordinated efforts to introduce new concepts by means of amending the licence held by the owner of the transition and distribution system instead of really revising the out of date 1890 law.

The Bill Mr. Speaker, colleagues, attempts to regain lost ground by providing clarity, recognizing international best practices and introducing new concepts that have emerged over time. Some of these new concepts include:

- Firstly, the recognition of renewable energy as a source of electricity for supply to the national grid that should be taken when available. This is an important new dimension to the complex energy system that we now have internationally and Jamaica has fully embraced.
- Secondly, Mr. Speaker, the concept of the micro-grid for the electrification of rural areas. This is now a phenomenon that we have to deal with as we now move to complete the work of rural electrification. Jamaica stands proud, Mr. Speaker, the world

averages 75 per cent of countries have rural electricity or not total electricity. Jamaica has 97.5 per cent electrification. I don't think we believe that, but it is true and Members ought to applaud the word of the Rural Electrification Programme over these many years; over these many years.

(Applause)

A MEMBER: And legally connected, right.

Mr. PAULWELL: Yes, well, we're going to deal with the illegal connectors in a short while, because that is also one of the phenomena that we face in our country and we will have to address in this new Bill.

Mr. Speaker, the matter of energy efficiency and energy conservation. Another critical area, because if we can avoid some of the things that we spend on by conservation it means the country will be benefiting overall. It means we will spend less money importing scarce - well, expensive fossil fuel to generate so much electricity for our needs. We are told that Jamaica is an inefficient user of electricity and, yes, over the last couple of years we have seen improvements, but we now have to make rapid - more rapid strides to conserve and to be more efficient.

Mr. Speaker, the use of smart technologies including smart grids. This is now a reality and we are not going to be left behind. Also, the introduction of the concept of a self-generator who will be permitted to wield electricity, that is, to generate in one location and use up to an equivalent amount in another location and sell excess electricity to the national grid through net billing. We have these two measures that are in place, but without legislative support and we are now seeking to fix that. And very importantly, Mr. Speaker, the transformation of the Government Electrical Inspectorate to a regulator and the simultaneous outsourcing of inspections to suitably qualified persons from the private sector thereby allowing inspections to be conducted in a more expeditious manner. This is an area where we've been cited time and time again for not being able to conform with international best practices and sometimes the complaints that are levied are quite tremendous and it does affect the way we do business. And so, this is an area now that will be reformed to make it far more efficient and accountable. The creation of a fund to be utilized for the benefit of the electricity system which will, in turn, benefit all rate payers.

So, Mr. Speaker, as a corollary to the above, the Electricity Bill will ensure that the underpinnings of a successful electricity sector are accomplished. For example, the codes that should govern the transmission, distribution, dispatch, supply and generation activities will finally be developed within a certain specified time.

The Bill also seeks to codify the seminal principles of natural justice, such as code periods, as well as ensuring that persons aggrieved by the decision of the Regulator will have an opportunity to have the matter heard by a newly constituted Electricity Appeal Tribunal.

The pursuit of transparency, Mr. Speaker, in the sector, will be further achieved by the requirements imposed in the event of a major system failure, the requirement for public procurement for a new generating capacity, the separation of the accounts of the single buyer, and the real time provision of dispatch activities to stakeholders, including the OUR and the Minister. There will be a fine to be paid by the System Operator to rate payers - a fine to be paid by the System Operator to rate payers, in the event that the most efficient and cost effective generating plants are not dispatched first save for technical reasons which should be justified in writing.

The Bill will also introduce a lower threshold for the establishment of the offence of illegal abstraction of electricity, accompanied by higher penalties, and an increased term of imprisonment, in order to provide an effective deterrent. Mr. Speaker, this has been quite an involved process, taken many years to get to this stage, and I am so pleased that this Parliament is now willing to consider, and to have this Bill approved next week.

There have been wide scale consultations to achieve the Bill that is before us. Those consultations commenced with the work done by a group of international consultants provided to us by the World Bank. And those consultants have been engaged in many meetings with the various stakeholders, and they also took into account the best international practices that are available.

There have also been extensive consultations with the newly created Electricity Sector Enterprise Team, ESET, the Offices of the Utilities Regulation, the Jamaica Public Service Company Limited, the Independent Power Producers, and the major international financiers of new electricity generation projects that are to come on stream in the not too distant future.

Anyhow, Mr. Speaker, sometimes in trying to achieve these Legislations, we try to strive for perfection, and sometime the good is the enemy - becomes the enemy of perfection. And we acknowledge that it is going to be difficult to achieve perfection. We are striving for it; we are working for it. And in fact, the Bill, as we will see later, provides for a review that is mandatory to examine how it operates, and to see whether there will be need for reform.

So even at this stage, we acknowledge that there will be a need for tweaking. But we have come to a point where we now need to pass this law, and I will certainly invite the House next week to do that. And I want to convince the House this week by looking at the Bill clause by clause, and to show the full justification for all the provisions therein.

Next week I will be moving some minor amendments to deal with some of the typos that are usual when you do this type of major activity. And I will circulate that to Members in due course.

Of course, the Bill has its long title, and it also has, under Part I, the short title. I will go then, to Section 2 which outlines the terms - some of the terms used in the Electricity Bill. I am not going to go through all of them, but there are some that require some focus today.

The first one I want to deal with is the interpretation given to *integrated resource planning*, which means the planning by the use of policy to make a comparison between the demand and supply of electricity by an electricity generator to minimize the cost of reliable services to electricity consumers - and we will get back to some of those things later on.

The concept of *self generator* means a person who generates electricity for that person's own exclusive use. Now, there are some confusion that abounds on this. Anybody in this country can generate electricity for him or herself, or business.

(*Sotto voce* comment)

Mr. PAULWELL: Right, privately. You can generate and supply electricity to yourself. There are no impediments to that, and the rules will make it clear. And so, there is this...

(*Sotto voce* comment)

Mr. PAULWELL: I am coming to that. There is this concept of self generator.

Mr. HOLNESS: You have some who will want to do other things for which they need a licence.

Mr. PAULWELL: You need no licence for that.

(*Sotto voce* comment by Mr. Holness)

Mr. PAULWELL: Right, I am explaining it. But, you have some self generators who will want to do other things, for which they will need a licence. So, we come back to that. And I am going to come to it right away because you have the concept of net billing. *Net billing* means a mechanism for self generators to sell excess power to the single buyer by way of a standard offer contract. And that is in place now. It has worked reasonably well. I have issued to date, over 300 licences.

A MEMBER: Licences!

Mr. PAULWELL: Yes, issued. And we are seeing, so far, a shortfall, in terms of the rate at which the connectivity occurs. I think we are gone over 100, and my view is that it shouldn't take so long between the issuance of the licence and the lull implementation of that policy which enables the self generator to sell the excess amount to the grid for a price that is determined by the OUR.

And then, there is *wheeling:* means an arrangement whereby a self generator provides electricity to the system on terms that allow the person who is wheeling to use an equivalent amount of electricity from the system at another location. So you are in Montego Bay, you have your offices there but you also have offices in St. Thomas, in Morant Bay; you are able to generate from that office and wheel on the grid to your other office in an arrangement referred to as wheeling. That is now fully explained and expanded in the new law.

Then there is the concept of the *Single Buyer* which means the licensee whose licence obligates it to purchase electricity generated by independent power producers, and persons having net billing arrangements.

The Standard Offer Contract is defined - also means a contract developed and approved by the OUR, referred to as *the Office* for use in promoting renewable energy. You are going to see us talk a lot about *renewable energy* as

a part of the main objectives of this law, going forward, and how we have been able to incentivize our people to participate more and more into providing renewable energy.

Now, very importantly, *Generation Procurement Entity*. I think in the first Draft of this Bill there was a confusion as to who will be responsible for procuring electricity generation systems, and it is quite clear that it is not the OUR - and you know, my view is about that. I don't believe it was right for OUR to be involved in that.

It is not the Minister because I don't think it accords with not only best international practice, but the role of a Minister. And that really should be left to another body which is referred to in the law as *a procurement entity* that the Cabinet of this country has authorized to establish and we see that the ESET has been established, and they have worked, so far, reasonably well. I see you are applauding.

(Applause)

Mr. BARTLETT: That is my point, put it in the law.

Mr. PAULWELL: Very well. And I am sure you will join in support of this provision.

Mr. Speaker, the existing licence, and you are going to find that this term - and this matter is going to be a feature; it is probably going to be the elephant that is in the room at all times because there is an existing arrangement that we have to recognize, and make valid, and give legal effect, the existing licence. And we all know what that is.

It means a licensee who was granted a licence under an earlier Act who will now have their licence kept valid under this Act. And it is not only in relation to JPS because as I have mentioned before, I have issued over 300 licences so far and we have to grandfather those, and to enable them to continue to operate as they have been.

We have IPPs which is another term that is being defined here, who have licences. And it means the licensee that owns or operates facilities for the generation of electricity for use primarily by the public. And associated with that is the term *power purchase agreement,* which means a contract between an independent power producer and the Single Buyer, which requires the Single Buyer to buy electricity from the independent power producer.

The law looks at the various objects in that first part, and they are quite significant. Firstly, to modernize the regulation of the generation, transmission, distribution, supply, dispatch, and use of electricity. It is to promote transparency within, and between participants in the sector. It is required by the respective roles and responsibilities in the electricity sector. It is to facilitate efficient and sustainable development of the electricity sector, supported by adequate levels of investment, which is very important. It is to promote energy efficiency and the use of renewable energy. It is to prescribe the required standards in the electricity sector. It is to ensure the safety of the public, and it will ensure that the regulation of the sector is transparent.

Part II of the law deals with its *Administration.* Section 4 outlines in a general way, the roles and responsibilities of the

relevant parties. And so there are different players that are integral to our electricity sector.

The first one is the Minister. And the Minister and Ministry now has a clear role that will deal specifically with the responsibility of policy - well, certainly, a link with policy. And that role is for planning. You can't have a haphazard system developing without proper planning, without care being taken to make sure that you achieve what you want. You need to look at what is the demand; how you are going to ensure that at all times you have adequate supply for that demand. At all time you have an excess - a spinning capacity that will ensure that if you have shortfalls in some areas, you don't start to experience wide scale load-shedding. You have to make sure that the demand is able to be properly dealt with by supply.

And so the Ministry now has its role of planning. And planning is not just a daily event. Really, it is an event that should be looking to the future - twenty years - thirty years that we plan for, to ensure that our system is stable and reliable.

I mentioned also the Generation Procurement Entity that will be responsible for procuring generation capacity. Then, the Government Electrical Regulator will regulate electricians and electrical inspectors and of course, there is the Office of Utilities Regulation which will regulate the sector generally.

The OUR under Section 5. The law states that the OUR will give directions to any licencees with a view to ensuring that the needs of the consumers of the services provided by the Single Buyer, which is the JPSCo, are met, and the Single Buyer operates efficiently.

Section 6 deals with the standard of Single Buyer. It replicates some of the basic requirements stated in the all-island licence that JPSCo now operates. More particularly, the Act states that the Single Buyer should provide an adequate, safe and efficient service, based on modern standards, to all part of the island. The Single Buyer shall not show any undue preference to, or discriminate against any person as regards the sale or purchase of any goods which includes electricity.

Section 7 spells out more - the responsibility of planning. The Minister will be responsible for planning the development of the system. Planning will include the collection of data from electricity service participants and the conducting of consultations with electricity sector participants.

The planning approach will be integrated and will consider the location of renewable energy sources, and the potential for the electrification of rural areas. All a part now of the new role, clearly defined for the Minister and his Ministry.

Part IV, Section 8 of law deals with restriction on certain electricity services without a license. No person is allowed to engage in the generation, transmission, distribution, dispatch and supply of electricity without a license from the Minister.

A person who generates electricity as a self-generator for that person’s exclusive use will not need a license from the Minister

unless that person enters into a net billing, wheeling arrangement or connects to the grid for some other reason.

Now the basis for grant of electricity licenses. Now electricity license may be granted by the Minister pursuant to the work of the procurement entity. So once they have done that procurement, a license is recommended and the Minister will issue such a license. Pursuant to the net billing arrangement, and also wheeling arrangement, and also where the Cabinet has determined that an emergency situation exists and a license ought to be granted for the generation of electricity for the grid, or where there is a government to government arrangement, or due to exceptional circumstances in the public interest, it is so desired. Even if a proposed licensee has met the requirements for the grant of electric license, the Minister may refuse to grant the license where he is satisfied that the electricity that would be supplied pursuant to the license would exceed the systems needs.

And then, Section 10 deals with the characteristics of electricity licenses. I won't go into details there.

Section 11 deals with the register to be kept, the Minister will maintain a register in which the particulars of each license will be entered and of course, this will be public.

The restriction on transfer of electricity license under Section 12, no license will be transferrable to any other person without the approval in writing of the Minister that is an important provision.

Section 13 deals with the revocation or suspension of the license. The Minister may revoke a license or suspend an electricity license for such period as he thinks fit if he is satisfied that the licensee has committed an act of bankruptcy within the meaning of section 57 of the Insolvency Act, the licensee has breached any of the terms of conditions of the license or the licensee has not complied with any direction of requirement issued by the OUR or in the public interest so required. The suspension or revocation of electricity license will not relieve the licensee of their obligations incurred prior to the suspension of the revocation of the license.

Section 14 deals with notification to the Minister by the office. If the OUR is satisfied that an electricity licensee is contravening or is likely to contravene, or has contravened any condition of the licensee's, the electricity license any of the codes, any provisions of this Act, or any regulations made under it or any direction given issued by the OUR to applicable to the licensee the OUR shall notify the minister in writing to this effect.

Section 15 deals with the failure to comply with the direction of the office.

And then we move to Part V of the law. Section 16 deals with electricity frequency, we are still going to operate under 50 hertz system.

Section 17 deals with the duties of generation licensees other than self generators.

Section 18 comes back to the question of self generators, again we want to make it clear that individuals can establish their own systems and we are encouraging more and more persons to look at renewable energy, especially solar as a viable means of

generating electricity for yourself and with the attendant benefit from the net billing and wheeling arrangement.

Section 19 deals with the independent power producers. This is a very important category of players in the sector, we already have a number of existing players, independent providers, we have Jamaican Energy Partners, we have JPPC, and there are emerging ones. Recently we have granted licenses for Renewable Energy, we have Wigton Wind Farm that is in existence, it is to be expanded and others. The provisions under 19 will deal with those arrangements.

Section 20 deals with the procurement of new generating capacity; we have already referred to the role of the generation procurement entity and that we want to ensure transparency in the arrangements that exists for attracting new generators. And I think we have learnt a lot of lessons from past activities and we, I believe, are on the right path in terms of how to attract investors for such large scale project.

Section 29 Mr. Speaker deals with renewable energy and I really want us to focus on this because, in the energy policy, which was promulgated by that side when you were in Government supported by us, we made it clear that we had to move towards greater fuel diversification, that this reliance on the use of liquid fuels, heavy fuel oil and diesel to generate electricity is not sustainable, it's too expensive, and even with the price of oil coming down as it is we can anticipate that in short order the prices are going to go back up and that Jamaica ought not to be relying, as we have been almost exclusively, 95 per cent of our electricity is generated from imported fossil fuel, it is unsustainable and it doesn't assist with the work that my colleague, the Minister for the Environment, the Minister who has responsibility for Climate Change. It is now, it is now acknowledged that the climate is affected by the greater emission of carbon dioxide in the atmosphere and we have to curtail that.

So renewable assist us in enabling us to generate using our own fuel and we have enough of it through the sun, the wind, our the rivers, through our waste, the sea, so many sources that are becoming more and more viable due to the improvement in technology.

So Section 21 allows the Minister to prescribe renewable energy targets which may include a feeding tariff set by the OUR for each source for renewable energy. The electricity generated from renewable sources to be injected into the grid will be granted priority access. So we are going to come back to the whole matter of dispatch, but what is quite clear is that once the energy is generated using our own fuel, it is going to be treated as priority and to be dispatched above anything else above the imported ones, that is what this means. And we are going to be very ambitious in a realistic way, in a practical way because our overall objective is to reduce cost, but we are seeing where renewable technology is becoming more and more competitive. The costs are declining, the technology is improving and we believe in our lifetime, in fact, in a short while they will be on par if not better than fossil fuel in terms of prices.

(*Sotto voce* comments by Members)

Mr. PAULWELL: Yes, but I fervently believed that we are approaching the point where renewables will be on par or better than fossil fuel and therefore, as a government, we have to support that.

I have not spoken about nuclear as yet, but I am not going to go there today, only to say that it is also a part of our energy policy, as part of our energy policy.

(*Sotto voce* comments by Members)

Mr. PAULWELL: Yes, I am thinking about gas, diversification must be from liquids to gas and you know that, and I think that ESET reaffirmed today that the Bogue Plant in Montego Bay will be transformed using gas by the first quarter of next year, LNG and that the 190 megawatt facility by JPS will also be fueled by natural gas. And for the first time we now have access to gas and more will be said about that next week by me.

(*Sotto voce* comments by Mr. Samuda)

Mr. PAULWELL: Yes. Jamaica will be the hub you must clap.

(*Sotto voce* comments by Members)

Mr. PAULWELL: Mr. Speaker, he is awaken now.

Mr. Speaker, Part VI of the law deals with the transmission, distribution and supply activities.

Section 22 deals with the duties of the transmission, distribution and supplies licensees to maintain and efficient and safe system safety is very important.

Section 23 deals with the approval of local authority for the placement and removal of electric lines. The Parish Councils are involved and must be integral to the location and placements of these lines and their approval must be sought.

Section 24 deals with the order of Resident Magistrates to remove electricity line.

Section 25 deals with wayleave agreement.

Also Section 26 deals with the registration of railway agreements.

Section 27 deals with the arbitration process where there are disputes in that matter, and of course, there is the offence of cutting electricity lines.

Section 28 - it is an offence of damage any electric line or work with the intent of stopping the supply of electricity - that is different from stealing, where you are actually sabotaging the system.

(*Sotto voce* comments by a Member)

Mr. PAULWELL: Yes, very well.

Section 29 deals with the right of entry to purchases for inspection, the single buyer has such right.

Section 30 deals with offense of obstructing agent of single buyer to have access.

Section 31 deals with the power of the Minister to cause line and work to be removed.

Section 32 deals with the right of easement of the single buyer, the single buyer can install its electricity equipment use for the supply of electricity on any land unless the land is used as a pleasure ground or land being the cartilage of a dwelling house.

Then there is the compensation for easement of Section 33, the notice to owner of land.

Section 34 and very importantly the use of the poles, you know, we speak of competition here in terms of electricity sector, and sometimes people misunderstand because you can really only operate or have one grid. So to say that you must have competition as if you could locate another grid or two or three, it is quite erroneous. You can only meaningfully have one grid and those poles ought to be shared with other players not to establish another grid but for other purposes. And so the law makes it clear that the single buyer can enter into any arrangements for the joint use of poles with another person and the OUR can direct the single buyer to allow joint use of its poles with another person if it is in the public's interest, and of course, the...

(*Sotto voce* comments by Mr. Samuda)

Mr. PAULWELL: No, that is ultimate, but for the time being it is very expensive, very expensive.

(Cross talk by Mr. Bartlett)

Ultimately I would love to see a city without power lines.

Mr. BARTLETT: In a hurricane prone area.

Mr. PAULWELL: Yes, it's certainly beneficial for those countries in hurricane prone zones, but it is extremely expensive and it is an aspiration that we will continue to have.

Section 36 deals with fair compensation for use of poles, and how to determine that compensation is dealt with in 38 - sorry, in 37.

Section 38 deals with the lines, meters not being subject to distress.

Section 39 deals with entry onto land by agent of single buyer, payment for damage to land at Section 40, compensation issues dealt with under Section 41. The issue of trees and the necessity to fall some of these trees to enable safe distribution and proper maintenance, that's dealt with at 42. A maintenance plan has to be developed at Section 43, and then, Mr. Speaker, an important area dealing with the System Operator. Sometimes we have had all-island blackouts; sometimes we have had misplaced dispatch, electricity being dispatched from a place that produces higher costs electricity than other places. We are now going to regulate that better. We are going to regulate that better. So Section 44 deals with obligation to comply with System Operator's direction. All persons who are licensed to generate electricity must comply with the direction of the System Operator.

Duties of System Operators re dispatching activities. The System Operator must separate its dispatch activities from its transmission activities and activities relating to generation, distribution and supply. The System Operator will be JPS but we are going to be wing-fencing that part of the operation to make it a lot more transparent, and subject to review and audit by the OUR. So at anytime the OUR does its audit and it is found that dispatching is taking place out of the merit order, then the consumer is entitled to some redress.

Mr. MAIR: The System Operator is JPS?

Mr. PAULWELL: Yes, yes, yes, but you are going to wing-fence that - it is too

expensive to establish a new operator, but you can monitor and you can audit.

Mr. MAIR: And they will decide which...

Mr. PAULWELL: Yes, yes, yes!

Mr. MAIR: …who they are going to buy it from? The dispatch order.

Mr. PAULWELL: Based on a merit order system.

Mr. MAIR: That they are going to stand?

Mr. PAULWELL: No, no, but the merit order is quite clear, that you dispatch based on the price. Only where you have available renewable energy.

Mr. BARTLETT: Renewable energy?

Mr. PAULWELL: Yes. That is the first energy to be dispatched. That's the one that we create.

Mr. BARTLETT: With solar...

(Inaudible comment)

Mr. PAULWELL: All of those are renewable energy and they are preferred over the others.

So Section 45 goes into tremendous detail on dispatching activities, and I won't go through all of that with you. I will move to Part VIII which deals with the duty of single buyer to maintain separate accounts. This is another important innovation where Section 46 states that the single buyer must at all times keep the accounts for its generation, transmission, distribution and supply activities separate and distinct.

Now we were contending with keeping the business separate. Splitting up the businesses, and I know that some of you were looking forward to that, but it's not practicable at this time. Probably later on down when we are generating 1000 GB, but today, with our system, with the existing arrangement under the license, we are going to ensure that there is transparency by the maintenance of separate accounts for each function of the single buyer. Then Part IX deals with codes. The OUR must prepare each of the codes for the general direction of licensees within 12 months after this Act becomes a law.

Mr. Speaker, I want to deal with Part X, because we are breaking new ground. With Part X we are now establishing a Government Electrical Regulator. A regulator now that will deal with the matter of electrical inspection.

Mr. BARTLETT: So there is an inspectorate.

Mr. PAULWELL: Right. So Section 48 Mr. Speaker, establishes the Government Electrical Regulator to replace - will replace the Government Electrical Inspectorate. It will be governed by a board and the functions of the body will be, among other things, to recommend suitably qualified persons from the private sector, to be licensed by the Minister as inspectors, and to monitor the quality of work being performed by these electrical inspectors by conducting reviews on a random basis.

Section 49 deals with licensed electrical inspectors. A Licensed electrical inspector assigned to a particular rate class may inspect premises of the corresponding rate class or any lower rate class. A licensed inspector must certify that any premises, facility or apparatus is fit to be connected to the system, if he is so satisfied that electrical wiring and installations at the premises, facility or

apparatus are safe and comply with the codes. The single buyer shall not connect any premises, facility or apparatus to the system unless it has been duly certified by a licensed electrical inspector as fit to be connected to the system. That is very important.

Mr. BARTLETT: Too much bureaucracy.

Mr. PAULWELL: Too much bureaucracy, and what we are doing now, we are going to facilitate outsourcing of that to enable greater activity.

But very importantly, Mr. Speaker, Section 50 deals with the Committee of Examiners. Right now we have a board of examiners. Section 50 says that there would be a committee of examiners consisting of not less than three persons appointed by the Board of Government Electrical Regulator. So the Regulator will deal with the Electrical Inspectorate, but also be comprising a committee of examiners, which is an important function for the Government. That you can't relinquish to anybody else.

This Committee will have the functions of certifying persons who may be duly certified and registered to practice as electricians in Jamaica, and ensuring the maintenance of acceptable standards of professional conduct by persons registered as electricians under the Act. Mr. Speaker, I am winding down now. Part - you know I am not long-winded.

Part XI deals with a special fund, System Benefit Fund. This Act establishes a fund to be called a System Benefit Fund and which shall be administered by the OUR. The Fund shall be used to benefit the system and among others things, to increase the penetration of renewable energy. Another objective of this law.

Part XII deals with the Appeal Tribunal. The law now provides adequately for the Electricity Appeal Tribunal and people aggrieved licensees can take their matters before the Tribunal and this is where you are aggrieved by the rulings of the OUR.

Part XIII deals with Rural Electrification. The single buyer has the responsibility for any rural electrification. But where that single buyer is not interested in providing electricity in all areas of Jamaica, a license can be granted to a licensee by the Minister to develop what we now refer to as a micro-grid, or to provide renewable energy solution for rural electrification.

Part XIV -

(The Speaker gavels)

The SPEAKER: The Member’s time for speaking has expired. (5:59 p.m.)

Mr. ROBINSON: Mr. Speaker, I move that the Member's time be extended by ten minutes to complete his presentation.

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

Motion put to the House and agreed to.

The SPEAKER: Minister.

Mr. PAULWELL: Much obliged, Mr. Speaker and colleagues. I am going to finish in less than 10 minutes.

Mr. Speaker, Section 54 deals with penalties. Where an offence under this Act does not specifically state the punishment, the offender will be liable to pay a fine of up to $5

Million or serve a sentence of imprisonment for up to two years.

Dr. DAVIES: Draconian.

Mr. PAULWELL: Yes, but important because we now have to bring order to our electricity system.

Section 55 deals with fixed penalties where the OUR has determined to believe that a person has committed an offence under the Act, it may give to the person the prescribed notice in writing offering the opportunity to discharge any liability to conviction of that offence by payment of a fixed penalty.

Part XV deals with regulations. Fifty-six (56), 57. The Minister may, by order, amend monetary penalty. Fifty-eight (58) deals with amendment of the larceny Act. The Offence of unlawfully abstracting electricity is amended so that the Government does not have to prove the higher threshold of maliciously and fraudulently abstracting electricity, but instead, knowingly abstracting will be sufficient to establish the offence. So once the person knowingly abstract electricity, the offence is being committed. It doesn't have to meet the higher threshold as before.

This Act - this is Section 59 now. This Act makes unlawful using or diverting electricity an offence punishable with a fine not exceeding $5 Million, or to imprisonment for a term not exceeding two years, or to both. Again, the unlawful abstraction of electricity.

Mr. BARTLETT: That's a very serious one.

Mr. PAULWELL: Yes.

Section 60 deals with the repeal of enactment. We are repealing the Electric Lighting Act, the Electricity (Frequency Conversion) Act, and the Electricity Development Act. These are hereby repealed, and as I mentioned earlier, Mr. Speaker, Section 61 mandates a review of the law within a five year period. We have Saving Regulations under Section 62 and Section 63 deals with savings and transitional provisions.

So Mr. Speaker as I started I will conclude in this opening that this is truly breaking new ground. It is indeed historic. It is enabling us now to have a proper structure for generating, transmitting, distribution for enabling access to the grid, for enabling competition, to incentivize persons who wish to be self-generators and Mr. Speaker to ensure that people who invest in the sector, that there is certainty of the rules governing the sector and that we will find increasingly, as we are seeing emerging, a sector that will see tremendous and rapid investment and greater order and will continue to be a major benefit to the Jamaican consumer.

Mr. Speaker, many of us don't realize it but the price of electricity today is substantially lower than many years ago. I can't really take all the credit, but I know when the price -

(Heckling)

Mr. HOLNESS: Can't take any credit?

Mr. PAULWELL: When the price…

(Heckling)

Mr. Speaker, when the price is going up I am blamed, the price is coming down now; I am taking some of that credit.

(Heckling)

I am taking some of that credit.

(Heckling)

I am taking some of the credit.

(Heckling)

But for the records, for the records, let me be clear. In 2012 the price of electricity was averaging about 40 US cents per kilowatt hour, today it is about 27 US cents per kilowatt hour. Twenty-seven cents.

Mr. BARTLETT: Why is my bill not showing it?

Mr. PAULWELL: Twenty-seven cents.

Mr. BARTLETT: Why is my bill not showing it?

Mr. PAULWELL: Twenty-seven cents.

(Heckling)

(Applause by Government Members)

The price of electricity is down today.

(Heckling)

Mr. Speaker, we need to keep the price down for a long time, and yes, it is true that we anticipate the price of oil going back up, but with the new framework that we have in place with the various roles that we all have to play, I think for the long-term our electricity sector will be in safe hands.

Thank you very much, Mr. Speaker.

(Applause)

Dr. DAVIES: Hear, hear. Comprehensive.

Mr. HOLNESS: Thank you, Mr. Speaker.

(Cross talk/The Speaker gavels)

It is interesting that the Minister has pointed out that our electricity cost per kilowatt hour has fallen and I think it is a significant fall. Many of our consumers would be wondering how come they haven't seen it reflected in a substantial way in their bills. The pass-through of oil would be the greatest contributing factor to that reduction. And as the Minister is being very cautious in his long term predictions of the price of oil, the market seem to be suggesting that these depressed prices will last for some time. Not forever, but we may certainly have a few more months possibly a year of the depressed prices, and that's good. It doesn't mean that we should, as a country, lessen our conservation efforts...

Mr. DALLEY: Hear, hear!

Mr. HOLNESS: ...or slow down on putting in newer generation capacity. I think we have to redouble our effort in this regard.

Mr. DALLEY: Great point. Good point.

Mr. HOLNESS: Mr. Speaker, the Minister should have also pointed out that our consumption of electricity as a country has fallen. Much of that has to do with the introduction of conservation practices, but a large part of it is that many of our larger consumers of electricity have decided to go off-grid putting in solar panels, putting in wind solutions and that is having an effect. Plus, many residential users as well have decided, Mr. Speaker, to go partially off-grid and interconnect when need arises. This could have a challenge for the sustainability of what is described in the Bill as the Single Buyer, which in this case would be JPS because JPS relies on its large-scale customers to effectively subsidize the provision of electricity to residential and rural customers. So this new trend of people coming off-grid due to very high electricity cost is something that policymakers need to pay specific attention to. And I want to be clear I'm not

saying that this should be regulated. What I'm saying is that the Government needs to give the incentives, needs to drive down the cost in a more long term way so that when business people go to make their decisions about energy they will say, it is cheaper and cost effective to stay on the grid rather than to come off-grid. And I think that the policymakers have to pay very close attention to that point. Having said that Mr. Speaker, I wish to join in encouraging Jamaicans to continue their conservation efforts.

(Applause)

Mr. DALLEY: Hear, hear!

Mr. HOLNESS: And to, as far as possible, introduce energy saving technology into their homes and into their business and into their daily activities. It can only help to better Jamaica.

There is a concern that I have, Mr. Speaker, which I am not speaking now based on evidence. I don't have the facts of it, but I have a suspicion which I will share with the Minister. I don't know if the fall-off in electricity has some correlation with the slowdown in the economy. And I think it would make an interesting study - academic, but certainly for economic reasons as well to see how the slowdown in the economy - the lack of growth, because that is usually the first telltale sign when your energy consumption is going down. But that is an aside because what we're discussing here is the energy Bill - the Electricity Bill, rather.

Mr. Speaker, it is an interesting fact to note that Jamaica was one of the first countries in the Western Hemisphere to have an electricity generating plant. If I'm not mistaken I believe it was in Black River and there was one in Trelawny - in Trelawny, I believe. Yes, and interestingly, Mr. Speaker, that this Bill - that the first Electricity Bill that we had was in 1890. The first time we passed an Electricity Act and I believe we amended it in 1977 and then more recently there were some minor amendments to it. So it is overdue given the development in the sector that a new Electricity Bill is brought to the House and I want to commend the Government for bringing the Bill and the Opposition, Mr. Speaker, will play our part in ensuring that the Bill is one that covers all the areas that need to be covered and that the Bill will aid in the proper regulation of the Electricity sector.

Mr. Speaker, I wish to look at a few points raised and I believe I will start where the Minister ended. I wish to say, Mr. Speaker that we agree with the move to create a regulator for electrical inspections. I think it is a good move and it is in keeping with the policies that I have been promoting, Mr. Speaker certainly the policy of Government rethinking its role in the delivery of certain public services. Mr. Speaker, there are some things that Government ought to regulate, there are some things that Government ought to pay for and there are some things that Government ought to provide. When you look at those three categories: what should Government regulate, what they pay for and what should they provide. There are some services that Government should regulate, pay for and provide. One of them could be national security. Government should regulate

what the police do; regulate what national security operators do. It should pay the police and effectively provide the services...

(Cross talk)

That is - well, you pay for it. You pay for it. But then, Mr. Speaker, there are some things that the Government should regulate, but it doesn't need to provide and it doesn't need to pay for it. In this instance, Mr. Speaker, the inspection of homes to see whether or not they meet the electricity code is not a function that the Government should necessarily go out there and provide and neither should the Government pay for it. This is a service that the Government only needs to regulate. And if the Government were to start to take, Mr. Speaker, this approach to looking at the entire operation of Government, I am certain that it will find many services that it could take off its books. And if it looks closer, it will probably begin to see that it is doing things that it doesn't need to do that others could do far more efficiently. One of them that come to mind readily is - and we see it all the time, Mr. Speaker, when you go to apply for a US embassy visa or even a UK visa, Mr. Speaker. It is not the US Government that does it. It is all subcontracted out. It's a contracted out operation. They ask some banks to do it, they ask some payment agency to do and they have some security contractors that do it.

Mr. PAULWELL: Outsource.

Mr. HOLNESS: It's outsourced. But there are some in our Government, Mr. Speaker, who are very wise about these things and feel that, oh, is only the Government must provide it, but we're not ready for them yet, Mr. Speaker, because that is a different debate. But I would want to give this Minister some credit because he is taking the right approach in looking at Government and saying that this is a service that the Government should regulate, but it doesn't need to pay for it and it doesn't need to provide it. That is the policy, Mr. Speaker, of the Party that I lead that we will take a very detailed look at Government and restructure Government along the lines of what it must do and what it shouldn't do.

Having said that, Mr. Speaker, the service, as it was previously operated, lent itself to a great deal of - I don't want to use the word corruption, but there is a feeling that you couldn't get your house inspected quickly enough unless you somehow found a way to influence the process. And I think that the new way it is being done that you will have more inspectors, it will be a more competitive environment, there won't be any load on the Government to respond and it will certainly be part of this process of improving the environment of doing business certainly for real estate developers and independent contractors. So I think all in all we support this move. It is a good move. And the Government needs to do far more of this regardless of what those who claim they think they know about Government say. This is the way to go to deal with the issues that presently face our country, especially with the cost of the wage Bill.

Mr. Speaker, let me move on to the Bill itself and I want to look very quickly at Part I, [Clause] 5 - or Part II [Clause] 5. And the

Minister has basically said that he can only conceive one distributor, or one operator of the distribution system. The way in which you have said it in the Bill is that there is one Single Buyer - there is a Single Buyer who will control the grid. I think, Minister, in the same way that you have said in a hundred years or maybe even less look how the sector has evolved. I'm certain that there might come technology, as you're saying micro-grids, for example, that would make this Single Buyer inoperable, because even now it is conceivable that as part of the asset base of JPS, JPS may want to sell part of it and it would still be operable in that you would have another operator operating the grid let's say in Cornwall county and another operating the grid in Surrey county. So I don't think, Minister, that you should lock yourself into the concept of there could only be one grid and it's practical. I agree with you. The size of our market as it is now would lend itself to that thinking, but it could change. And I'm saying it doesn't do any harm in redefining that concept. So I would advise you to reconsider that.

Mr. D. SMITH: Have an open mind.

Mr. HOLNESS: Then, Minister I would want you to take a look at 6(1). Recently, you would recall that the Prime Minister and myself and I believe the Member of Parliament from - I believe it is probably Central Kingston from - a few of us - I believe your constituency as well.

Mr. PAULWELL: No, the Minister of State.

Mr. HOLNESS: Is the Minister of State. No, your constituency wouldn't...

Mr. PAULWELL: No, we're above those things.

Mr. HOLNESS: Oh, I see, I see. (Laughter) But my constituency had the unfortunate experience of having large segments of it, and I believe the Prime Minister's constituency as well shutdown totally because it was felt that the abstraction rates in those areas were particularly high. Many shopkeepers and legitimately paying customers in those areas suffered and I take some heart in 6(2) where it says that:

> *"The Single Buyer shall not show any undue preference to or unduly discriminate against any person..."*

And I'm wondering if that could be stretched as a positive statement to say that JPS or rather the Single Buyer in defence of its revenues cannot deprive paying customers in the way that it was done recently.

I am interpreting this section; I don't know if it is a correct interpretation. If it isn't, then Minister, I would say that we should make it more definitive in the law. Well, the license specifies that?

(*Sotto voce* comment)

Mr. HOLNESS: Well, I'd still say it wouldn't hurt to make it a general principle of the law, rather than an operation of the license.

Mr. Speaker - I notice, Mr. Speaker, that in the - I think it is the section that deals with - Part V, generation - and I am going skipping through as I pick up my notes. Now, I am not the engineering expert, obviously, but most of

our equipment comes from North America, and North America equipment operates on 60-cycle. Is there any consideration being given for Jamaica to change from 50-cycle to 60-cycle?

I know there is the cost issue. It would be a significant cost but it would also mean a greater saving because much of our electricity use, just by virtue of using a cycle that's different from the generation cycle, adds to the inefficiency of the use of electricity, but greater wear and tear on the equipment.

Mr. SMITH: Remember we move from 40 to 50.

Mr. HOLNESS: Well, we did, in the early...

Mr. SMITH: Yes, probably before your time.

(*Sotto voce* comment by Mr. Paulwell)

Mr. HOLNESS: No, but it takes the... what I am saying is, Minister, several countries operate quite efficiently, using both. And I think eventually, just as you have said, a planning and policy perspective, that there should be some consideration on this in the long-term - not now but certainly in the long-term.

Minister, I want to bring you to the section that deals with - I think it would be Section 3 - 12, on the transferability of licenses. That section, Mr. Speaker, suggests that the Minister can make a decision to transfer, or not to transfer a license without consultation with the OUR. It says the Minister *may*... so I am not certain if this *may* is the one that says in policy you have to, but it is not written in the law or should it be *shall* that says the law says you should do it. I think it would help the process along, and avoid future conflicts if you change from *may* to *shall*, to make it mandatory that you consult with the OUR in making decisions about transferability.

Now as it relates to blocking self generators from the system, the Bill makes it the role of the generator of the system operator - JPS - to make a decision to block a generator from the system. So if it is that we are looking to have an open interconnected system where generators can put their energy on the distribution system freely, then I believe that you would want to take away the decision of blocking and place that in the hands of the OUR rather than in the hands of the system generator.

One could see where if a technical issue were to happen, that the system generator could immediately push the pause button on a generator, and then go to the OUR to say, hey, this technical issue has happened, we are blocked, but the decision to permanently take somebody off the system, to me, it sounds safer to place it in the hands of the OUR, rather than in the hands of the system operators themselves.

I am just putting that out for your technical consideration. There are many technical issues that might be involved; I am just looking at it from a governance perspective.

The Bill does not say much about the Regulator - the OUR. It mentions the OUR...

(*Sotto voce* comment)

Mr. HOLNESS: But there is an OUR, and I am quite well aware. And I am very

happy that the Bill has finally defined a role and a home - well, it hasn't defined a home yet, but I suspect that somewhere in it you will define where the role of procurement will be housed.

Mr. PAULWELL: Housed?

Mr. HOLNESS: Yes, because you have called it a - what's the name you have given it?

(*Sotto voce* comment by Mr. Paulwell)

Mr. HOLNESS: You have given it a name, the procurement... But we are, on this side, comfortable that procurement is no longer with the OUR, and it won't fall in the hands of the Cabinet either.

So basically, what you would be doing is to set up an enterprise team each time you need to look at the procurement of energy. And one would suspect that the trigger for the enterprise team would come from your work as Minister, in terms of planning and policy development.

All I would say Minister is that we need to have a kind of template as to what this body will look like. Who will be the persons on it, and who is likely to chair it, because you wouldn't want to be haphazardly pulling one set this time, and then another set this time. I think you need to give it some body so that we understand what it will be. But we agree with the principle of it.

Minister, in the law itself, you have made some provisions as to how procurement can be done. You have specified that procurement has to be competitive, but you have also specified that it could be sole sourced if it were Government to Government or an emergency. The challenge that you are going to have is - I suspect that emergency could easily be understood. There is a blackout and a...

(*Sotto voce* comment)

Mr. HOLNESS: *Yeah, yeah.* But Minister you have recently passed - your Government has recently passed a strategic investment Bill, and so I think your law should reflect the possibility of electricity generation being brought under strategic investments. So within what you have here as the possibilities, you should just make a note that the Strategic Investment Act could come into play and that could trigger a sole source as well.

(*Sotto voce* comment by Mr. Dalley)

Mr. HOLNESS: Well, it is the same general strategic investment Bill.

There is a curious section of the Bill, Minister, which - I am just wondering if it is redundant, or it is there for a specific reason. The reason didn't jump out at me, that you could turn down/deny, not grant a license for generation, or electricity operations if the license request would be producing more electricity or producing electricity that exceeds the need of the system. I think you might need to do a little explanation of that part. It says:

> notwithstanding that a proposed licensee - this is Section 3(5)... sic 9(5)...
>
> *Notwithstanding that a proposed licensee has met the requirements for the grant of an electric license, the Minister may refuse to grant the license where he is satisfied that the electricity that would be supplied pursuant to the license would*

exceed the system's need or the grant of the license would otherwise not be in the public interest...

…which is the exceed the system need. So why would you go through a procurement to get electricity that you don't need? So I think you should just take a second look at that.

Minister, generally, I find that the Bill is a good Bill. I would suggest that you take a look at - within this Bill, maybe setting up a set of commissioners, because you are going to find that the Regulator is going to want to operate in a particular way. There might be disputes that need to be resolved, and you will have to set up your arbitration panel which is there, but it may be useful to appoint a set of commissioners that could help to guide the OUR - the Regulator - on matters to deal with...

(*Sotto voce* comment by Mr. Paulwell)

Mr. HOLNESS: Yes. But, I am sorry - if you notice, I am putting it at last; it is not specific, but it is an idea I am throwing out to you because from time to time you are going to find that the OUR might be going in one way, and the Government might want to go in another way, in terms of what they perceived as what is national interest *versus* what is regulatory interest.

(*Sotto voce* comment by Mr. Paulwell)

Mr. HOLNESS: I think it is something that we need to discuss, that is why I am throwing it out to you.

(*Sotto voce* comment)

Mr. HOLNESS: Yes. Minister, Mr. Speaker, we support the Bill.

May it please you. (Applause)

Mr. PAULWELL: Mr. Speaker, with those very welcome remarks of the Leader of the Opposition, I move for the suspension of the Debate 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. PAULWELL: Mr. Speaker, earlier on we had two participants in the procurement law. The Minister without Portfolio in the Ministry of Finance wishes now to reintroduce the matter so that we can bring some finality to it at this stage.

The SPEAKER: Minister Dalley.

Mr. DALLEY: Thank you very much, Mr. Chairman, Members.

Mr. Speaker, I would like to thank the Members who participated in the Debate on the Report from the Joint Select Committee on Public Sector Procurement. And I must say, a number of very interesting and far-reaching comments and recommendations were made, both at the Joint Select Committee, and last week and this week, from various Members. And also, a Member of the Committee who is not present today, sent in a written Report.

It is our intention to look at these recommendations. I just want to say we have put something in the Bill that says it must be reviewed every three years, because we realize the far-reaching nature of public procurement and the fact that it is a new territory.

With that said, Mr. Speaker, I am moving that we accept the Report of the Joint Select Committee.

The SPEAKER: Those in favour of accepting the Report?

Put to the House and agreed to.

Mr. DALLEY: Mr. Speaker, in order to incorporate both the recommendations of the Committee and the contribution of the Members in this Debate, I beg to move that the current Bill before the House be withdrawn at this stage, and that a new Bill to incorporate all of those reflecting the wishes of the House, and the comments from the Committee be tabled at a later date.

Just to say for ease of purpose, Mr. Speaker, I intend to circulate the Bill by now and Friday. It is in the final stage which has a number - over 100 amendments. So, a new Bill will be circulated, and we intend to take the Bill through all its stages next week Tuesday.

Thank you very much, Mr. Speaker, thank you, Members.

The SPEAKER: Those in favour of withdrawing the Bill.

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, we will now deal with Items 5, by the Minister without Portfolio in Finance.

Mr. DALLEY: First of all, I would like to thank the Opposition - Leader of Opposition Business, and also to thank the Opposition Spokesman on Finance for agreeing, and you know, cooperating with the Government in having this amendment to the Income Tax Act taken today as it is something that we just have to do at this stage. And Members, I deeply regret the fact that you have to stay so late, but I crave your indulgence.

The Member has always been very gracious when it comes on to the Economic Reform Programme of the Government, and I must say in the spirit of that graciousness there is not much that we can delay on today.

The amendment seek to achieve three things; One, to confirm and give effect to the introduction of the income tax threshold for year of assessment 2015 which was effected January 1, 2015, already.

Secondly, to introduce and give permanent effect to the introduction of the Income Tax Threshold to take effect on January 1, 2016 coming which was announced in the economic debate in the House by the Minister of Finance and Planning.

Three, to give permanent effect to the tax free threshold in respect of concessionary loans to employees of financial institutions.

And finally number 4, to give permanent effect to the 15.0 per cent withholding tax on insurance premiums paid by residents to non-residents. Mr. Speaker, most of these measures were previously introduced by the Honourable Minister of Finance and Planning by provision orders. So in other words, Members, they are in effect already so it is just to give effect now, legal effect to those provisional orders, and we are now being made - we are now trying to make them permanent in this Bill.

In the debate stage of the Bill I will seek leave of the House to move a motion in respect of amendments which were not included in the Bill as tabled. Increase in the personal Income Tax Threshold, 2015, the Income Tax (Amendment) Bill was Tabled in

the House in the latter part of 2014, and proposed an increase in the personal Income Tax Threshold from Five Hundred and Seven Thousand Three Hundred and Fifteen Dollars ($507,315) to Five Fifty-seven Thousand Two Hundred and Thirty-five dollars ($557,235) and which took effect on January 1, 2015. This measure was originally introduced as I said, by way of a provisional order on January 1, 2015 and was part of the revenue measure of financial year 2014/2015.

Mr. Speaker, the increase in the threshold amount to Five Hundred and Fifty-seven Thousand Two Hundred and Thirty-two Dollars ($557,232) from Five Hundred and Seven Thousand Three Hundred and Thirteen (507,313) represents an increase of Forty-Nine Thousand Nine Hundred and Twenty Dollars ($49,920) *per annum* of non-taxable income. This upward movement will also result in an additional twelve thousand eight hundred and twenty-three (12,823) more persons who will and have been exempted from paying personal income tax.

The Bill also introduce the increase in the Income Tax Threshold with effect from January 1, 2014, at that time the threshold will be further increased from Five Hundred and Fifth-Seven Thousand Two Hundred and Thirty-Two (557,232) to Five Hundred and Ninety-Two Thousand Eight Hundred dollars ($592,800). This increase represents an increase of Thirty-five Thousand Five Hundred and Sixty-Eight dollars ($35,568) *per annum* of non-taxable income. In other words, Mr. Speaker, from January 15, from January 2015 - I am sorry and effective January 2016, there is an accumulative increase of Eighty-Five Thousand Four Hundred and Eighty-eight Dollars ($85,488) *per annum* on non-taxable income to the Jamaican taxpayers.

Mr. Speaker, the increase in the personal income tax threshold is in effect a reduction on the tax rate; it can be termed that way; was proposed in recognition of the social impact occasioned by the economic adjustments as result of the Economic Reform Programme.

There are three social intervention tools that we normally have at our disposal at Government. One is the income tax threshold to allow more persons to have more money in their pockets, the minimum wage and the PATH Programme and social interventions that we used from time to time and various administrations have tried to use these. The second amendment, Mr. Speaker, to the Income Tax Act is the introduction of 15 per cent on withholding tax and insurance premiums paid by Jamaican resident persons to nonresident persons and it took effect from April 2014, this measure came into - came out of the revised tax measure that was presented.

The Honourable House should be advised that currently the Income Tax Act provides different rate of tax on income for recognized insurance companies and local companies. This withholding tax obligation that is placed on resident companies to nonresident companies will in no way affect those current provisions as we have for these insurance companies. The withholding mechanism has been introduced as a revenue measure and has performed well over the period.

Mr. Speaker, the withholding tax mechanism in Jamaica is not a new phenomenon; this mechanism is seen as an efficient means of collection and enforcement of compliance. Some notable examples in the income tax are provisions in respect of PAYE, withholding tax in relation to dividend royalty *et cetera, et cetera*.

Mr. Speaker, for the purpose of taxation - tax administration items of income are categorized insurance premiums are included in the group referred to as finical receipts, this particular category has grown significantly increases in revenue collection since its introduction of the withholding tax on insurance premium.

The second amendment has to do with concessionary loans, Mr. Speaker, and they are all captured here in the Bill that we have before us.

The objective of this amendment is to increase the concessionary loan limit which has been in existence from 2002 from $1.5 Million to $4.5 Million and this announced in the presentation by the Minister of Finance and Planning which is a loan which is paid to certain employees in the financial institutions in order to benefit, which are granted to them to keep a pace with current economic realities. The loan ceiling is $1.5 Million and was introduced way back then.

The concessionary loan policy is a policy for concessionary loan, is geared towards workers within special financial institutions such as the Bank of Jamaica, Merchant Banks, Development Banks, Insurance Companies, Building Societies licensed under the Building Societies Act, Trust Companies and any other institution licensed under the Banking Act or the Financial Institution Act. They should all benefit under the concessionary loan policy if the purpose is for one of the following reasons: purchasing of a house for owners occupancy, purchasing of a motor vehicle for private use, purchase of land, education, training, emergency needs, compassionate loan and furnishing of residence for owner/occupancy. The proposed increase in the threshold from $1.5 to $4.5 Million was facilitated by way of provisional order which came into effect January 1, 2015. Amounts in excess of $4.5 Million will attract the relevant prescribed rate which is now 9 per cent and will form part of the employees' emolument.

The Government's effort to relieve the financial burden bourne by a large portion of Jamaican population continue with periodic increase in the tax threshold.

This, Mr. Speaker, I ask that the - we approve these amendments to the Income Tax Act and although it is late I crave the indulgent of the House.

Thank you, sir.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, the Minister has correctly indicated that these measures are already in place and this is therefore, a confirmation in the law.

I will just comment, however, that we must remind ourselves that the threshold of the Eighty-Five Thousand Dollars ($85,000) doesn't kick in finally until January of the next year, and quite frankly, Mr. Speaker, because of the devastation of the purchasing

power of the average worker in this country, including our public sector workers for which there is a big debate at this time in terms of salary increases, that the increase of the threshold is going to have to be reviewed even as it is not yet fully implemented, because workers generally in Jamaica are stressed out, workers are having a very, very difficult time making ends meet in this country at this time, they are stressed out, and it is not just public sector workers, Mr. Speaker, that are stressed out, workers in the private sector are stressed out as well. And so I think that we will have to look seriously at a more substantial increase in the threshold in order to help to mitigate the situation.

Now, in relation to the insurance of locals purchasing overseas, it is, as he said, been implemented already. And then the third one has to do with the concessionary loans that are being provided to those in the financial sector. But you know, Mr. Speaker, while I am not opposing the concessionary loans for the workers in the financial sector, the truth is that, every Jamaican needs a concessionary loan, every Jamaican needs to be able to access loans at lower interest rate. And Mr. Speaker, the truth is, we have had a debate in here, but it is something that bears repetition, and repetition, and repetition.

Our financial services sector in this country, our banking sector, our near banks, from the time of the financial sector collapse in the 1990s they have been bred on high interest rates. And the Member from North Central St. Andrew has pointed out to us in this Honourable House that while our banks in Jamaica require interest rates spreads of 14 per cent between deposit rates and lending rates, in the Caribbean region it is six per cent. I have pointed out that in the United States the spread 3 percent, most developed countries have spreads of between one and half and 3 per cent, Mr. Speaker, but we in Jamaica, we little Jamaica, we must have 14 per cent spread and then we must pass a law to give a particular section of people a concessionary loan at a lower interest rate. All of us need a concessionary loan, Mr. Speaker, and where this could start is for the Government to take a more serious look at the reasons for this spread. Now one of the reasons is that, some of the institutions are demanding a return on equity, Mr. Speaker, of 20 and 21 per cent, some of them have publicly stated that a return on equity of less than that is unacceptable because we are being called a high risk environment.

Mr. Speaker, do you know what the return on equity in the United States of America is, in the banking system, sir? It is 9 per cent, so they have a interest rate spread of 3 per cent and they live with a return on equity of 9 per cent. But in Jamaica we want interest rates of spreads of 14 per cent and we want return on equity of 21 per cent. Now, Mr. Speaker that is a big part of the problem that militates against investments in this country. And picking out little areas that people get concession, some public workers can get a concession to import a motor car, we pass a law for some in the financial sector, ironically, the same financial sector that is driving us at 14 per cent interest rate spread they then turn

around and they are getting concessionary loans. What about we the general population in the country, what about growth in the economy, when are we going to deal with this thing, this thing requires a serious bipartisan look we cannot continue like this. (Applause)

I rest my case.

(*Sotto voce* comments)

Mr. DALLEY: I am all for that. I am all for that.

(Heckling)

Let me just say, Mr. Speaker. Concessionary loans to workers in the financial sector is not new. When you were President General of the Bustamante Industrial Trade Union, now Honourable Member from South East Clarendon, you know, President General, how important this was. The fact is that private sector workers and public sector workers all benefit from this concessionary loan. You must also understand Members that there are private sector workers in financial institutions who do not receive a big salary, and in many instances, and in many instances the salary of public sector workers are better than those in the private sector, and we have empirical evidence for that, in some of cases.

So the point I am trying to make to you, Members, is, this facility and this policy, Mr. Speaker, has been in effect for many years. Many years, and the workers, the unions, the people have said, look, we need to increase the threshold from the $1.5 Million to something more realistic. The Honourable Minister of Finance and Planning did that in his budget debate by provisional order, and now we are amending the Income Tax Act to give legislative body to the provisional order. And Mr. Speaker, I want to thank the Member for his usual very passionate - this thing about spreading the financial sector, we have heard the debate and the report from the Joint Select Committee. We need a united front to deal with it. It can't be a political football here and there when it suit anybody, we must unite to put a position to the banks that we feel the spread is too much.

Mr. Speaker, with that said I would like to thank the Members for - and I am proposing that we take the amendments as circulated. I hope the Members will accept.

Thank you, Mr. Speaker.

Mr. Speaker, I move 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 Amend the Income Tax Act to provide for an increase in the personal income tax threshold and to give permanent effect to matters previously effected provisionally, and for connected purposes"

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.

Motion put to the Committee and agreed to.

Clause 2.

Minister Dalley.

Mr. DALLEY: Mr. Speaker, the amendment as circulated, as the House agreed, I suggest that we take the amendments as circulated here before us.

The CHAIRMAN: Okay.

I put the amendment to Clause 2 as circulated.

Motion put to the Committee and agreed to.

I put Clause 2 as amended.

Motion put to the Committee and agreed to.

Clause 3.

Mr. DALLEY: Mr. Speaker, again I ask that the clause be accepted as was circulated.

The CHAIRMAN: I put the amendment to Clause 3 as circulated by the Minister.

Motion put to the Committee and agreed to.

I put Clause 4.

Motion put to the Committee and agreed to.

I put Clause 5.

Motion put to the Committee and agreed to.

I put Clause 6.

Motion put to the Committee and agreed to.

I put the Title and the Enacting Clause.

Motion put to the Committee and agreed to.

The question is that I do report the Bill as having passed Committee Stage with three (3) amendments.

Motion 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. DALLEY: Mr. Speaker, I move 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 Amend the Income Tax Act to provide for an increase in the personal income tax threshold and to give permanent effect to matters previously effected provisionally, and for connected purposes"

read a third time and passed.

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, June 30 at 2:00 p.m.

The SPEAKER: The question is that the House do adjourn until Tuesday the 30th of June at 2:00 p.m.

Motion put to the House and agreed to.

House stands adjourned.

The House adjourned at approximately 6:47 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2015 – 2016

TUESDAY, June 30, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:38 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. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern, Minister of Transport, Works and Housing

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

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

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

HON. RICHARD EDWARD 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 Water, Land, Environment and Climate Change

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

HON. ARNALDO ALPHONSO BROWN, (PNP), St. Catherine, East Central, Minister of

State in the Ministry of Foreign Affairs and Foreign Trade

OTHER MEMBERS

DR. DAYTON RICARDO CAMPBELL, (PNP), St. Ann, North Western

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

MR. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern

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. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central

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. 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. AUDLEY FITZ ALBERT SHAW, CD, (JLP), Manchester, North Eastern

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

MR. KEITH ANTHONY WALFORD, (PNP), St. Ann, South Western

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

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

Mr. PAULWELL: Mr. Speaker, the Minister of Transport, Works and Housing will do a Statement now.

The SPEAKER: Minister Davies.

Dr. DAVIES: Mr. Speaker, you will recall that last year I provided to the House updates on the status of the proposed public/private partnership between the Government acting through the Housing Agency of Jamaica - I'll refer to it subsequently as the HAJ - and Malphrus Incorporated to provide affordable housing solutions at Bernard Lodge in St. Catherine. In the last of these updates, which was on the 18th of March, 2014, I informed the House

that the agreement with Malphrus had broken down.

I should also advise the House that entwined in the breakdown of that Public/Private Partnership Agreement, Malphrus had threatened to initiate legal action against the HAJ for failure to complete the technical and marketing aspect of the Agreement. Nevertheless, the HAJ began the process of reconfiguring the development and initiated discussions with other potential partners with a view to implementing the project on terms and conditions that were agreeable to all concerned.

Mr. Speaker, at the time of the termination of the Agreement with Malphrus the status of works done on the project was as follows:

1. Two retention ponds had been evacuated to facilitate storm water management.
2. Scribing of a 100 per cent of the roads in Phase 2 had been completed.
3. Two model units has been constructed: one studio and one one-bedroom.
4. Security fencing for the site office and a storage yard was in place.
5. Security services to protect the model unit and site office are in place.
6. Finally, the water and sewage infrastructure works were yet to be completed. A negotiation of possible contracts for these services was suspended pending the renegotiation of another Public/Private Partnership Agreement (PPPA) to implement the project.

Mr. Speaker, I indicated in my update to the House at that time that the depositors could be assured that their funds were safe and that the Government had taken all the necessary steps to ensure that there was no negative fallout other than the rescheduled delivery date. I also indicated that the HAJ and the Ministry were collaborating to ensure that the cost of the units remained as close as possible to the previously agreed price taking the interest of the depositors into consideration. In summary Mr. Speaker, I gave the commitment to this Honourable House that the Bernard Lodge project would be implemented.

Let me express appreciation to the two hundred sixty-two (262) depositors for demonstrating their faith in the Government's commitment and have not requested a refund of their deposits, approximately $113 Million. These sums had been deposited with the HAJ. Again, I want to assure them that their funds are safe and are being held in an escrow account by HAJ.

Mr. Speaker, earlier I had said that the HAJ was in discussions with other potential partners for the Public/Private Agreement. One such firm is Herzog Jamaica Limited. The HAJ advised me that based on their review and evaluation of proposals presented to them that from Herzog was deemed to be most practicable and beneficial.

Furthermore, Herzog gave an undertaking to enter into an indemnity agreement between themselves and Malphrus waiving any claims relating to or arising from the Public/Private Partnership Agreement for the project, thus

holding the Minister and HAJ harmless for the termination of the prior Agreement. As a consequence, the HAJ commenced negotiations with Herzog and this led to the preparation of a draft Public/Private Partnership Agreement.

Mr. Speaker, the Agreement has been subject to a review by the Attorney General's Chambers, and let me just outline some of the features of this new agreement:

1. The agreements for sale with the remaining depositors will be honoured at the originally stated sales price with a 5 per cent escalation. What they paid down is in escrow and the maximum is a 5 per cent escalation.
2. Herzog has agreed to share the cost of the value of the work done by Malphrus as assessed. The value of which will be assessed by an agreed independent third party quantity survey. So I listed what had been done.
3. The new PPPA with Herzog will remedy the deficiencies of the previous one and will bring to the project many benefits. These relate specifically to:
    a) Clarification of the proof of funding. Herzog's parent company, Herzog Contracting Corporation, which is a US firm with interest in construction and in the railways will be providing the financing.
    b) In terms of obligation of the parties there's a reallocation of risk with the Minister's/HAJ's primary risk being reputational. The developer assumes all developmental risk with responsibility to plan, design, build and finance development.
    c) Performance assurance two and one-half per cent of the sale price of each unit from Phase 1 will be deposited into an escrow account to be paid to the HAJ in the event that the developer fails to perform.
    d) Adjusted prices, the prices of each phase are to be adjusted based on the movement of the CPI up to a maximum of 5 per cent during any phase. The Project Committee will be established consisting of a representative of the developer and one of the Minister.
    e) Insurance. The developer's subcontractors will maintain contractor's all risk insurance and public liability insurance.
    f) Finally, Herzog will have - in the event that payment in full for a particular unit has not been deposited into the escrow account within one

hundred twenty (120) days after practical completion of a phase, the developer shall have the option to take the title of the unit and the land too on which it sits, but with the *caveat* that the HAJ will be entitled to its share once the unit is sold.

g) Termination. The Public Private Partnership Agreement provides that any of the parties may notify the other of termination no fewer than thirty (30) days prior to the commencement of a phase as per the implementation plan.

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

Mr. Speaker, I am pleased to report that yesterday Cabinet approved my Ministry's request:

a) to ratify the termination of the PPPA with Malphrus for the financing and construction of the Bernard Lodge Project;
b) to reconfigure the project and engage in negotiations with Herzog Jamaica to design, finance and construct the development; and
c) to approve the Public/Private Partnership Agreement that will be used to complete the development.

Mr. Speaker, this gives me particular pleasure. This new Agreement with Herzog will see the Housing Agency realizing some US$4 Million less 50 per cent of the value of the assessed work done previously by Malphrus. Why it gives me so many pleasure, Mr. Speaker, I have researched the files of the HAJ and the Ministry of Housing and not one single joint venture, not one single joint venture has made money for the Government; not one single joint venture. Not one. And this one is going to guarantee us US$4 Million minus the amount for the 50 per cent.

(Applause) (Cross talk)

Well, the worst thing could happen is that we break even, but it is something very serious, Mr. Speaker, because I've gone through them.

Mr. D. SMITH: World class, world class.

Dr. DAVIES: Thank you, that's why you win the Derby. (Laughter) Yes, you moving up, yes.

(Cross talk)

Really, okay. You can't complain *sey* you bruk anymore.

Mr. Speaker I am cognizant of the projected time it has taken to conclude the negotiation, but my Ministry and the HAJ needed to ensure that all the bases were covered and that issues that had emerged with the previous agreement were addressed. Most important, and this I note for the depositors who stuck with us, the startup date for this project will be within fourteen (14) days of the effective date of the Agreement and construction of the approximately 300 to 350 units in Phase 1 will be completed by the end of the current financial year.

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

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

(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, entered and took his seat.)

Mr. Speaker, it means that the depositors and other perspective purchasers who have demonstrated patience and confidence in the HAJ can be placed in possession of their homes no later than the beginning of the 2016/2017 financial year. Let me reiterate that the HAJ will continue to carry out its mandate of providing affordable housing for those individuals and groups who are not currently served by other entities.

I thank you, Mr. Speaker.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, I just wanted to get some clarification on the number of units - the total cost of the project, which would be, and - so, number of units, total cost of the project, and whether the escalation of five per cent in the purchase prices will cover the costs?

(*Sotto voce* comments)

Dr. DAVIES: In phase 1 - let's take it phase by phase. The first phase, it's between 300 and 350, depending on the mixture of one bedroom and studios in that first phase. The total number should be about 17.50, again - for that. In terms of the initial investment it will be US$10 Million - in the initial investment, but depending on... you build each phase, so I am not going to give you that overall number in that regard.

And your last question: Will the five per cent cover the cost of the unit? It was one of the immutable negotiation points, in that I say to anybody coming, we have an obligation to depositors that they left their money with us and so, it will be netted out against other... say a non-depositor, but their increases are constrained by the point I indicated that no - any phase, any movement will be at a maximum of the CPI movement. So we have not yet costed the actual cost of construction of the unit *versus* the deposit, but that is fixed that those persons who left their money with us will at the maximum, pay five per cent more than what was the originally contracted prices.

(HON. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western, Minister of Local Government and Community Development entered and took his seat.)

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

I have some indication of what the things will be - what the costs will be. The studio units for those who left their deposits will be $4 Million. For those who left their sums with us, the one bedroom will be $4.9 plus the five per cent. That would be for those who left the deposits with us.

Mr. SHAW: And just one other question. On page - the last page of your Statement, under the section - well, the deficiencies that you say are being remedied. The right of Herzog to purchase unsold units:

> "in the event that payment in full for a particular unit has not been deposited into the escrow account within 120 days after practical completion of the phase in which the unit is located, the developer shall have the option to take title to the unit and the land on which it sits".

Now if a person has paid down 50 per cent, including the one they are referring to now, or they pay down some money, will that money be - if they fail to complete the payment, will it be forfeited, or will it be returned to them?

Dr. DAVIES: I won't - I have a layman's response, but that wasn't the major objective. The HAJ has the job of marketing, and essentially, that is to protect the partner if he feels that we are not doing an adequate job in marketing. What that does, it allows him to go and sell it. It wasn't related to that, but I will clarify exactly how we protect - how we deal with that one, but the objective really was to - from the developer's point of view, he didn't want to have invested money to construct and the Government, for whatever reason lethargic in selling, so he would then have the right within a specified time to assume that responsibility. But I'll double check what would happen in the instance of somebody having made a deposit, but not being able to carry through for whatever reason.

Mr. WARMINGTON: Mr. Speaker, I don't know if the Minister could clarify for me, on the fund...

(*Sotto voce* comment)

Dr. DAVIES: The what?

The SPEAKER: Come on, Mr. Warmington.

(*Sotto voce* comment)

The SPEAKER: No, he is having a conversation with them.

Mr. WARMINGTON: You know... they should know better than that; if they mess with me, I will respond.

The SPEAKER: When I recognize you, you address the Speaker.

Mr. WARMINGTON: It says here on the front page No. 3, "two retention ponds had been evacuated to facilitate storm water retention", should that be an evacuation, or excavated? Look at the front page 3, at the time of determination of the Agreement with Malphrus, you said - first, you said, two retention ponds had been evacuated to facilitate storm water retention, should that be

evacuation or excavated?

Dr. DAVIES: Yes, excavated.

Mr. WARMINGTON: Thank you.

Mr. ROBINSON: Is that what you get up to say?

Mr. WARMINGTON: Shut up, young boy... (Inaudible)

(*Sotto voce* comments)

The SPEAKER: Mr. Warmington, don't bother with that today, you know.

The SPEAKER: Speak to me man, speak to me. Address the Speaker.

Mr. WARMINGTON: Speaker, I can speak to you.

The SPEAKER: Yes.

Mr. WARMINGTON: But you are not controlling the young... (Inaudible)

The SPEAKER: Speak to me.

Mr. WARMINGTON: But they are wet behind the ears, and they come here with this thing here.

The SPEAKER: Address the Speaker, sir.

Mr. WARMINGTON: Thank you. But you won't control those wet ears young boys over there.

ANNOUNCEMENTS

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

- **Ministry Paper No. 107**
  Cabinet Agenda Issues dated June 1, 2015
- **Ministry Paper No. 108**
  Annual Report and Audited Financial Statement of the Private Security Regulation Authority for the financial year April 1, 2012 to March 31, 2013
- The Council of Community colleges of Jamaica Annual Report and audited financial statements for the year 2010/2011

BILLS BROUGHT FROM THE SENATE

The following is a 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 June, 2015, a Bill shortly entitled, "The Copyright (Amendment) Act, 2015" was passed in the Senate with six (6) amendments for which the Honourable Senate seeks the concurrence of the Honourable House of Representatives and the amendments have been printed and circulated.

Signed: Floyd E. Morris,
President of the Senate"

The SPEAKER: Mr. Hylton.

Mr. Anthony HYLTON: Mr. Speaker, having had carriage of the Bill here in this Honourable House, I note that the amendments are really inconsequential in nature, having regard to the marginal notes and other tidying-up amendments to the Bill. And therefore, I really think that - use the opportunity to move for the amendments to be approved by the House.

The SPEAKER: Is that the wish of the House?

Put to the House and agreed to.

REPORTS FROM COMMITTEES

Mr. JACKSON: Mr. Speaker, I note that in the Item, Announcements, no mention was made about the Report from the Economy and Production Committee on the banking fees. As you are aware, Mr. Speaker, Section 26A sets a timeframe for which, one, the matter must be submitted to Cabinet, and advise the House hereafter.

The second 21 days has not yet expired, but the first one would have expired for Cabinet to be advised. And I wonder if the House Leader could indicate if we are on track for the Cabinet to give the requisite drafted instructions in keeping with the recommendations contained in that Resolution of the House.

The SPEAKER: House Leader.

Mr. PAULWELL: Mr. Speaker, may you give me a week to get back on this issue. I did not brief myself on it, so, next week.

(MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern, entered and took his seat.)

NOTICES OF MOTIONS GIVEN ORALLY

Mr. DALLEY: Mr. Speaker, you will recall that last week the House withdrew the Public Procurement Bill, and a new Bill is now before the House - new, clean Bill. So it is my pleasure, Mr. Speaker, to give notice that at the next meeting of the House, I will move to introduce and have read a first time, a Bill entitled: "The Public Procurement Act, 2015".

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

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

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Minister Phillips.

Mr. D. SMITH: Mr. Speaker.

The SPEAKER: Hold on, we have some...

(*Sotto voce* comment)

Mr. D. SMITH: I heard that. Somebody needs to apologize to me then.

The SPEAKER: I withdraw that.

Mr. D. SMITH: Thank you, sir.

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker, I move to introduce - I beg to give notice that at the next meeting of the House, I'll move to introduce and have read a first time, a Bill shortly entitled: "The Customs Amendment Act, 2015"

The SPEAKER: Minister Arscott...

Dr. PHILLIPS: Mr. Speaker...

Mr. ARSCOTT: 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, the Bills shortly entitled: "The Kingston and St. Andrew Corporation General Election (Postponement) Act, 2015" and "The Parish Councils General Election (Postponement) Act, 2015".

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 introduce the Bills, have them read a first time, give notice of second reading, and take them through all their concluding stages.

The SPEAKER: Mr. D. Smith.

Mr. D. SMITH: Mr. Speaker, I beg to give notice that at expiration of 21 days that it is my intention to ask the Minister of National Security the following questions:

Question 1:

Will the Minister advise of the guidelines underpinning the operations of the Bureau of Special Investigations (BSI) since the establishment of the Independent Commission of Investigations, (INDECOM) in 2010?

Question 2:

Will the Minister say how many cases are being investigated by the BSI were incomplete at the time of INDECOM's establishment?

Question 3:

Will the Minister advise as to how many of those investigations have since been cleared up/concluded?

Question 4:

Will the Minister indicate how many of those cases being pursued by the BSI have been brought before the Courts?

Question 5:

Will the Minister advise as to how many of them have resulted in a conviction?

(DR. ANDREW O'BRIEN WHEATLEY (JLP), St. Catherine, South Central, entered and took his seat.)

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

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker, I move to introduce and have read a first time, a Bill entitled: "The Revenue Administration (Amendment) Act, 2015".

Bill shortly entitled:

"The Revenue Administration (Amendment) Act, 2015"

read a first time.

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

PUBLIC BUSINESS

THE ROAD TRAFFIC ACT, 2015

Mr. PAULWELL: Mr. Speaker, we will commence with Public Business this afternoon to conclude the debate on the Committee's Report on the Road Traffic Act, 2015. The Member from St. Catherine South will be the first presenter followed by the Member from South St. Andrew.

Mr. JACKSON: Mr. Speaker, my intervention will be relatively brief. I just need to accentuate a couple points that are contained in the Report further to the deliberations on the Bill. And it is so, Mr. Speaker, because I had the privilege of serving on the Joint Select Committee that considered this Bill which I consider a Bill of great importance. It is a Bill that goes beyond regulating the operation of motor vehicles on our roads. And I dare to say, Mr. Speaker, this Bill, this proposed Bill can go a far way in achieving much of what we seek to desire in terms of values and attitude of our people.

Before I proceed, Mr. Speaker, I want to acknowledge the chairmanship of the Joint Select by the Minister and the Member from South West St. Andrew. I do so - South St. Andrew. I do so, Mr. Speaker, because the work of the Committee was done in a very exceptional way. I listened to the remark by my good friend from West Kingston last week regarding some penalty provision, and what was special about the Committee's work, it was very inclusive. And if we understand and appreciate the function and purpose of Parliament Committees, it is to ensure that there is a cross-sectional embrace of whatever is being proposed in the Bill before us.

Every single item in the Bill, Mr. Speaker, was subject to scrutiny of all its Members both in this Lower House and from the Senate. And I must say, I felt very proud because at the Committee Stage it was not a Government/Opposition deliberation, it was a Parliament and a Government of Jamaica exploring ways of making sure that the behaviour and conduct of our people on the road was of that acceptable standard.

Many of the provisions, in fact, I dare to say, all the provisions in the Bill, Mr. Speaker, were never about any revenue earnings and that is what I felt a little bit, you know, saddened by my friend's comments about one of the provisions. I was peeved, because in the deliberations of the Committee, we set those penalties as a deterrent, as a deterrent against breaches because the intention is for nobody to breach any of the provisions, and if nobody breaches, there is no revenue to collect, there is no penalty to pay, no revenue to collect. It was all about setting some penalties at some levels to discourage persons from breaching those provisions in the Act, so that the roads can be safer for all of us, and that what we set out to do.

I want at the end of the day, Mr. Speaker, when we would have passed this Bill, Jamaicans, all of us inside and outside this House will realize that it is a new day in Jamaica, and we require and we demand better conduct of our persons on the road. For example, driving on the road and it becomes disabled and you leave the vehicle, you leave the vehicle in the line of traffic, impeding the flow of traffic.

Mr. Speaker, every single person who uses that road is affected by that individual breach. And for me, for example, the penalty should be very high to discourage someone from doing that. If the vehicle becomes disabled, get a wrecker, pay the fee, move it out the way and allow people to go about their business. People's personal lives are affected,

commerce is affected, and emergency service delivery is affected. That is how a simple breach on the road can affect the lives of all of us. These are some of the things that we sought to do in the Bill that is before us. And I would want all of us to encourage our fellow Jamaicans to take heed.

I don't - my friend from North East St. Andrew was advocating for copies of the Bill to be circulated to all those persons. I don't think that is a very practical and doable thing. But the highlights, the particular sections that are critical, and we encourage the Minister in the deliberations that his Ministry, through the pertinent agencies must pursue a massive public education programme to bring people up to par on what is happening. Because if truth be told, Mr. Speaker, in as much as these things are far reaching, we don't want as a Government, as a Parliament, to seem as if we are exploiting the ignorance of people. And so where we make changes we need to make sure that they are adequately and announcing it one or two times doesn't make for adequate announcement.

We need a deep and wide public relations, public information programme. Because the worst thing that can happen for us as a country, Mr. Speaker, is if our innocent people believes that the Government, whichever side the Government happens to come from is preying upon their ignorance or lack of information. And so I am using this opportunity to beseech, to remind and beseech the Minister to make sure that before this new law comes into being that public education programme is pursued.

Another item I wish to bring to attention, Mr. Speaker. Again, I felt a little bit saddened, not peeved, with my Member from North East St. Andrew regarding the question of having a driver's license with you and being stopped. Mr. Speaker, we deliberated at length on that item though seems very simple, why? The first objective to be met by the State, by the police and the transport - and the Road Traffic people is to make sure that everyone who is operating a motor vehicle is competent to operate that motor vehicle and is so certified. Competent and certified to operate that motor vehicle, that is so for the interest of all of us who use the roadway to make sure that the drivers are competent and so certified. That is what the driver's license seeks to do.

The driver's license is to able - to ensure to the pertinent officer that that operator is competent. Without the driver's license there is no way of affirming that competence. To say I leave my driver's license at home does not answer the question, not of just having your license, but whether you are competent and so certified.

(*Sotto voce* comments by Mr. McKenzie)

Mr. JACKSON: Well you see, Mr. Speaker, the interest of the public, the interest of the public, must always supersedes the interest of the individual. We cannot suppress the public's interest for an individual's interest.

Now, but having said that, there is a provision. The Act establishes a national registry of such certified drivers. The Act establishes a registry. So when you are stopped on the road, the police, as we are told

by the officers who participated in those deliberations, they can establish that competence by calling in, using a cell phone or whatever communication device and establish if John Brown is certified to operate the vehicle. Having established that John Brown is certified to operate the vehicle the next thing that needs to be satisfied is that the person who is operating the vehicle is John Brown and that is where identification comes in.

Now whether you pay a penalty for not having an identification that you are the person is what really consume the Committee to a great extent because we really never felt that if you are really a certified driver and you forget your licence that there should be any penalty because anybody is susceptible to forgetting to take the licence. But on the other hand, the officers indicate to us that one of the challenge that the police is faced on the road is proper identification generally of persons operating, they being who they are and of course that information is pertinent to the police outside of just being a competent driver. If you have criminal running around the place and you happen to stop him, you want to be able to can apprehend him too, but the proper identification.

Now we have agreed and this is the challenging part of it. We have agreed that we would want to induce a culture of the properly - being properly identified, and so the fine or the penalty of a thousand dollar was agreed on. In this instance, Mr. Speaker, I am making a second appeal to the Minister and I want him to take note that while the One Thousand Dollar penalty doesn't affect - doesn't incur any points on your licence, it is still a payment that they have to make. I would like that particular item of the One Thousand Dollar ($1,000) to be revisited and I am positing that for consideration. Perhaps $500, but maybe for Members in the House, a thousand dollars ($1,000) is not a great amount. I know for many persons it could be challenging, we debated at length and I am admitting we did debate it at length in the Committee, but the majority at the Committee level ruled and we accepted the thousand dollar ($1,000). But I would like some further consideration.

Mr. Speaker, in closing I want to encourage my fellow Members of this House to not only give support, but to encourage your constituents to recognize that what you are seeking to do in this new Bill is to change the behaviour and the attitude of our Jamaicans because all of us have to use the road regardless of whatever socio-economic background we come from. We all have to use the road and when we behave in a more sociable and a more civic way, it makes for a better Jamaica.

Mr. Speaker, I thank you.

(Applause)

Mr. CHARLES: Mr. Speaker, I just want to say a few words on this matter. Just in support, as much of what has been said.

Mr. Speaker, I have three words that 1 would like to speak around: operation, education and prosecution. Now, it is a fact, Mr. Speaker, that in my opinion….

Mr. PICKERSGILL: What's the last one?

Mrs. ROBINSON: Prosecution.

Dr. PHILLIPS: Persecution or prostitution?

(Laughter)

Mr. McKENZIE: Not prostitution.

Mr. CHARLES: Persecution.

The question, Mr. Speaker, that many of our drivers are not properly educated in the using of our roads. And we complain about bad roads but if we notice that the better the roads get we are still having more accidents. There are some areas where you give them good roads and they speed more, but something must be done about that. I think that we need to review the policing of the roads.

Mr. Speaker, I can tell you where - everywhere on Highway 2000 where a police is going to be. When I am driving on a road outside of Jamaica, I-95. You don't know where the police is going to come from, they just come. I think that we need to review how the police operate on these highways.

Why do you have to have a police car sit on the side and two policemen with a big thing? We have to find a way of trapping these people who will never stop. It doesn't matter how you try to tell them that if you speed beyond a certain limit you are unable to control the vehicle, you are going to get into serious problems.

I am in full agreement that if a man gets a licence and he does not recognize the value of his licence, to the point where he is carrying 30 people in a bus, they are urging him to "*go deh*" and he is going there, it doesn't matter of their lives. He shouldn't be driving, because he is not only threatening the lives of those he is driving, their family, but you who are also driving on the road. We have to educate the drivers as to what are the serious consequences of speeding on these roads that are good roads that they could drive on safely.

Mr. Speaker, Mr. Speaker, I am on the road every day, I overtake and they overtake me. There is a set of people driving on the road that we call "*robots*". They are searching for passengers and whether you want to come here and admit it or not, they don't care what part of the road they pass you, at what speed.

Mr. PICKERSGILL: They are undertakers.

Mr. CHARLES: There must be a way for the police to police the road for the safety of those who are doing that and the rest of us who have to drive on it, and our families who will suffer the consequences of that sort of driving.

Now Mr. Speaker, when I was Minister of Public Utilities and Transport we established a thing that when the minibus man feel that to overtake he has to go through a gas station - (Heckling) - or he has to go through the mall, as far as I am concerned, he shouldn't be carrying passengers**.** When the music in his vehicle is so hard that you who are driving beside him, your vehicle is shaking, he shouldn't be driving on the Highway, but there is a way to stop him. There is a red plate that the Transport Authority can control, and you don't have to seize his vehicle, but he who is driving has to go back to school when that licence is taken from him. He has to go to school for a specified time, to get back a

licence to drive, and that vehicle has to be examined sufficiently to be on the road, in a perfect order. When you start to implement a different policing way, people will understand that you lose three days for speeding, you lose six months off your licence, "Boy I tell you something, this is not going the right way". Because Minister, if you charge them or we raise it, the other Minister raise it, you are raising it, and accident is happening more. We have to find a strategy, a way to educate them. I was travelling; I don't remember which of the country, but there was a big billboard on the highway of a massive crash. I tell you, when I saw it I got off my accelerator, I pulled down. Just the advertising of some of these crash that you see on TV, it will bring home some of the things. I remember this Member almost crying on the television one night of what happened in the Holmwood crash. It was because of lack of education of using the road, and policing of how it was - wasn't happening. So when you give tickets, and when you seize them, they just raise the price, they just go faster, but there must be a way.

Dr. DAVIES: What's the way?

Mr. CHARLES: The way, Mr. Speaker is education. They have to be taught how to operate. Policing, as I said that, I believe that the policing of vehicles is not effective enough.

I saw one member of the police force who was doing traffic on the road. He set up a traffic thing like at Milepost 1, and everybody came up nice to Milepost 1 and by Milepost 1½ they were going five times - but he was smarter than them. He set up a police at Milepost 1 and there was one at Milepost 1½. Just a simple thing of re-policing, re-educating can do something, because giving a ticket, raising the price is not helping us. Better roads, Mr. Speaker, all of us would like to have it but are we getting protection from these vehicles with better roads? The answer is no.

There was something on the television; I think it was last week, pointing out some of the spots. Whoever did that I want to congratulate them, because they found out where the accidents were taking place.

Dr. DAVIES: Dr. Parris Ayee.

Mr. CHARLES: I hear you.

Dr. DAVIES: Lyew Ayee. Young Parris Lyew Ayee.

Mr. CHARLES: Right. I would like if you know him to tell him I learnt a lot from that, and I think that the stations that carry it should be asked to do more of that. Now, they can help in educating the public. They can help in exposing some of these crashes, to bring to them.

Lastly, Mr. Speaker. This one, there is not much in the Bill about it but to me it is very serious, the using of cell phones. I don't know how a driver could be sending a text driving or reading a text driving, and say that he is a driver. He is not interested in his life, mine or those who are on the road with him. Now, I am not advocating that we should stop, you know, we should ban telephone because you are probably going to open up another line of problem. But here again, education. Just a simple one.

Driving from here to, let's say Papine, and you are in a line of traffic, you can overtake

them four, five times. Why? Because they are on the phone and they don't see that the line gone. You can get around, and you can almost drive past, if you stand up and look at ten cars, five or six of those people are on their phone. Now some are doing business, but again education has to come in as to what can happen when you carelessly use the phone. Like as I said, texting and reading text, and even dialing when you driving.

So Mr. Speaker, the Minister might have to set up some form of education and have to say to the police what difference, what difference, where can we help in policing our roads. Not just to give out a ticket or to raise money as we are saying, but the fear of. And Minister, probably we have to look at how you maintain your licence, how you keep your licence. I am not worried about whether or not you should make a copy of your licence. In other countries you have to have your licence. If you are driving and you want to save your licence at home, carry a copy, because the police is in a position now to know whether you are a licensed driver, under the new way. You get your name, you identify, they can know if you are licensed driver. But sometimes, Mr. Speaker, the sideman is a better driver than the driver himself because him say him tired, the sideman drive.

Mr. ROBINSON: The 'loader man' too.

Mr. CHARLES: Di 'loader man'.

(Laughter)

You not taking this thing seriously?

(Cross talks by Government Members)

Dr. DAVIES: Very seriously.

(*Sotto voce* comments by Government Members)

Mr. CHARLES: That's why people believe we are jokers.

Dr. PHILLIPS: This is one of the best contributions you have ever made in the House.

Mr. PICKERSGILL: Yes, yes.

(*Sotto voce* comments by Government Members)

Mr. CHARLES: Let me just satisfy myself that I am doing this on behalf of all of us. Because to be honest with you, I give you a simple one.

I was driving from the country and I felt sleepy.

Mr. PICKERSGILL: You what?

Mr. CHARLES: I felt that I wanted to sleep. I pulled over in a gas station, looked at the time, put my window up, turned my radio on, and sleep. I slept. When I got up I was there for 20 minutes. I could go another three miles. Some people don't control themselves, they want to sleep, they keep driving. And if you give the experience and educate people they will. In this position, Mr. Speaker, I think that all of us, we have constituency, and we can talk to our colleagues, we can talk to the constituents. I am known for, as a man see me him say, "A him that" because I had the job to seize some of the buses. Yes. Before you were Minister.

Dr. PHILLIPS: You were seizing buses?

Mr. CHARLES: Yes. I was out on the road. I stopped them in the gas station.

Dr. PHILLIPS: Under what powers?

Mr. CHARLES: The police was beside me.

(Laughter) (Heckling)

Minister, it's not a joke you know. There was a man driving and the music in the bus, as the people would say, was bursting the ears of others in other vehicles, and the police pulled him over. I was there. I gwaan like I was bad man too. I said, "What kind of thing that you doing? Come to my office cause you have fi talk." The police take out the music, seized the bus, and the owners who was there the night, begging for it. I said "No, we can't meet until two days time." That bus I have watched on the road for months driving very good. There are some strategies that you have to change to meet the new culture, the new way for the protection of all of us.

(Applause)

Mr. Speaker, I want those who are driving to know, we don't hate them. We like those who are driving to do so, and to help themselves, help the transportation system, but when you look at what is happening, not by the majority of us but a large portion of us, we need to stop a while and just ask ourselves the question. Be late for two minutes or go fast for the rest of your life.

Thank you, Mr. Speaker.

(Applause)

Dr. FERGUSON: Mr. Speaker, deaths due to road traffic injuries are preventable. The impact of road traffic injuries on the Jamaican healthcare system is a major public health burden, and the deaths are only the tip of the iceberg. Road traffic injuries lead to hospitalization, treatment in accident and emergency, general practitioners and even outside of the formal medical care system.

These injuries can have severe and lifelong consequences. The non-fatal consequences of injuries include physical injuries, mental consequences such as depression and anxiety, behavioural changes, which have to do with alcohol and drug misuse, unsafe sexual practices, smoking, HIV and STDs, unwanted pregnancies is part of the consequences. These conditions result in permanent or temporary disabilities, suicides, HIV and other STDs, cancers, cardiovascular diseases and other non-communicable diseases.

In 2013 Mr. Speaker there were eleven thousand, three hundred and seventy-two persons treated at Accident and Emergency Departments in the public hospitals due to road traffic crashes. And this does not include KPH and UWI which are two of our largest hospitals. The majority of these victims are between the ages of 20 and 29 years old, Mr. Speaker, representing 28%. And in the age group 10 to 44, Mr. Speaker, this represents and accounts for 87% of those victims treated. This represents, Mr. Speaker, the most productive age group.

There's an added gender I mentioned with the majority of victims being male. Since 2012, there has been an 11% increase in road traffic injuries seen at government hospitals from 10,284 to 11,372 persons treated. The majority of patients are discharged home, however, Mr. Speaker, the cost to treat patients that require hospitalization is staggering.

And reported in a presentation by Dr. P Jason Topping, a 24 year old male who was hit down by a motorcar while riding a motorcycle, the cost of treatment being in the Intensive Care Unit at the University Hospital for 30 days, Mr. Speaker, was Four Million, Six Hundred and Fifty-four Thousand Dollars. This is only one case, Mr. Speaker. The Ministry of Health in collaboration with the University Hospital of the West Indies and Violence Prevention Alliance is conducting a costing of all injuries seen at the public hospitals.

The preliminary results should be available in the coming months. Elective surgery for chronic conditions is often postponed due to the need for operating theatre time to treat injured persons. Essentially, Mr. Speaker, in some instance one out of three elective surgery has to be postponed because of these crashes.

Additionally, Jamaica is facing the tsunami of non-communicable epidemic where physical inactivity is a major risk factor. Safe roads where persons are able to engage in physical activity is important such as proper sidewalks and cycling lanes are components that must be addressed in this Bill. (Applause)

Miss DALEY: Hear! Hear!

Dr. FERGUSON: In addition to alcohol-impaired driving, to drugs such as Marijuana, this too, Mr. Speaker must be addressed under this Bill. Research shows evidence that Cannabis impairs cognitive and psychomotor skills. Many countries such as the United States have adopted zero tolerance to Cannabis while driving. Use of both alcohol and Cannabis can significantly cause impairment to drivers. The passage of an improved Road Safety Bill is a significant step towards the protection of road users.

The enforcement of comprehensive and clear legislation with appropriate penalties and accompanied by public awareness campaigns is a critical factor in reducing road traffic injuries and deaths associated with speed, drunk driving and the nonuse of occupants protection measures such as helmets, seatbelts and child restraints. Road traffic injuries are preventable, Mr. Speaker. (Applause) The impact on the Jamaican healthcare system is significant and therefore we look forward to the passage of this Bill.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Hylton.

Mr. André HYLTON: Thank you very much, thank you, Mr. Speaker.

I too wish to congratulate the Committee and in particular the Chairman of South St. Andrew, who worked diligently to complete this Bill. Mr. Speaker, about 10 - I would say about 10 or 15 years ago, long before I dreamt of entering representational politics as head of the Motor Repairs Association of Jamaica, I sat on a Committee that was looking at this same Bill. So at one time, Mr. Speaker, I really kind a lost hope that anything was ever going to be done. So today I'm really elated that it has reached this point that this Honourable House will pass this Bill.

Mr. Speaker, why this is so important, when you consider the Act - Road Traffic Act

of 1938 - and I know Member Pickersgill just left but I know he's an appreciator of classic cars.

Mr. McKENZIE: Soh wey yuh sey, him deh yah from 1938?

Mr. Andrè HYLTON: Well, 1938 was an important year especially in the politics of our country.

But Mr. Speaker, when you consider 1938 those were the days of classic cars - what we call classic cars, vintage cars. But Mr. Speaker, if we consider that in 1876, Gottlieb Daimler and Karl Benz produced what we know today as the internal combustion engine that had four wheels and actually move so it became the fathers of the two most practical motorcars. 1776 David Cugnot, a Swedish engineer, actually designed the first automobile, which was a steam-driven three wheeler that moved for the first time. And of course the story can be told with Otto who dissected the engines and so on.

But Mr. Speaker, as far back as 1896, there's records of cars being in Jamaica. So Jamaica was very early in the day of having motorcars - I think it was in Black River.

Mr. PARCHMENT: Black River, yes.

Mr. André HYLTON: Yes. So the automobile has been an interesting part of our whole development and our civilization.

An interesting story also, Mr. Speaker, before I get to the Act is, France is the first country that actually accepted the automobile because it was a nuisance. It used to frighten the horses in those days when this noisy thing was coming along. As a matter of fact, in the old days, my friend from West Kingston here, probably you know the crank days and all of that, but sometimes the cars wouldn't even be able to go up the hill, they used to have to come out and help push the car up the hill, hence you had the half horse power cars and the one and a half horse power cars because it was equivalent to the strength of the horses. So we are coming a far way. And then to consider that this Bill existed in 1938 when we had drum brakes at the front of the car and drum brakes at the back; in some of the cases they weren't even hydraulic brakes, they were cable brakes. So things in the Act that have been repealed now, Mr. Speaker, you had to - by that Act you had to drive 30 feet behind the car because those days you couldn't just press brake and stop, you had to plan to stop, so you had to give notice at least 30 feet before you can stop, because the brakes weren't so good in those days.

But Mr. Speaker, we are at the point where in modern motor cars, and this is why this Act is so important, we now have things like four-way disc; we have ABS braking system (anti-lock braking system). So most cars nowadays if you press the brake it controls - equalizes the pressure on the four wheels and it optimizes the braking ability. You have anti-skid now, Mr. Speaker, where if the car gets out of control the computer actually takes control and help you to correct the car; I mean it's a lot safer than yesterday. You now have all kinds of other features, Mr. Speaker. Cars nowadays have features to identify pedestrians, yes, there are pedestrians crossing the road, you have sensors that can pick up that a child is crossing the road, *et*

cetera. So cars have become a lot safer, Mr. Speaker, and this is why this Act is important to reflect some of these changes but also to reflect the technology that is now in cars and are going to be used to monitor the automobile on the road.

I want to commend some of the things I think we should look at and I really think what makes a lot of sense is the different classes of driver's licence, you know you have persons from a motorbike right up to the point where you have persons driving bigger units, driving for fees and so on.

The point is made about the telephones and I join the Committee in that debate. Some persons believe Mr. Speaker that the Member from St. Mary - what is it now St. Mary North, yes, made the point that some Members wanted us to remove the usage of cellphones altogether but I believe we struck a reasonable balance that we can do hands-free. It is also said, Mr. Speaker, that texting is actually worse than drunk driving. More accidents are caused from texting while driving than persons who are under their juice. So Mr. Speaker, I believe it's important that the hands-free, this is a fantastic move. Also, the fact that licence plates are now going to be linked to motor cars rather than by owners, I believe it is a move in the right direction, especially with the security issues that we are having, we have persons who have two and three licence plates that they move around from time to time; persons involved with accidents and before you know it they have changed their licence plate. Now the car is going to be tagged by a licence number which will be able to track whether it is in Kingston, Montego Bay or it changes 10 or 20 owners. This, I believe, is a move in the right direction, Mr. Speaker.

One other important thing and you know, Mr. Speaker, in my constituency we have many institutions and many persons living with disability, and through my experience with service clubs I have been working for years with persons with disability and I am glad, for the first time at last, persons are catered to in the Act who have certain disabilities.

Seatbelts, Mr. Speaker, and I don't know if the Committee can look a little further at this but we debated the usage of seatbelts for certain types of cars. And again, I was one of the founders of the Jamaica Classic Car Club, and you find that some of the older cars were never designed for seatbelts. So you find, Mr. Speaker, if you were to bolt a seatbelt down in the car where it is supposed to be it would be a safety issue because the infrastructure was never there, Mr. Speaker, for seatbelts and I think it's something we should consider, especially cars 30 years and older.

Mr. Speaker, there is an issue about the - persons are talking about the cost for the - the fines, and some are saying it is high. The one I want to focus on, Mr. Speaker, is the speeding. I believe the fines really should be used as a deterrent for persons to break the law. But the business of speeding, Mr. Speaker, I really do not believe that speeding causes accidents. I believe it is bad driving that causes accidents. And Mr. Speaker, I visited Germany and I drove on the autobahn

and you are going in a society where the persons are trained properly, have a certain driving ethic and people are driving at 100 miles an hour, 120 miles an hour, and if you check the accident rates on those roads, Mr. Speaker, it is not high.

Our problem in this country, Mr. Speaker, is our attitude on the road. You are driving at 60 miles an hour or 50 miles an hour or 70 miles an hour and somebody just come out on you. You have a dual carriage way, Mr. Speaker, and somebody is in the right lane driving at 30 miles an hour on a 50 miles road; they should be driving in the left and overtaking on the right. Those are just wrong practices, Mr. Speaker. And I believe the Member, the Chairman spoke to this - of the Committee - that we must start with the fundamentals. This is why the graduating licensing regime is a good one. Make sure the persons who are applying for their drivers' licences are trained properly. And part of the challenge we have had over the years is that persons with the right money get their driver's licence delivered to them at home.

So if we do not fix that, Mr. Speaker, and this is what I think the Chairman alluded to in the Committee, we must fix those fundamental things; persons must go and drive for their licence, do the necessary studying, do the necessary test, have a good attitude on the road before they go out there. I suffer every day, Mr. Speaker, between Papine and Halfway Tree. I say it all the time, we have persons driving taxis and if you drive from Halfway Tree to Papine on any ordinary day you are talking about – on any ordinary day, Mr. Speaker, you are looking at three, four close misses. It is madness, just because we don't have a proper work ethic.

And I have said, Mr. Speaker - and I have said this before that I believe that if we have a public transportation system where we give a person a licence to carry the public, part of what we ought to be doing - and I believe the Ministry may be looking into it, we must have a coordinated system where we can track every single vehicle on the road where they are, what they are doing, how many vehicles are running on a particular route at a particular time, coordinated with the JUTC and all the other persons who are carrying passengers. But I believe it is something that we should have legislation to speak to, and I believe that if we do that we will correct a lot of the wrongdoings that we are seeing on the roads today.

Finally Mr. Speaker, I am very happy to see the section about the damages to roads. So many times, Mr. Speaker, persons are complaining that Government is not fixing the roads, but nobody is talking about the roads that they damage. I mean, I am driving up to Forrest Hills and one section of the road cement overflowed and half the road is in a terrible condition because it is now - it has damaged the roads. Persons with those cement trucks who are driving on those roads should pay for the repairs. I have between Papine and Liguanea so many traffic lamp posts that are down because persons crashed and hit them down and you hear nothing about it. I believe that persons damaging the Government's property should pay for them; persons burning

things on the road. So I think these are very good things that need to be - that should have been there and I am happy that they are now there, Mr. Speaker. All and all I am very happy, as I have said, 10, 15 years ago we have been talking about this new Road Traffic Act and I am very, very delighted today, Mr. Speaker, as I was a part of the Committee. I commend the Committee and the Members from both sides for the work that they have put in and certainly, as a person in the auto business in Jamaica for over 35 years, appreciate this Act and I believe it is certainly a move in the right direction.

Thank you, Mr. Speaker. (Applause)

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: Mr. Speaker, I honestly, I am disappointed that I have not heard anyone make sufficient mention of the nonsensical speed limits on the North Shore Highway. The Member who just spoke made repeated reference to 60 miles an hour, that's 85 kilometres per hour. He made mention - is it about 85 - I am just rough calculating so the point is he made mention you driving at 60 miles an hour somebody just come out on you. If you are driving 60 miles an hour you gone to jail, the fine would be so exorbitant and that is a very practical example of what is taking place on the North Shore Highway. It is abject nonsense to believe that in contemporary Jamaica - the world has moved beyond the horse and buggy era. You can't drive a car on a highway like the North Shore Highway at 30 miles an hour. It's preposterous and when you come down from 80 kilometres per hour to 50 there is nobody in sight you are endangering nobody, but what is there waiting for you is a policeman with a camera with little speed gun or whatever. Invariably they perched themselves not in the area at 80 kilometers but by the 50 because they know that it is observed in the breach. So you find when you driving you see nothing but lights flashing at you to tell you down the road that some policemen hiding waiting for you.

Minister, whomever it was, whichever group, whichever creative brain that decided to determine what speeds should exist on that highway, they must be made to understand that it is rubbish and it is imposing unnecessary stress on people trying to traverse the area in reasonable time. I am not talking about abusive to the Road Code but in reasonable time. So the first thing the Minister has to do now is to convene a meeting, sit them down and say go redo that and give the commuting public, the vehicular traffic a chance to breathe and get about their business.

The next thing I haven't heard anybody make mention of and most people here probably like myself, I don't even know the exact section of the law but I do know it exists because some cattle I have got on the road. They were being driven but they got a little bit out of control and a car stopped and they kind of damaged his vehicle...

(*Sotto voce* remarks by Government Member)

Mr. SAMUDA: He came down on them so he had to stop. Somebody said to me that the law still exists that protects cattle on the road. They are right. Did you know that? I bet you, you didn't know that. You cannot move

cattle out of the road by forcing them with your vehicle and if they damage your vehicle you are responsible.

Now Minister, if you are going to have a total...

(*Sotto voce* remarks by Government Member)

Mr. SAMUDA: In the Corporate Area, anyway, you can check that out. But if you are going to do anything, Minister, look at that because we are no longer in the era of the buggy and we have to make appropriate and common sense changes. You know, most of the laws we pass if we just apply our common sense it would be more practical and people could go about their business without as much stress. So those two I just leave with you, Minister, I have not any more to say. I mean I observe like everybody else most of what has been said and I agree with most of what my friend, André has said, but those two for sure, just give it some serious thought.

Dr. DAVIES: Mr. Speaker, I am pleased to participate in this debate on the Report from the Joint Select Committee on the Bill entitled, "The Road Traffic Act, 2014". As I am also the penultimate speaker, as the Minister without Portfolio will close this aspect of the debate, as the person entrusted with chairing the Joint Select Committee I wish, Mr. Speaker, to place formerly on record my appreciation for the collaborative spirit - I was about to say spirit of comradeship in which...

Mr. McKENZIE: No problem, go ahead.

Dr. DAVIES: Okay, the spirit of comradeship ...

Mr. SAMUDA: Remove that from the dictionary.

Dr. DAVIES: Raise a fist to that.

Mr. SAMUDA: That's not in the dictionary.

Dr. DAVIES: …which characterized the way in which persons from the - both Houses worked on this Bill.

Mr. Speaker, as the Member from South St. Catherine has pointed out, there was no issue which was discussed along party lines and although on several matters there was heated debate, all were resolved in a most civilized manner.

In summary, Mr. Speaker, the manner in which the Joint Select Committee operated reflects - is in a sense, was a model of how Parliament should deal with serious issues and contributions which have been made are a continuation of that approach. At the same time I must express appreciation for the work of the officials from the various Ministries and entities, speaking about Chief Parliamentary Counsel, the Attorney General's Chambers, the staff of Parliament, the members from the Police Traffic Department, all these officials, Mr. Speaker really contributed to our deliberations and the way in which the Joint Select Committee operated.

Mr. Speaker, this Bill has had a long gestation period as it's only a few months shy of 15 years that the Cabinet approved a proposal to revamp the Road Traffic Act and the associated required drafting instructions were issued to the Chief Parliamentary Counsel; 15 years ago. The Minister without Portfolio who opened the debate has

highlighted several of the major legal specifics which mark the challenges, so I will not seek to repeat but I want to speak about a couple items or issues which go beyond the specifics of the legal changes, but impact a great deal on the way in which the country operates.

The reality, Mr. Speaker, is that given the period which has elapsed since Cabinet approved the proposal the changes in the transportation sector has been significant whether we are speaking about improvements to the road. The Member from St. Andrew North Central has already spoken to the need to reassess, say, the limits on the North-South Highway; that's the one you meant.

Mr. SAMUDA: Yes.

Dr. DAVIES: And it is something which we are going to look at. In fact, the work which has just been...

Mr. SAMUDA: North Shore.

Dr. DAVIES: Okay, but the point has been made about the North/South too and the work carried by young Dr. Paris Lyew-Ayee in a sense gives us the technical and analytical data set to have a more informed discussion on that matter, so I promise that will be done.

But, Mr. Speaker, with the increase of population over this period, a key factor to be taken into consideration - and it's something I want to say something about - is the growing public demonstration of indiscipline, particularly on the roads and this is a matter which just simply - we cannot simply ignore or grow more tolerant about and it's something that we need to speak to.

I'll come back to that but let me say something about the collaboration between agencies. The deliberations of the Joint Select Committee brought fully into focus the extent to which the most important goals of the Bill can only be realized through collaboration between several Government institutions. In this group would be the Tax Authority of Jamaica, the Police Traffic Department, the Island Traffic Authority, the National Works Agency, the Police Information Computer Centre - and that will have a lot to do with identification of motorists pulled over on the roads - and the courts represent a major element in this whole system, because part of the difficulty in having a quick disposal of the issues like traffic tickets is reflected in the fact that the court system is clogged and the recent attempts to clear this haven't reaped the success we have wanted.

Mr. Speaker, we're also actively exploring the possibility of private sector entities, in particular the general insurance companies being part of this collaboration particularly in the sharing of information on whether - I've seen some alarming numbers about the difference between the number of insured vehicles on the road as per the records of the insurance company and the number of vehicles which other counts have suggested. There is a need for us - there are some things not totally kosher happening in terms of the registration and the insurance certification and hence this collaboration between the public and private sector entities will be important.

Mr. Speaker, even when we come to the passage of the legislation this is just literally and figuratively the beginning of the road. There is much to be done in terms of the

expected benefits of increased collaboration. Even for the law abiding citizens, Mr. Speaker, there is need for us to increase the efficiency of the system. I don't want to offer this as an excuse, but part of the difficulty with the system is that the system encourages or facilitate the *bandulu* operation. I'm not providing this as an excuse but this is one of the problems.

Consequently, the Members of the Committee fully recognized that there is a great deal of work to be done in linking the various IT systems around several departments and e-Gov will have to step up to the plate in terms in its role in improving the IT system.

Mr. Speaker, let me go to the area which gave our Committee the greatest concern, that of enforcing higher levels of discipline on our roads. The reality, Mr. Speaker, and looking at a sector of influential - of an influential sector of society which sometimes seems to be promoting the notion of greater tolerance for indiscipline and so you see a group of taxi drivers or minibus operators do not like the imposition of new rules and they see it as their right to block the roads or simply take control, spreading disorder and what is the response from some elements of the media that these harsh and cruel steps are limiting people's small entrepreneurs ability to earn. We have to get beyond, Mr. Speaker, and I believe that this represents and I'm pleased that the approach taken our deliberations has carried over, because there was a united position from all Members that reducing - I wouldn't dare to suggest eliminating the level of indiscipline, it must be a major objective. So part of this when we hear that the fines - I heard an extended interview with someone who was equating the increase in the fines - and some of the increases have been significant - with the imposition of taxation and I was trying to understand this equation, the increase in the level of fines for violating the law then becomes part of taxation. In a sense that every road user had an obligation to break the rules and, therefore, you are taxing them in that process.

Similarly, I was kind of surprised at the objection being raised to the insurance policies being used to cover the cost of the repair or replacement of road furniture damaged by motorists. This objection is strange because it is already contained in the insurance policies and you're charged for that and enhance this is not on imposition of anything new, and I would indicate that the Attorney General's Chambers has given increased leeway, a *fiat* to the lawyers in the Ministry and in the National Works Agency to pursue the collection of the fines or whatever for this damage to furniture. But when I hear questions being raised about it, I said, to what end? What is the message we are passing on?

Mr. Speaker, this new Act, this new law will aid us in increasing law and order in our society and to counter the worst examples of indiscipline and disorder. The aversion to enforcement of discipline is also reflected in the objection to the requirement or the enforcement of the existing requirement that every operator of a vehicle on the road should walk with his or her licence.

This is not a new imposition Mr. Speaker, the enforcement may be something but it's already on the driver's licence. If you look on the back of your driver's licence that it's stated there explicitly, take this with you. I heard one of my colleagues make a comparison saying, it's like you're trying to travel without your passport, you know, and then complain that the immigration officials were being unreasonable. If you're driving, this is your passport; this is what - this certifies that you're capable of your doing this. And so Mr. Speaker, I will agree with the need for increased and stepped-up public education, no question. We just have to keep drumming, but we cannot say it's how we flex in Jamaica. The same person who makes this protest goes to the United States and don't just try, don't test the system, because it is stated that's what you do.

It leads to another issue, Mr. Speaker, and it's a bigger issue which will affect other elements of the Government and this relates to the fact that there are many persons using the roads who can't prove who they are. Take a cyclist who rides through a red light or whatever and the police pulls him over and says, who are you? He has nothing on him. He has no ID whatever. It's a very important issue and it comes to the question as to whether a national ID system is something that which we'll have to look at, because...

Dr. PHILLIPS: You'd be looking for such a long time.

Dr. DAVIES: You'd be looking for such a long time. One of the real problems Mr. Speaker, is what you do with that person or what do you do with his bicycle? What do you do with them? You don't know who you have. You, obviously, can't just rely on who he says he is or where he claims to live and it's something we need to look at in moving forward.

Cell phones. The use of cell phones. We had a vigorous debate. Let me just indicate, although I say with the Committee's recommendation, I use Chairman's privilege to say I'm opposed. I know that when I'm using a cell phone there is no way you can focus on other activities simultaneously much less keeping the vehicle on the road and watching the behaviour of other motorists. We came to a compromise solution where we tolerate hands free but if the truth be told, as my position was clear and since it was a public hearing, I don't like the idea but the compromise was that we would allow hands free - what you call them? Hands free instruments - good word - devices, but it's something which I suspect even if we pass this it's something that we're going to revisit.

In short, Mr. Speaker, the technical aspects of Bill and the legal aspects there weren't many disagreements. What is more important - what is most important is that this Bill is a very important step towards the objective of increasing discipline and order in the society. The way in which too large a percentage of motorists behave on the roads suggest a society in chaos and lacking any elements of a civilized system of operation. That is the reality which we face and this Bill

provides us with an important step. It's an important step in the drive towards a more civilized society.

Mr. Speaker, it was, as I said, an enjoyable experience for me to chair this Committee. We worked on some Saturdays and even Members who have conflicting appointments on Saturdays...

Mr. D. SMITH: I couldn't change that.

Dr. DAVIES: Yes, had to apologize for their absence, but we have seen the results of this absence. But Mr. Speaker, I repeat what I said initially is that the way in which the deliberations proceeded is a reflection of the best that we can be where we, as elected members of the society, charged with providing guidance and leadership behave as the theorists said we should and I was proud to be associated with this.

In this regard, Mr. Speaker, I wish to say thanks to the Minister without Portfolio for guiding us through the more technical aspects. He has some more issues to raise prior to conclusion of the Debate.

I thank you.

(Applause)

Dr. GUY: Mr. Speaker, as I rise to close the Debate, I want to thank all the Members who have contributed to the deliberations when we started a couple of weeks ago.

Mr. Speaker, as was indicated, the discussions as they were at the Joint Select Committee, were quite robust, and the contributions made by the Members in their deliberations on the Report of the Joint Select Committee were also robust, and I want to thank them all for it.

Mr. Speaker, a number of Members made contributions which I'll just speak to a few of them. I want to advise, however, Mr. Speaker, that the - some of the concerns they have will be addressed when we go through the Bill, clause by clause, because I am satisfied, for want of a better word, that some have not read the Bill in its entirety.

Mr. Speaker, the Member from Central Clarendon spoke about legislation relating to the operations of taxis, and the Transport Authority. I want to advise, Mr. Speaker, that this new Bill has removed that chunk of the old Bill that deals with the Transport Authority and taxis, and have transferred that to the operations of the Transport Authority. Hence, you will not find much in this new Bill about that.

As a State, yes, we do have a responsibility to ensure that there are proper markings at pedestrian crossings and proper signs on the road and this is not something that is lost on us Mr. Speaker and as a Ministry we are working to ensure that this is so.

Mr. Speaker, I want to speak to a particular concern that I have, and other Members, in their contribution have also expressed some concerns about the utterances of a particular Member – the Member from West Kingston – West Kingston. And I am going to quote him, Mr. Speaker, that he said that you can make a mistake of travelling over the speed limit, and you are charged $45,000 as payment.

Now Mr. Speaker, the Bill makes provisions for exceeding the speed limit by 50

kilometres per hour, and being charged $45,000 when you go to Court. Now you can't make a mistake and exceed a speed limit by 50 kilometres per hour. So I want to advise and to reassure the motoring public that one of the things that...

(*Sotto voce* comment)

Dr. GUY: Not a mistake Member, not a mistake Karl. You have to deliberately do it. And then, Mr. Speaker, that is when the concern expressed by the Honourable Minister of Health, and the Member from Eastern St. Thomas comes into vogue, and into the fore because the injuries as a result of road traffic crashes, and the deaths, and the attendant cost to the economy is something that we have to consider.

Mr. Speaker, in 2011, the United Nations declared a decade of action for road safety - 2011 to 2020 - and there were five pillars that the UN indicated that member countries across the world should try and improve on. We are midway through that decade, Mr. Speaker, and we have not addressed a significant number of them, and one of them addresses the post-crash care which falls within the Ministry of Health. And I am saying Mr. Speaker that we need to pay more attention to the speed because that is, as has been demonstrated, the primary cause for a significant number of injuries and crashes that we have had in this country.

Mr. Speaker, the concern, or the suggestion that the Member from North East St. Andrew mentioned about paying tickets online is something that is worthy of consideration. It is not addressed in the Bill, however, but it is something that could be looked at with the input of Tax Administration, Jamaica, as they have been doing for other areas of collection.

Mr. Speaker, the fact is that other Members spoke to the use of cell phones, and it is something that is not only for cell phones but other electronic devices and in the opening, Mr. Speaker, I spoke to the increasing number of electronic devices such as DVDs that we see here, that are installed in cars and people are watching them while driving on the road. This is something that we have to, because in as much as people indicate that they can multitask, Mr. Speaker, the brain can only do one thing at a particular time.

(*Sotto voce* comment by Mr. Paulwell)

Dr. GUY: Yes, House Leader. The brain can only do one thing at a particular time, so, there is truly no multitasking. You have to shunt...

Mr. SHAW: You are speaking as a doctor here now, or...?

Dr. GUY: As a scientist, yes.

Mr. Speaker, mention was made of the need to ensure that people are aware of the provisions in this. I want to indicate to the Honourable House, Mr. Speaker, that the Ministry of Transport, Works, and Housing has taken deliberate steps to ensure that, going forward, and even before this Bill is approved by both Houses, that an active public education programme is being launched.

In fact, Mr. Speaker, I'll tell you even further, that the Ministry has identified a public relations consultant who is going to be working specifically on this particular part of

it to ensure that our motoring public, our commuting public, our pedestrians on the road, and all users of the road have a good idea as to what this Road Traffic Act is about.

And secondly, Mr. Speaker, what we are going to be doing as well is to ensure that the Road Code - the Road Code is electronically available to everyone who wants it. And we are not going to be relying, we are not going to be relying, Mr. Speaker...

Dr. WHEATLEY: Shut your mouth. You are a disgrace. *Bout* $5 Billion, idiot... big *eedyat... eedyat dung deh suh... eedyat* a talk to me.

(*Sotto voce* comments by Mr. Anthony Hylton)

Dr. GUY: ...on those individuals who would necessarily want to print a book and to purchase a book, they can have it online and have access to it.

Mrs. NEITA-HEADLEY: Hello... Come on...

Dr. GUY: Mr. Speaker, the concern that was expressed by the Member from North Central about education. It is for that very reason, Mr. Speaker, why one of the provisions of this new Bill is to ensure that before you can even get a learner's licence, that you'll have to be acquainted with the Road Code. It is that education that we have put into place to ensure that even before you can sit around the wheel - before you can apply for that learner's licence that you would have satisfied the authorities that you know what the Road Code is.

Mr. Speaker, the Minister can make provisions for increasing or decreasing the speed limit on any particular road, and that island provision is made for that in Clause 114.

Mr. Speaker, law and order in the society, as the Minister from South St. Andrew indicated, is something that we are concerned about. We must recognize that it is a responsibility...

(*Sotto voce* comment)

Dr. GUY: You have a responsibility to be - if you are on the road, you have a responsibility to the other users of the road, to protect them as well as yourselves.

Mr. McKENZIE: One term at a time - one more; that is why you must keep him.

Dr. GUY: So Mr. Speaker, there is another provision - having said that, there is another provision Mr. Speaker that is intended to be added to those that are on currently in the Bill Mr. Speaker and it relates to smoking of ganja whilst driving.

Mr. CHUCK: *Nutten nuh* wrong with that.

Dr. GUY: No, no, no, Mr. Speaker...

Mrs. NEITA-HEADLEY: What!

Mr. CHUCK: Private... private... remember, you know, I don't smoke.

Dr. GUY: ...we recognize, in as much as there is the - there is the mind-altering effect of ganja, and we owe a responsibility to everyone in this country to ensure that is so.

(*Sotto voce* comment by Mr. Shaw/Laughter)

Dr. GUY: So Mr. Speaker, one of the provisions - and we'll discuss it at the Committee level when we get there.

Mr. CHARLES: Paragraph 8, we will be adding.

Dr. GUY: ...one of the provisions is that a person - in the Third Schedule, Mr. Speaker, after paragraph 8, we will be adding the following paragraph:

A person contravenes this subsection the subparagraph, if the person:

a) smokes ganja as defined by the Dangerous Drugs Act while driving, or attempting to drive, or while in charge of a motor vehicle on a road, or other public place; and

b) other than in the circumstances described in paragraph 1 and, in (2) a person contravenes subparagraph (1), shall not be liable to be arrested or detained therefor, but shall be liable to a fixed dollar payable at any Collector of Taxes, and the provisions of Section 108(2) to (7) of the fixed penalty.

And that, Mr. Speaker, will attract a fee of $10,000. We can have further discussions when we come to the Committee level.

But we feel that there is a responsibility, Mr. Speaker, in as much as we have made the smoking below, or the possession below two ounces a ticketable offence, we feel that we also have the obligation and the responsibility to ensure that people who are driving should not be smoking at the same time that they are driving.

Mr. CHUCK: How you going to decide...

(*Sotto voce* comments)

Mrs. NEITA-HEADLEY: If you are caught.

Dr. GUY: No, no, no, if you are caught smoking ganja whilst driving, whether it's the two-ounce or below the two-ounce.

(Heckling)

Mr. Speaker, I think - Mr. Speaker... Mr. Speaker... we have the Committee level where we can have some of these discussions. You will allow me, Mr. Speaker. The number of contributions, Mr. Speaker...

(*Sotto voce* comment by Mr. Shaw)

Dr. GUY: …and the general direction in which this House has approached this revision of the Road Traffic Act, Mr. Speaker, as was said by other Speakers, and particularly by the Member from South St. Andrew, is commendable.

Mr. Speaker, having said that, I ask - I move that the Report be adopted.

Mr. SHAW: Is there no end to taxation?

Mrs. NEITA-HEADLEY: No!

Mr. SHAW: A new one is added every day. Charge $10,000.

The SPEAKER: Those in favour of the adoption of the Report.

Put to the House and agreed to.

(*Sotto voce* comments)

Dr. GUY: Mr. Speaker... Mr. Speaker...

(The Speaker gavels)

Mrs. NEITA-HEADLEY: You are misleading the House.

A MEMBER: You are misleading the nation.

Dr. GUY: Mr. Speaker, in order to incorporate - Mr. Speaker, can I have a little protection so that the Members can hear...

(The Speaker gavels)

Mr. Speaker, in order to incorporate both the

recommendations of the Joint Select Committee, and the contributions of all the Members in the Debate, I beg to move that the current Bill before the House be withdrawn at this stage, and a new Bill encapsulating and reflecting the wishes of the House and its Committee be tabled at a later date.

The SPEAKER: Those in favour of the withdrawal?

Put to the House and agreed to.

Mr. CHUCK: Only smoking a chillum pipe.

Mr. CHARLES: No, ganja smoking.

(*Sotto voce* comments)

Mr. PAULWELL: Mr. Speaker...

(The Speaker gavels)

Mr. PAULWELL: We have one presenter on the Electricity Bill, and then we'll conclude that Debate now. The Member...

(*Sotto voce* comments)

Mr. PAULWELL: You also? Okay, well, let us then move to the Minister of Local Government because that is a short Bill.

(Applause)

The SPEAKER: Mr. Arscott.

Mr. ARSCOTT: Mr. Speaker, I beg to move for the suspension of the Standing Orders to enable me to introduce and have read a first time, the Bills shortly entitled, "The Kingston and St. Andrew Corporation General Election (Postponement) Act, 2015", and "The Parish Councils General Election (Postponement) Act, 2015", to give notice of second reading, and to take them through their concluding stages.

The SPEAKER: The question is that the Standing Orders be suspended to enable the Minister to introduce the Bills, have them read a first time, give notice of second reading, and take them through all their stages.

Put to the House and agreed to.

Mr. ARSCOTT: Mr. Speaker, I now move to introduce the Bills, and have them read a first time.

Bill shortly entitled:

"The Kingston and St. Andrew Corporation General Election (Postponement) Act, 2015",

read a first time;

Bill shortly entitled:

"The Parish Councils General (Postponement) Election Act, 2015"

read a first time.

Mr. ARSCOTT: Mr. Speaker, I beg to give notice of second reading of the Bills.

Mr. Speaker, the Local Government Reform process has been the topic of many discussions in, and outside of this Parliament for many years. It has been the subject of many reviews and consultations, and has been the source of contention among many.

Mr. Speaker, it is understandable as only an effective local governance system can transform our communities, and lead to sustainable development. Despite the delays, we are closer to full implementation than ever before. While the consultations started more than two decades ago, the real work for implementation started in 2012.

When this work is fully implemented, Mr. Speaker, the country will significantly benefit from a more modern, transparent, participatory and response local government system.

Mr. Speaker, the widely consultative procession which surrounded the development of policies and ensuing actions for local government reform, indeed, this included the extension of the term of office for elected officials to four (4) years. This was fully supported by the Government in 2010. Additional successive years of consultation included the SCC island-wide consultations, ALGA Councillors lead to the Ministry of Local Government, issuing drafting instructions to the Chief Parliamentary Counsel to incorporate this provision in the Local Governance Bill.

Mr. Speaker, it is on this basis that the Government has carefully considered its position that the holding of elections be postponed for this and a number of other reasons.

1. The three strategic laws, one of the priorities of Local Government Reform process are at an advance stage of development with the Local Governance Bill, the Unified Service and Employment Bill having been sent to the Legislative Committee. And I want to thank Minister Golding for his effort in actually working hard to ensure that we reach this stage in the legislative process. All three Bills will be tabled in this Honourable House before the end of the Parliamentary year.

   These Bills, Mr. Speaker, will significantly impact the operations of the local authorities. We will also develop the capacity of staff, the councilors and a massive public education campaign on the passage of these Bills. It will be mandatory for all councillors to have this training after any future Government, Local Government election.
2. Members you are aware of the recent passage in this Honourable House of Constitutional Local Government (Amendment) Bill, which gives constitutional protection to the system of local government. We await the passage of this Bill in the Upper House.
3. It is also the case, Mr. Speaker that the process of revising the electoral boundaries in Portmore should be completed before citizens are called on to exercise their franchise. It is important to note Mr. Speaker that a number of citizens in Portmore would be disenfranchised if the Local Government Elections are called before the resolution of the boundaries issue.

In 2014, I piloted the Municipalities (Validation and Amendment) Act, which sought to deal with the issues that affected representation in municipalities after the last Local Government Election. It is our desire that any matter identified by the Electoral Commission of Jamaica as having the potential to affect the electors or the representatives they chose should be settled prior to the staging of election?

Mr. Speaker, it should be pointed out that the major strategic steps taken to further implement the Local Government Reform Process occurred since 2012 with:

1) Proposals for legislative reform in Local Government submitted to Cabinet for the first time.
2) The approval by Cabinet for the issuing of drafting instructions to the Chief Parliamentary Counsel, in respect to the three strategic laws from early in 2013 and the subsequent tabling of the Local Government (Unified Service and Employment) Bill at the Legislation Committee.
3) The tabling of the Bill before Parliament for the entrenchment of Local Government in the Constitution and its passage in the Lower House.
4) Soon to be tabled National Building Bills in this House and for debate and passage.

Let me stress, Mr. Speaker that when we speak of active steps to advance Local Government Reform Process, this Government has clearly demonstrated this through actions. (Applause)

It is in this context, Mr. Speaker that I seek the approval of this Honourable House for the postponement of Local Government Elections to a date stated in the Resolution. Specifically this will require amendments to the Parish Council Act, and the Kingston and St. Andrew Corporation Act. Accordingly, Mr. Speaker, laid on the Table of this Honourable House is the Parish Councils General Election (Postponement) Bill, 2015, and the Kingston and St. Andrew Corporation General Election (Postponement) Bill 2015. I will now move both Bills through their clauses.

Clause 1: Clause one of the Parish Councils General Election (Postponement) Bill, 2015 establishes that it should be read as one with the Parish Council Act, which is the principal Act.

Clause 2 establishes that for the life of this Amendment Act, Section 8 subsection (1) of the principal Act is modified and should be construed as providing that the election of councillors to serve in both Parish Councils should be held no later than December 29, 2016.

Clause 3 provides that the election of councilors to serve in each Parish Council shall be deemed not to have been required to held between March 31, 2012 and the date when this Act commences its life.

Clause 4 establishes that this Act will be valid until December 29, 2016 and thereafter, expires.

Mr. Speaker, I now move to Clause 1 of the Kingston and St. Andrew Corporation General Election (Postponement) Bill, 2015 which provides that it should be read as one with the Kingston and St. Andrew Corporation Act which is the principal Act.

Clause 2 states that for the life of this Amendment Act, Section 14 subsection (1) of the principal Act is modified and should be construed as providing that the election of members to serve on the Council of the Kingston and St. Andrew Corporation should be held no later than December 29, 2016.

Clause 3 serves the purpose of validation by providing that election of members to serve on the Council of the Kingston and St. Andrew Corporation shall be deemed not to

have been required to be held between March 31, 2012 and the date when this Act commences its life.

Mr. Speaker, Clause 4 establishes that this Act will be valid until December 29, 2016, and thereafter expires. With these remarks, Mr. Speaker, I now invite comments from Members. (Applause)

Mr. McKENZIE: Mr. Speaker, the Minister of Local Government has just engaged this Honourable Parliament and the country to what can only be described as an act of cowardness on the part of the Government.

(Heckling by Members)

Mr. Speaker, I would like to make reference, Mr. Speaker, to an article published...

(Heckling by Members)

Mr. CHARLES: The Speaker must be allowed to speak you know, don't let us start.

(The Speaker gavels)

Mr. McKENZIE: ...to an article published in the *Jamaica Gleaner* on Wednesday the 24th of June, 2015. A study has shown Jamaica as the country in the Americas with the lowest level of satisfaction and confidence in Local Government.

Twenty-five (25) countries, Mr. Speaker, were surveyed including CARICOM countries and of the survey, Mr. Speaker, of the 25 countries, Jamaica was ranked at the bottom of the list.

Countries in CARICOM that ranked above Jamaica was Haiti, Trinidad and Tobago, just to name two countries, Mr. Speaker.

(Heckling)

Mr. CRAWFORD: Name your source, name your source. That sound like excuse.

Mr. McKENZIE: You asked the question, Mr. Speaker, why a survey…

Mr. CHARLES: PNP survey.

(Heckling)

Mr. DALLEY: You cannot quote something in the House without telling the source.

Mr. McKENZIE: …could rate Jamaica at the bottom of the list of countries in Latin American and the Caribbean? It is a clear indication, Mr. Speaker, that the Jamaican people have no confidence…

Mr. DALLEY: In you.

Mr. McKENZIE: …in Local Government. They don't trust Local Government, and the demonstration of the Administration today enforces, Mr. Speaker, in no uncertain way, the lack of trust and respect in the system.

Mr. SHAW: Hear, hear!

Mr. McKENZIE: Mr. Speaker, Local Government elections are constitutionally due every three years in Jamaica. In the last 25 years, Mr. Speaker…

Mr. CHUCK: Never held.

Mr. McKENZIE: ....in the last 25 years the voters of this country has only had the opportunity on five occasions in the last 25 years to exercise their democratic rights on the question of Local Government. Between 1990 to 1998, Mr. Speaker, there was no Local Government elections held in this country. Almost ten years, Mr. Speaker.

Mr. CHARLES: Under who?

Mr. CRAWFORD: That is democratically wrong.

(Laughter)

Mr. McKENZIE: Under you and Mr. Speaker, one of the platforms, one of the platforms, Mr. Speaker of the present Administration was their ability to do better than what we were doing.

Mr. CRAWFORD: Promise kept.

(Laughter)

(Applause by Government Members)

Mr. McKENZIE: They told the country -

(Applause by Government Members)

They told the country in no uncertain manner, Mr. Speaker, that they were better administrators than we were. They told the country, Mr. Speaker….

(Applause by Government Members)

Mr. McKENZIE …in no uncertain manner, that the people of' Jamaica could trust them.

Mr. CRAWFORD: Promise kept.

(Applause by Government Members)

Mr. McKENZIE: They told the country…

Mr. CHUCK: The people learning now.

Mr. McKENZIE: …that the people of Jamaica should have confidence…

(Applause by Mr. Crawford)

…in their ability.

Mr. CHARLES: Rastaman you stop with that clapping now.

(Laughter)

Stop your clapping.

(Laughter)

Mr. McKENZIE: Mr. Speaker, I would like to ask the Hounourable Minister of Local Government…

Mr. SHAW: He is a bogus Rasta.

(Laughter)

Mr. CHARLES: Bogus long hair Rasta.

(Heckling by Opposition Members)

Mr. McKENZIE: …if the platform that he promise this country, that the PNP Administration promised a better day for Local Government, if that promise has been kept by the Administration?

(Applause by Government Members)

Government MEMBERS: Yes, yes, yes.

(Applause by Government Members)

Mr. McKENZIE: So if they have kept the promise, Mr. Speaker, why are we here this afternoon to discuss two Bills calling for the postponement of Local Government elections from almost 18 months, Mr. Speaker?

(Heckling)

The Bill, Mr. Speaker…

(Heckling)

The Bill, Mr. Speaker…

(Heckling)

The Bill is asking the Parliament to consider the postponement of Local Government elections until December 29, 2016.

A MEMBER: The anniversary date.

Mr. CHARLES: Clap now Rasta.

A MEMBER: Yes.

(Inaudible comment by Mr. Crawford)

Mr. McKENZIE: Now, Mr. Speaker, you tell me. Where is the promise to free up Local Government? Where is that promise?

(Heckling by Opposition Members)

Mr. McKENZIE: Mr. Speaker…

Mr. CHARLES: False promise.

Mr. McKENZIE: I listened to the Minister and there is a question of trust.

Mr. SHAW: Trust?

Mr. McKENZIE: The Minister spoke about what started in 2012. The Minister didn't tell this Honourable House that many of what he is talking about was inherited from the previous Jamaica Labour Party government.

Mr. CRAWFORD: No, no!

Dr. WHEATLEY: The man don't do a thing, Desmond. Not one thing.

Mr. McKENZIE: None of what the Minister has spoken about originated with this Administration.

Dr. WHEATLEY: None whatsoever.

Mr. CHARLES: None of the reviews.

Mr. McKENZIE: If, Mr. Speaker, if the Government is honest, if the Government is not afraid of the electorate, if they are not afraid, Mr. Speaker, why postpone the elections? If you are confident that the Jamaican people still believe that this is PNP country, that the PNP can't do anything wrong, call the elections.

(Cross talks)

I challenge the Government, withdraw the Bill. Withdraw the Bill now, and announce the date of Local Government Elections.

Mr. CRAWFORD: Call it now.

(Heckling)

Mr. McKENZIE: Stop hiding, stop hiding and pretending as if you are doing anything to improve Local Government. What has happened under your stewardship as Minister of Local Government?

Mr. CHUCK: Not even rain can fall.

(Laughter)

Mr. McKENZIE: We have seen, Mr. Speaker, a decline in the service delivery offered by Local Government authorities. We continue to see a decline in the work of the National Solid Waste Management Authority. Every aspect of Local Government has fallen to pieces under this present Administration and under the present Minister of Local Government.

(Applause by Opposition Members)

Mr. Speaker, the Government, Mr. Speaker, the Government owes an obligation to the people of this country. The people of this country, Mr. Speaker, has a right, has a right to make a decision on where we go from here. It should not be left to the Government to find a window of opportunity to call the Local Government Election. That is what they waiting for, a window of opportunity. Talk about putting in measures. You had three and a half years to put in the necessary measures, Mr. Speaker. I warn the Minister, the Bill that was brought to the Parliament to place the Parliament to place Local Government in the Constitution, Mr. Speaker, I advise the Minister that you are putting the cart before the horse. The three strategic Bills - and the House Leader must be held accountable because he gave the commitment that those three Bills would have been brought to the Parliament as early as possible, and he begged for our support.

(Heckling)

Mr. CRAWFORD: As possible. As possible.

Mr. PARCHMENT: As possible.

Mr. McKENZIE: Mr. Speaker, now the Minister has come to the Parliament. He has come to the Parliament with two Bills. Where are the three Bills that are so important to the survival of Local Government?

Mr. PARCHMENT: They will be here as early as possible.

Mr. McKENZIE: You had no conscience whatsoever, not even one of those Bills you could bring to the House, and yet you come here with your grand fanfare.

In 2012, January 2012, Mr. Speaker, in January 2012 the Minister gave an assurance to the country that Jamaica would receive an Independence gift. The 50th Anniversary of Independence would have seen Local Government entrenched in the Constitution. It took them three years to live up to that commitment.

(Heckling by Government Members)

Mr. PARCHMENT: How long it took you? How long it took you?

(Heckling)

Mr. McKENZIE: Don't talk about us, talk about you.

Mr. PARCHMENT: How long it took you?

Mr. McKENZIE: You are the ones over there that said that you are the better managers.

(Heckling)

You are a set of incompetent and dishonest people. That is what you are.

(Heckling)

That is what you are.

Dr. WHEATLEY: You did nothing.

(Heckling)

Mr. CRAWFORD: Shahine Robinson is the prettiest lady over there.

(Heckling)

(The Speaker gavels)

Mr. McKENZIE: It is your turn now, it is your responsibility and instead, instead, Mr. Speaker, of doing the things that are necessary, where are the Bills, Mr. Speaker? Where are the Bills? Where are the Bills?

Mrs. NEITA-HEADLEY: They are coming.

Mr. McKENZIE: Coming when?

Dr. DAVIES: Sum up, sum up now.

(Heckling)

Mr. McKENZIE: Mr. Speaker, there is no intention…

Dr. DAVIES: Sum up now. Sum up now.

(Heckling)

Mr. McKENZIE: I not summing up, I just start.

(Heckling)

(The Speaker gavels)

(Inaudible comment by Mr. Charles)

Mr. McKENZIE: Mr. Speaker, it is clear. It is quite clear…

(Heckling)

Mr. CHUCK: Allow the speaker.

(Heckling)

Mr. McKENZIE: It is quite clear Mr. Speaker that the Government has no intention of holding Local Government Elections. This Government has brought Local Government to the brink of bankruptcy.

(Heckling)

Mr. CHUCK: And into disrepute. And into disrepute.

(Heckling)

Mr. McKENZIE: This Government, Mr. Speaker, has brought Local Government to the brink…

(Heckling)

Mr. CHUCK: And into disrepute, pure disrepute.

Mr. McKENZIE: …of destruction. The Government, Mr. Speaker, today, today, Mr. Speaker, the Local Government system if we go by the law, Mr. Speaker, is operating unconstitutionally today.

(Inaudible comment by Mr. Dalley)

Mr. McKENZIE: Any decisions taken by parish councils, Mr. Speaker…

(Laughter)

(Applause by Government Members)

…can be deemed illegal.

(Laughter)

Mr. CHARLES: Unuh just laughing at unuh self, unuh laughing at unuh self.

Mr. McKENZIE: Mr. Speaker…

A MEMBER: You chat too much foolishness.

Mr. CHARLES: You laughing at unuh self.

Mr. McKENZIE: The Minister…

Mr. CHARLES: Kingston is on smoke.

Mr. McKENZIE: The Minister, Mr. Speaker, the Minister has given one of the reasons about the realignment of the Portmore boundaries. Now you know Mr. Speaker the Government has had ample time to deal with this matter in Portmore.

Mr. PARCHMENT: You created it.

Mr. SHAW: Who?

Mr. McKENZIE: The Government had ample time Mr. Speaker to have effectively dealt with the Portmore issue but because, Mr. Speaker, the heat in the kitchen is too hot.

Mr. CRAWFORD: Eh, eh!

(Heckling from Government Members)

Mr. McKENZIE: The heat in the kitchen is too hot.

Mr. CRAWFORD: Eh, eh!

Government MEMBERS: The heat?

Mr. PARCHMENT: Which kitchen? Andrew kitchen?

(Heckling)

Mr. McKENZIE: The Electoral kitchen.

A MEMBER: PNP Kitchen.

(Heckling)

Mr. McKENZIE: What is the Government waiting on, Mr. Speaker? Because we are beginning to see cracks within the organization of the Government, fight in this constituency, fight in this division.

Government MEMBER: No, no, no!

(Heckling)

Mr. McKENZIE: What are you waiting on? What is it you waiting on? What is it you waiting on?

Dr. DAVIES: Baugh is right in front of you, don't do that.

Mrs. NEITA-HEADLEY: Yes.

Dr. DAVIES: Baugh is in front of you.

Mr. McKENZIE: Then what is it the Government waiting on, Mr. Speaker?

Mr. Speaker, we are - we support, Mr. Speaker, in no uncertain term, the question of extending the life of the Parish Council from three to four years.

Mr. PICKERSGILL: You did?

Mr. McKENZIE: It is not a PNP initiative, and that, Mr. Speaker, should not

prevent the holding of Local Government Election, Mr. Speaker. The elections can be held and then the necessary legislations be put in place, Mr. Speaker, so there is no need, Mr. Speaker, for that. (Applause)

Furthermore, Mr. Speaker, the Government lacks the trust of the people.

Mr. CHARLES: Yuh caan trust dem no more.

Mr. McKENZIE: When you look at Local Government and all the problems that face the Local Government system, Mr. Speaker, it is no...

(Inaudible comment by a Member)

Mr. McKENZIE: Yuh don't know what the problems are?

A MEMBER: You Desmond!

Mr. McKENZIE: You don't know what it is?

(Cross talk)

Look at the conditions of the markets across Jamaica...

Mr. ARSCOTT: Black River own?

Mr. McKENZIE: Look at the state of the fast service, Mr. Speaker, look at the infirmaries, look at the conditions of the cemeteries, Mr. Speaker; look at the responsibilities that the Ministry of Local Government has, Mr. Speaker, for service delivery. Yet the Minister and the Administration boast of the increase in revenue within the parish councils, but yet we have seen a deterioration in the service delivery, Mr. Speaker.

(Applause) (Cross talk)

Mr. Speaker, I beg the Government, I beg the Government to reconsider this move. You know, Mr. Speaker, in history there are two pages.

Mr. PICKERSGILL: In history there are two pages?

Mr. McKENZIE: Yes, the right and the wrong.

(Cross talk)

Mr. McKENZIE: Mr. Speaker, history will recall this Government on the wrong page of history today.

(Cross talk/Heckling)

That is my quote; that is my quote.

(Cross talk)

(The Speaker gavels)

Mr. McKENZIE: So, Mr. Speaker...

A MEMBER: So what you have?

Mr. McKENZIE: You will soon find out. How can somebody like you, with the experience that you have, sit down and preside over an administration that continues...

Mr. PICKERSGILL: I will stand up.

(Applause/Laughter)

Mr. McKENZIE: ...and deceive the people of Jamaica in that way.

(Heckling)

Mr. McKENZIE: Are you proud of what you are doing?

(Cross talk/Heckling)

Mr. McKENZIE: Well if you're proud of what you're doing call the elections.

A MEMBER: Call it!

(Cross talk)

Mr. McKENZIE: Postpone the Bills, call the elections.

Mr. PICKERSGILL: Stand up!

Mr. McKENZIE: Call the elections!

(Cross talk)

Mr. CHARLES: Bobby, you call it now, why yuh don't call it now?

(The Speaker gavels)

(Cross talk)

Mr. McKENZIE: Mr. Speaker, I'm not finishing, and even when the time is up a have to get an extension.

(Heckling)

Mr. CRAWFORD: You're not dunning?

Mr. McKENZIE: A not dunning! A not dunning!

(Cross talk)

Mr. McKENZIE: Mr. Speaker, Mr. Speaker, I would urge the Government - because you know, Mr. Speaker, Local Government is the closest form of governance to the people.

MEMBERS: Hear! Hear!

Mr. CHARLES: Tek dat, okay, hold dat!

(Cross talk)

Mr. McKENZIE: Local Government is important, Mr. Speaker. In many developing countries, Mr. Speaker, in the world, Local Government is what drives the process of Government, Mr. Speaker.

(Cross talk)

Mr. McKENZIE: Why in Jamaica, why in Jamaica, Mr. Speaker, why in Jamaica the Government is treating Local Government in this way? And as I said, Minister, you need to give the assurance to this House.

(Inaudible comments/Laughter)

Mr. McKENZIE: You need...

(Heckling/Laughter)

(The Speaker gavels)

Mr. McKENZIE: Mr. Speaker, the distraction...

(Cross talk/Laughter)

Mr. McKENZIE: I urge the Minister and the Government to use the findings of the study to reassess the dial and focus our energies on attracting more persons of integrity to become a part of the Local Government system. Build capacity in a way - in ways, Mr. Speaker that ensures greater level of accountability, effective stewardship so that the public can be inspired once more in Local Government. (Applause)

A MEMBER: Hear! Hear!

Mr. McKENZIE: But if you continue to postpone it, Mr. Speaker, you will not attract the kind of persons that is required to stimulate Local Government. Let us ensure, Mr. Speaker, that we don't discourage people. How can we be satisfied when the voting population at times that turned out at Local Government Elections when Councillors are being elected some get 350 votes, some get 200 votes to become elected representatives in Jamaica, Mr. Speaker? It is because of the level that we practiced.

And you know, Mr. Speaker, if the Members on that side put aside their political vests and look at the matter in a practical way, Mr. Speaker, they will realize...

Mr. DALLEY: Yuh basically get 1000.

Mr. McKENZIE: ...that they're doing a lot of harm to the system.

(Cross talk)

Mr. McKENZIE: Yuh caan count my votes.

(Cross talk)

So Mr. Speaker, in closing...

(Heckling)

(The Speaker gavels)

So Mr. Speaker….

Mr. CHARLES: Too much stone a fling in a di sky.

(Cross talk)

Mr. CHARLES: You are making a lot of noise.

Mr. McKENZIE: If we're to move efficiently, Mr. Speaker, in the administration of Local Government and be more effective in service delivery for which taxpayers pay their hard earned money, we would be better served as a nation.

A MEMBER: Yes, yes!

Mr. McKENZIE: We would be successful in changing over time how people feel about the system and their level of satisfaction with the service that they are receiving...

(Cross talk)

…and would encourage them, Mr. Speaker, to comply with their civil obligations. But in the same way, Mr. Speaker, we are expecting them to comply with their civil obligations, we are expecting the Government to give them the opportunity to exercise their democratic rights by calling the Local Government Elections now Mr. Speaker. (Applause)

Thank you.

Mr. ROBINSON: Desmond yuh finish?

(Laughter)

The SPEAKER: Mr. Shaw.

(Cross talk) (The Speaker gavels)

Mr. CHARLES: This is the Professor; unoo think unoo can boo him? Boo now. Boo now.

Mr. PARCHMENT: Teach him Audley, teach him.

(Cross talk)

Mr. SHAW: Mr. Speaker, the Member from Western Kingston has spoken and I carefully made a list of the points made by the Honourable Minister as to the reasons for the postponement of the Local Government Elections. And quite frankly, Mr. Speaker, quite a pathetic explanation, it's a pathetic explanation and a pathetic set of reasons being given for the postponement of the Local Government Elections.

Mr. Speaker, the truth is, the truth is that the Government, for a number of reasons find it politically not expedient to call an election at this time.

A MEMBER: Who are you?

Another MEMBER: Fool!

Mr. SHAW: And the fact is that there are several known reasons why they don't want to call an election at this time. Among them, and part of it requires in my view, Mr. Speaker, some of it requires explanation. The very Minister who has tabled these Bills today needs to explain to this country why is it, for instance, that after coming to this Honourable House and telling us about the fact that he is collecting more money from property taxes...

Dr. WHEATLEY: After raising property taxes.

Mr. SHAW: ...which is directed to street lighting and is also directed to public cleansing, why is it that the state of public cleansing in Jamaica today is in the horrible state that it is?

(Applause)

In central Jamaica, Mr. Speaker, we're collecting more for property taxes, but in the parish of Manchester, in the parish of Clarendon...

Mr. HENRY: Disgrace!

Mr. SHAW: ...the state of garbage collection is a total and utter disgrace, Mr. Speaker... (Applause) ...to the point where it is - the Minister of Health is here, it is a clear and present danger to the public health of this country.

(Applause)

I saw on television last week, pictures taken in May Pen. Mr. Speaker, I saw some rats - I don't know if you saw...

Mr. CHARLES: Rats! PNP rats!

Mr. SHAW: I don't know if you saw it on television? I saw some rats!

Mr. CHARLES: A PNP rats.

Mr. SHAW: They were not running away from the cameras, they were wobbling towards their next piece of meal. Some a dem bigga dan - Mr. Speaker, countryman would sey, some a di rat dem bigga dan cut puss. Dem bigga dan cut puss!

(Inaudible comment by a Member)

Mr. SHAW: Yuh goh find out what that is.

(Cross talk)

But Mr. Speaker, it is nothing short of a disgrace. In my constituency in North East Manchester, go to places like Coleyville, Bryce, Christiana, Fine Grass...

Dr. WHEATLEY: Jamaican people a suffer!

Mr. SHAW: ...Devon, all across the constituency they're failing to collect the garbage, Mr. Speaker, it is a total and utter disgrace. (Applause) And perhaps the Minister of Local Government in closing this Debate this evening must embrace the opportunity, and first of all perhaps he should have put as one of his reasons, the fact that public cleansing is in the perilous state that it is in right now, then we would have begun to think that there is some credibility to the reason why he is postponing the local government elections.

Then Mr. Speaker, we know that another reason why they are not calling this election is because they have failed to come to the table with a credible offer of payment to the public sector workers of this country and the counteroffer -

(Heckling)

And Mr. Speaker....

(Heckling/The Speaker gavels)

Mr. Speaker, the Honourable Minister of Finance, on his way to catch a plane, told the public sector workers that he cannot improve the offer. I believe the second offer was one of from 3 and 2 per cent to 4 per cent and 3 per cent for a total of 7 per cent increase, and I don't know if that is a proposal for an increase to the entire public sector. But clearly, Mr. Speaker, that is another issue where after public sector workers have been called upon to hold strain for the three and a half almost four years of this Administration in wage freeze and those public sector workers their purchasing power has plunged by 40 per cent and many workers right now are stressed out trying to make ends meet, trying to put food on the table, trying to send their children to

school, Mr. Speaker, may be that should have been put on the list of reasons for why you're postponing the local government elections.

But Mr. Speaker, this Government has the power of the majority. You have the majority votes in here this evening, so we know what you're going to do.

(Cross talk)

We are going to vote for these Bills.

(Cross talk)

We can't stop you from voting for it, but what I'd like to suggest to the Honourable Minister Mr. Speaker, who is in charge of electoral affairs - I'm addressing now the Minister with responsibility for electoral affairs. Mr. Speaker, I want to suggest to him that some $400 Million was remitted from the Consolidated Fund from the Minister of Finance to the Electoral Commission of Jamaica for the express purpose of election preparedness for Local Government election, $400 Million.

Now, Mr. Speaker, since that $400 Million is no longer needed, I want to ask the Minister with responsibility for electoral affairs and the Minister of Finance I want to, first of all, remind them that in the budget $1.4 Billion was set aside this year for the commencement of a house-to-house enquiry and the reverification of the Voters' List - $1.4 Billion. But, Mr. Speaker, not one dollar of that $1.4 Billion has so far been sent to the Electoral Commission of Jamaica to commence the house-to-house enquiry and the reverification of a Voters' List which Mr. Speaker, it's been openly admitted by the General Secretary of the People's National Party that they are at least 200,000 names now on the Voters' List that should not be there.

It has also been publicly admitted by the former General Secretary of the People's National Party, the Member from Central Manchester has also publicly admitted that in his estimation about 300,000 persons are on the Voters' List which should not be there. And Mr. Speaker, with those admissions from Members of the Government side the request has been made by the Electoral Commission for the funds not just to be approved but to be given to them to start the critical process of cleaning up the Voters' List. I want to suggest that the $400 Million that has been sent for the purposes of preparedness for Local Government election be immediately transferred for the purpose of house-to-house enquiry and the verification process. I'm asking that that be done and done immediately, Mr. Speaker.

Thank you very much. (Applause)

Mr. ARSCOTT: Mr. Speaker, let me thank the Members for participating, albeit some of them hypocritical. I want to say - albeit hypocritical and I'm going to say why I say that. Look, Mr. Speaker...

(Cross talk/The Speaker gavels)

This is the **Hansard** report of the two times that you came to postpone elections 2010 and 2011.

(Heckling)

Where is the parish of Portmore? Remember, one of the reasons that you put was you would establish the 15th parish of Portmore. You know, Mr. Speaker, one of the things I found interesting...

(Cross talk/The Speaker gavels)

I found, Mr. Speaker, the Opposition Spokesman, the Member from West Kingston, at no point pointed to one single thing that the JLP Administration accomplished in Local Government reform.

(Heckling)

You never buy one fire truck, you never fix any fire boat...

(Cross talk)

(Inaudible comment by Mr. McKenzie)

The SPEAKER: (Gavels) Mr. McKenzie, You had your time already you can't do that.

(Cross talk)

Mr. ARSCOTT: Mr. Speaker, I was told that...

(Cross talk)

A my pocket. You think a your own? What you doing with JDIP money *wey* you took from the councillors? See the councillors up there, all of them vote in good faith to get the thing. All of them voted to support the funds to JDIP, not even road for Portmore not even one road for...

(Cross talk)

Instead the highway to nowhere was built by him.

(Cross talk/The Speaker gavels)

Mr. Speaker, let me say - I wonder if you want us to call elections now. Look, we can call it anytime and this Bill don't put a time, it can be called anytime between now and then so, all right. Be wary and be warned.

(Applause) (Cross talk)

Mr. Speaker, not to - look, we are talking about a modern local government system. We are talking about developmental local government. You guys don't know what you're talking about.

Opposition MEMBER: Guys?

Mr. McKENZIE: And you know, and you know?

Mr. ARSCOTT: Yes. Let me say, Mr. Speaker, I'm just going to say one thing. Just recently the St. James Parish Council invited investors to come to Montego Bay to look at investment in Montego Bay. It's the kind of model that we're looking at. They are looking at emerging sustainable city. So Mr. Speaker, we are going to bring the Bills.

(Inaudible comment by Mr. McKenzie)

Mr. ARSCOTT: That's all right. There is one thing that I want to say - I'm going to close. The final point, Mr. Speaker.

Opposition MEMBER: Final point? You *mek* any yet?

Mr. ARSCOTT: Look, you agreed and supported the four-year term and now that you have it on the table you want to vote against it?

Mr. ROBINSON: Hypocrite. Hypocrite.

Mr. ARSCOTT: The same thing was true in terms of entrenchment of local government. You agreed and when it came here some of you even declined and didn't vote. So, Mr. Speaker, I want to say that the Bill is on the table, I thank the Members -

(Inaudible comment by Mr. Shaw)

Mr. ARSCOTT: We will deal with that another time.

(Cross talk/The Speaker gavels)

(Inaudible comment by Dr. Wheatley)

Mr. ARSCOTT: Mr. Speaker, with those few comments I now put the Bill to the House.

(Cross talk)

(The Speaker gavels)

I now 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 Postpone the holding of a General Election under the Kingston and St. Andrew Corporation Act and for purposes connected therewith",

read a second time.

Bill entitled:

"AN ACT to Postpone the holding of a General Election under the Parish Council's Act and for purposes connected therewith",

read a second time.

The House will now resolve itself into a Committee of the whole House to consider the Bills clause by clause.

(Cross talk)

COMMITTEE STAGE

The CHAIRMAN: Are there any amendments to the...

Mr. ARSCOTT: No amendment, Mr. Chairman.

The CHAIRMAN: If that be the case, let us start with the Kingston and St. Andrew Corporation Act.

Clauses 1, 2, 3 and 4 put to the Committee and agreed to.

I put the Title and Enacting Clause.

Put to the Committee and agreed to.

The CHAIRMAN: The question is that I do report the Committee as having passed Committee Stage without amendment.

Put to the Committee and agreed to.

We now move to the Parish Council.

Clauses 1, 2, 3 and 4 put to the Committee and agreed to.

I put 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.

RESUMPTION

The SPEAKER: I do report the Kingston and St. Andrew Corporation General Election (Postponement) Act, 2015, as having passed Committee Stage without amendment and I do report the Parish Council's General Election (Postponement) Act, 2015, as having passed Committee Stage without amendments.

Mr. ARSCOTT: Mr. Speaker, I now 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 Postpone the holding of a General Election under the Kingston and St. Andrew Corporation Act and for purposes connected therewith",

read a third time and passed.

Bill entitled:

"AN ACT to postpone the holding of a General Election under the Parish

Council's Act and for purposes connected therewith",

read a third time and passed.

Mr. PAULWELL: Mr. Speaker, we will now revert to the Debate on the Electricity Bill.

THE ELECTRICITY ACT, 2015

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: Mr. Speaker, as everyone would have heard last week, the Leader of the Opposition signalled the Opposition's position with respect to the Electricity Bill and the Opposition fundamentally supports, by and large, the provisions under the Bill.

(Applause)

Mr. Speaker, there is a significant provision which I think ought not to go unnoticed. And that is the fact that something that I, myself, when I had occasion in another earlier life to speak on electricity, found very amazing that a company would have a licence, but do not have permission to replace their equipment without first getting permission from the authorities, in this case, the OUR.

In this Amendment, it has been agreed, and I suspect, widely supported that the JPS now has right of first refusal. It's not automatic that they will be just allowed to replace old equipment at any cost, but they have the right of first refusal to introduce new technology, and replace old and inefficient equipment.

It brings into sharp focus the question of the 190 watt - megawatt plant that we have heard enunciated by the ESET, Dr. Vin Lawrence's team. And although we are assured that this will come on stream by 2017, it hasn't reached at a level yet that that assurance should automatically be given, because it hasn't even reached contract stage yet. So we are anxiously looking forward to that whole process being accelerated.

We take note, with some disappointment however, Mr. Speaker, the fact that the 140 megawatt plant at Alpart seemed to have slowed up and in fact, at the moment appear somewhat uncertain as to exactly what pace - they'd have to do the calculus all over again, so, we don't know precisely where we are with that.

But interestingly, Mr. Speaker, the JPS's emphasis today is not so much in a drastic hurry to expand production, because demand - aggregate demand is on the decline. What the JPS is, I think, more preoccupied with today, is improving the efficiency of their existing supply source. And in that context, whilst the Alpart proposal and plans that we had has not gone as we would have liked, it doesn't appear - and I say it in a very conservative way - it does not appear to pose an immediate problem. However, I am sure when the Minister comes to close the Debate, he will elaborate on the state of that particular facility that we had been looking forward to.

Mr. Speaker, the JPS has good reason to want to improve their base loadcarrying load because most people who are going for renewables have to realize that there are peaks and troughs - intermittent requirements for additional electricity, and so on. And if the JPS is to service that particular subsector of the industry, it will have to make provisions to

cope with those intermittent surges, peaks and troughs, *et cetera.*

The issue was raised about the expansion of the pool of inspectors - and we have in the Bill, a very useful measure where licensed electricians will now join the pool of those who inspect and report on the system, how it is operating, and so on. This, in and of itself will add greatly, or should add greatly to the efficient levels at which the JPS provides the service, and will give some assurance, we hope, to the users of the facility because it should speed up the process and give them a greater comfort level because so often we find that when there are difficulties and challenges and delay, the people - the customers identify a problem, there is nobody to come and attend to it immediately.

Well, these inspectors, as I expect, would be greatly increased in numbers, should offer a worthwhile addition to the whole process of making it more efficient, more user friendly, giving greater comfort level to, not only the residential customers but to the productive sector.

Mr. Speaker, it has been long in coming, and it is a good thing that we have this Bill before us. It will, over time, be amended as we go forward, but it is a good place from which to start.

Thank you, Mr. Speaker. (Applause)

Mr. SHAW: Mr. Speaker, I would just like to make reference to the Memorandum of Objects and Reasons in subsection... in listing the framework for the Regulations of the electricity sector, a number of items are listed in Item E, I will read it:

> *"Mandates the issuing by the Office of the Utilities Regulation, of various codes of practices that will govern the activities of the licensees".*

And what I would like the Minister to comment on, in closing this Debate, is precisely how far the OUR is expected to go, or it is allowable for them to go.

And I mentioned it, Mr. Speaker, in the context that the pricing of electricity to consumers in Jamaica is a matter of fundamental importance - the pricing - absolute fundamental importance. And we are all happy that we have seen a sharp reduction in the cost of electricity, but the truth is that that is a direct result of the dramatic fall in the price of oil on the world market. But the truth is that it is not just the world price of oil, Mr. Speaker that determines the price and the mixture of cost of electricity to us.

The continuing devaluation of the Jamaican dollar is another component, and yet another component, Mr. Speaker, is the cost of financing the operations of the Jamaica Public Service Company. And I am leading to the point as to whether the Government sees it appropriate, or fit, that the Office of Utilities Regulation should take an interest in such matters as all of the components of the pricing of electricity, including how the financing of the company itself takes place.

And I say that, Mr. Speaker, in the context that the JPS is majority-owned by two large multinational firms - two large multinational firms and the Government of Jamaica still retains a 20 per cent interest in the Jamaica Public Service Company, so that whatever is

the profit, we get 20 per cent - the Government of Jamaica gets 20 per cent of the profits of the Jamaica Public Service Company. So there are two issues, as far as I am concerned, in terms of pricing, one is the price that comes to the consumer, and the consumer is not just the householder. Even more critically, the consumer is the manufacturer; it's the hoteliers who are called upon to pay exorbitant rates for electricity which militates against the competitiveness of their businesses.

A MEMBER: Hear, hear!

Mr. SHAW: And that is... you know, Mr. Speaker, we give short thrift to these things, but we must understand that when we are talking about economic growth, there are some fundamental, structural impediments to achieving economic growth in Jamaica. And among them, right off the bat, you can think of the cost of energy, you think of the cost of money - and I am coming back to that in this instant case - you think of public sector bureaucracy, you just think of low productivity issues. You have a range of things that combine to keep us in a state where we can barely break through this one per cent per year growth obstacle.

And coming back to JPS, I want to know, Minister, if the OUR has the ability within the context of these various codes of practices, if they can look more carefully at the financing arrangements of a major company like the Jamaica Public Service Company. And I'll say it in the context that I am aware, Mr. Speaker, that at least one of the corporate owners of the JPS has loaned the Jamaica Public Service Company money at a pretty expensive rate – 11½ to 12 per cent as a US dollar loan, is an expensive loan.

A MEMBER: Very... very...

Mr. SHAW: The Government of Jamaica - we are borrowing money now at 7.65 per cent. I had broken the eight per cent barrier and borrowed money at 7.95 per cent. And other countries can get money at six per cent - blue-chip companies, corporate companies like that, they can borrow money at four, and five, and six per cent. Why should they be lending the JPS money at 11½ to 12 per cent? That is an abuse.

(*Sotto voce* comment)

Mr. SHAW: It is an abuse of their own corporate and ownership privilege. And guess who is paying for that abuse? The taxpayers, and not just the taxpayers, the users of electricity in Jamaica, the manufacturers that require cheaper electricity, the domestic household people, all of us are paying it. And guess what, it is also depriving profit from the Government of Jamaica in its own share of profit that it would be due.

So all around this lot, is a good thing Mr. Speaker, and I would want the Minister to comment on whether an issue like that could be part of what the OUR examined when they take a forensic look at the pricing mechanisms of an organization like that. This is, Mr. Speaker, is going to be a part of the strategy of extricating ourselves from the low growth cycle that we are in now, because we have become too used to things. The high interest rate regime in Jamaica which I have spoken about here and others have spoken about it in

this House that is another one of the structural impediments, and we are going to have to take them one by one, brick by brick, block by block and dismantle them, otherwise we are not going to be able to achieved the growth that we need to achieve in this country.

Thank you very much, Mr. Speaker. (Applause)

Mr. PAULWELL: Mr. Speaker, I want to thank the Members who participated in this debate. And if I may start in summarizing the essence of the Bill that we are seeking to pass today by referring to the last comment from the Member from North East Manchester which is that what we are seeking to do is to put energy, finally, on a path that will enable it to be a real engine, for growth of the economy, energy is so critical to the prospect of growth to enabling us to become more efficient, that it is absolutely crucial that we do have the legal and regulatory framework to enable that.

And I want to thank firstly, Mr. Speaker, the Leader of the Opposition, because last week he did, I believe, give a very thoughtful review of the provisions of the Bill. Unfortunately, he is not here today but I did do a written response and I am going to ensure that he gets it because we try to - I try to respond to every item that he raised. And I am not going to, in closing, go through all the questions.

I must commend the Opposition for supporting the Bill, it is a part of a... (Applause) Yes, I think we need to commend them. (Applause) And it is a pay back because in 2011 when the energy policy was brought by the then Government, we as Opposition realized that we have to take this issue of energy outside of the political competitiveness nature. And in fact, when I became Minister of Energy, the first thing I did was to establish an energy council with the Opposition being represented, in fact at the time I offered the Opposition to be vice chair of the Council and it was politely refused. But I should say that those spokespersons who...

(*Sotto voce* comments by a Member)

Mr. PAULWELL: Yes, about three or four. And the Member who is speaking now, he was very responsible as a Member of the Council and I have to commend you for that sense of responsibility. I am not too sure if you are displaying that right now. But Mr. Speaker, the Council has worked because it just provides a forum for the sharing of information, for us to weigh the issues and for us to agree by consensus on the way forward. And it has worked and it has worked outside of the limelight of the cut and thrust of competitive politics.

Mr. Speaker, the Leader of the Opposition spoke last week about the issue of the single buyer, he wanted us to reconsider the definition. And I want to make the point, Mr. Speaker, that the discussion that we are having and the Bill that we are passing should be seen within the context of an existing licence that the JPSCo has. So we have to recognize, in this law, the provisions, all the provisions of that license because it is a contract between the Government and the company. And therefore, we have to preserve those areas of the license and make reference to them in the

Bill. And so we can't change now the definition of single buyer until that licence expires. So we really ought to note that it is defined, the single buyer is defined as the person whose licence obligates it to purchase electricity from independent power producers. So the JPSCo has that role now and until that licence is changed it will continue to be so.

Then the Leader of the Opposition spoke about the JPSCo recently disconnecting the electricity in a number of areas because it was felt that the level of theft was high. And Section 6(2) says that the single buyer should not discriminate. But it is suggested that the provisions be stretched to include the words to the effect that the single buyer in defense of his revenues cannot deprive paying customers by stopping all the electricity in an area.

The Leader of the Opposition was concerned that sometimes the JPSCo goes into an area and disconnects everybody even those persons who are legitimately paying customers.

In response, Mr. Speaker, I wish to note that the Bill that we are hopefully passing today, the JPSCo licence and the OUR enforcement powers provide sufficient safeguards to prevent the single buyer from depriving paying customers of electricity. Section 6(2) of the Bill states that the single buyer shall not discriminate, the very point that the Leader of the Opposition, made shall not discriminate against persons in regards to the service or access to the service being provided by the single buyer. And if at condition 17 schedule (1) of the licence itself makes it a breach of the guaranteed standards where the JPSCo disconnects a customer supply, when that customer has no overdue amount reflected on the associated account.

And further if it in error does this within five hours that customer's service must be reconnected. Those are things that are already stated up front in the licence. Then the issue that was raised last week by the Leader of the Opposition about...

Mr. SAMUDA: What happens in the case where it is proven that although a customer has paid their bill, they have found to be working in collusion with others who they facilitate to bypass the system.

Mr. PAULWELL: Well, I think that would amount to some form of conspiracy, and I think under the new law that will be taken into account. What we are - what I am responding to is the case where the JPSCo goes in and terminate without more, the service of a paying customer because other persons are engaged in elicit connectivity. So where a legitimate customer is engaged in conspiracy to steal, then that will be a matter that the current law will be dealing with.

Mr. Speaker, the - another question that was raised by the Leader has to do with the cycle, the 60-Hz cycle that - sorry, we are operating under 50-Hz. She was suggesting that as most of our equipment are imported from the United States of American where they have a 60-Hz cycle, then we should give consideration for changing as it will become more efficient to operate under that different cycle.

The simple answer to that, Mr. Speaker, is that, this is a matter that requires some further study. When we did the analyst some years

ago, it was thought to be too expensive for the country to undertake such a significant overall of its electricity system. But I think we will have to return to that in time. I don't think the time is now.

The issue as to whether the Minister may consult with the OUR when transferring a licence, the Leader of the Opposition suggested that it be mandatory. In the scheme of the law, where we have apportioned various roles, then the role of the Minister has to be treated carefully, and that the Minister in considering whether a licence ought to be transferred, ought not to be hamstrung by a requirement that the consultation must happen. The Minister would normally act under the guidance of the AG's office, and we want to ensure that that be the process, and of course, he may consult with others including the OUR.

As I mentioned, Mr. Speaker, as the Leader of the Opposition is not here and I do have copious notes I will forward it to him and forward it to yourself because I think that the answers there do adequately address the various questions that were raised. Let me deal with an important point that was raised and alluded to by the Member of North East Manchester, and that has to do with the role of the OUR because he raised a question, the Leader of the Opposition, whether we should consider setting up a commission, for example, that could be one to guide the OUR to prevent a conflict between the regulator's interest and the Government's interest.

Mr. Speaker, we have to be very careful. The law clearly isolate the functions of the Minister, the functions of the regulator, we call them the Office which is the OUR. The function of the special group that deals with procurement and we have to be careful especially for the Minister not to trespass on the various functions which I fully support. I believe, and we have agreed long ago that, for example, for procurement of large scale electricity generation you would not want the Office to be dealing with that. The Office's primary function is as the regulator and there is going to come a time because right now a study is being done, financed by the World Bank, to look at how the OUR operates and to make recommendations to the Government because there is a view that the OUR is not accountable to anybody but in a perfunctory way to the Parliament. And that just like you have agencies of the states with boards that they report to, then perhaps we might want to contemplate that. We are not there as yet, but we are thinking about these things and very soon we expect that the World Bank consultants will give us a formulation that we can contemplate. Very shortly, in fact we have seen a first draft already, and I intend to take it to Energy Council for us to have a discussion on it because it is fundamental.

We really want to ensure that there is an independent regulator; there is no question about that. But you also want a regulator that responds to policy of the Government because there is a reason why a government is elected. And you also want the regulator to be sensitive to some of the nuances, and of course accountable. But I should say to the Member from North East Manchester that the

law is quite clear, in relation to the role of the OUR and the development of codes. We are speaking about codes. Right now, we assume that the OUR as the lead regulator has the responsibility to develop these codes. But we want to make sure that those provisions are properly enshrined into a body of law. And codes that deal with things like dispatch, you know that we have a number of generating plants with various levels of efficiency, various levels of costs. We want to ensure that the plants that are first dispatched are those that are the least cost, so have you a merit order of dispatch. So you have to develop codes to enable that and to provide for instances, where those codes are not adhered to. You have generation codes; you have distribution codes, *et cetera*. The law will give the OUR the power, after consultation, to develop these rules; these codes are rules, and that will deal with standards, technical stuff and it will enable, I think, the OUR itself to operate in a much more transparent way because the codes are going to be known.

In relation to pricing. Every five years, I think, yes, five years, there is a rate review that the OUR does, and it does take into account all aspects of the financial management of the company. In fact, they have just conducted a full review, taking into account all elements that goes into the price that the consumer has to pay, including, I believe, cost of financing, levels of efficiency, losses, *et cetera, et cetera*. In fact, the last review that was conducted by the OUR is before a tribunal now because there is a dispute on the final position by the OUR. But I can assure you that the OUR has the mandate to deal with all aspects of the company's operation. In fact, it ordered, before completing its review a forensic audit in the operations of the JPSCo. So I think it is clear that the OUR has that function, but we are trying to ensure that it performs it well.

The Member from North Central St. Andrew mentioned about the replacement of old equipment, and you quite rightly recognize that recently we amended the licence to enable JPSCo to replace the equipment. The truth is that, that was not a feature of the licence before now, and it is recognized and, so that 190 megawatt plant didn't come out of a grand procurement, as was the case that the OUR was attempting to do sometime before. But really enabling the JPSCo. to replace and so it's a much simpler process that ESET has gone through, and I really want to commend them for the work that they have done. I think we…

(Applause)

Yes.

(Applause)

I think it shows that in a committee involving Government and private sector, especially for a sector as important as energy, it is probably the best way to go about procuring large-scale generation capacity, and I have noted your comments about the 140 megawatts. I am not going to comment too much on that because again, I am respecting the roles. I have a role, and going forward the Ministry will be involved in planning. We have to ensure that we are not taken by surprise as we are often do, in terms of when we need new capacity,

how much renewables we put unto the system, and how you plan for that. And we have been planning in short-term spells, we now need to look at 20 years down the road, to ensure that we have the most efficient system coming on stream and that we enable, as we are doing now, the renewable sources to be an integral part of the new system.

Mr. Speaker, as I mentioned last week we do have, due to the various consultations that we have done, and subsequent to discussions last week, some amendments that we will move. Many of them are really stylistic, not too substantive but we believe that even though we are not seeking for perfection, we want to ensure that we do the best job in sending this Bill to the Senate, and so I am going to be moving for these amendments as we get into committee.

So Mr. Speaker, with those few words I move 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 Repeal the Electricity Lighting Act, Electricity (Frequency Conversion) Act and Electricity Development Act; to consolidate and modernize the laws relating to the generation, transmission, distribution, supply, dispatch and use of electricity, 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.

Apart from these amendments, are there others?

Mr. PAULWELL: No.

The SPEAKER: Okay.

COMMITTEE STAGE

The CHAIRMAN: I put the amendment to Clause 2. I am going to do them *en bloc*, or Parts.

Mr. PAULWELL: Yes.

The CHAIRMAN: So I will do the amendments within those Parts.

Mr. PAULWELL: Yes.

The CHAIRMAN: And then put the Parts.

Mr. PAULWELL: Yes.

The CHAIRMAN: So I put the amendment to Clause 2.

Motion put to the Committee and agreed to.

I put Part I which includes Clause 1, amended Clause 2 and Clause 3.

Motion put to the Committee and agreed to.

Part II, Clause 4.

I put the amendment to Clause 4.

Motion put to the Committee and agreed to.

I put Clause 4 as amended.

Motion put to the Committee and agreed to.

I put Part II, which includes Clauses 4, 5 and 6.

Motion put to the Committee and agreed to.

Part III, Clause 7.

Motion put to the Committee and agreed to.

Part IV. We have amendment to Clause 8 and 9.

So I put the amendment to Clause 8.

Motion put to the Committee and agreed to.

I put Clause 8 as amended.

Motion put to the Committee and agreed to.

I put the amendment to Clause 9.

Motion put to the Committee and agreed to.

I put Clause 9 as amended.

Motion put to the Committee and agreed to.

I put Clause 5.

Mr. PAULWELL: No, it's 13, 13.

The CHAIRMAN: Clause 4.

Mr. PAULWELL: No, no, no!

The CHAIRMAN: Part IV Clauses 8 through to 21.

Mr. PAULWELL: Mr. Chairman, we didn't do the amendments for Clause 13.

The CHAIRMAN: Okay.

Mr. PAULWELL: Which is a part of Part --

The CHAIRMAN: And 18.

Mr. PAULWELL: Yes. No, Clause 13 is a part of Part IV.

The CHAIRMAN: I put the amendment to Clause 13.

Motion put to the Committee and agreed to.

I put Clause 13 as amended.

Motion put to the Committee and agreed to.

I put Part IV, Clauses 8 through 15.

Motion put to the Committee and agreed to.

PartV. I put the amendment to Clause 18.

Motion put to the Committee and agreed to.

I put Clause 18 as amended.

I put the amendment to Clause 20.

Motion put to the Committee and agreed to.

I put Clause 20 as amended.

Motion put to the Committee and agreed to.

Part V. I put Clauses 16 through to 21.

Motion put to the Committee and agreed to.

Part VI. I am going to put the amendments first.

Amendment to Clause 20. Those in favour?

Mr. PAULWELL: Twenty-two, 22.

The CHAIRMAN: Twenty-two.

Mr. PAULWELL: Yes.

The CHAIRMAN: My apology. Amendment to Clause 22.

Motion put to the Committee and agreed to.

I put Clause 22 as amended.

Motion put to the Committee and agreed to.

I put the amendment to Clause 23.

Motion put to the Committee and agreed to.

I put Clause 23 as amended.

Clause 24. I put the amendment to Clause 24.

Motion put to the Committee and agreed to.

I put Clause 24 as amended.

Clause 32. I put the amendment to Clause 32.

Motion put to the Committee and agreed to.

I put Clause 32 as amended.

I put the amendment to Clause 37.

Motion put to the Committee and agreed to.

I put Clause 37 as amended.

Clause 38. I put the amendment to Clause 38.

Motion put to the Committee and agreed to.

I put Clause 38 as amended.

Clause 43. I put the amendment to Clause 43.

Motion put to the Committee and agreed to.

I put Clause 43 as amended.

Part VI. I put Clauses 22 through to 43.

Motion put to the Committee and agreed to.

Part VII. Clause 44.

I put the amendment to Clause 44.

Motion put to the Committee and agreed to.

I put Clause 44 as amended.

Mr. SHAW: Mr. Chairman, there is an amendment under Part VII itself?

The CHAIRMAN: Yes, but I am doing the amendment to the clauses and in Part VII.

Mr. SHAW: No, well, in particular it says - oh, in the entire Part VII delete the words, "*single buyer*". Okay. Carry on.

The CHAIRMAN: Okay.

Clause 45. I put the amendment to Clause 45.

Motion put to the Committee and agreed to.

I put Clause 45 as amended.

Part VII. I put Clauses 44, 45, as amended, Clause 46 as amended.

Motion put to the Committee and agreed to.

Part IX.

Mr. PAUL WELL: VIII.

The CHAIRMAN: Oh, Part VIII.

I put the amendment to Clause 46.

Motion put to the Committee and agreed to.

I put Clause 46 as amended.

Motion put to the Committee and agreed to.

Part IX. I put the amendment to Clause 47.

Motion put to the Committee and agreed to.

I put Clause 47 as amended.

Motion put to the Committee and agreed to.

Part X.

Mr. PAULWELL: Everything is okay there.

The CHAIRMAN: Clause 48. I put the amendment to Clause 48.

Motion put to the Committee and agreed to.

I put Clause 48 as amended.

Motion put to the Committee and agreed to.

Clause 50. Delete that Clause and renumber Clauses 51 to 63 as Clauses 50 to 62.

I put the amendment to Clause 50.

Motion put to the Committee and agreed to.

I put Clause 50 as amended.

Put to the Committee and agreed to.

Clause 50 as renumbered formerly Clause 51. I put the amendments to Clause 50.

Put to the Committee and agreed to.

I put Clause 50 as amended.

Put to the Committee and agreed to.

Part XII Clause 51 as renumbered, I put the amendment.

Put to the Committee and agreed to.

The CHAIRMAN: Part XIII Clause 52 as renumbered, I put the amendments to Clause 52 as renumbered.

Clause 52 as renumbered put to the Committee and agreed to.

I put Clause 52 as renumbered - as amended.

Put to the Committee and agreed to.

Clause 53 as renumbered, I put Clause 53 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 53 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: Part XV. Clause 55 as renumbered. I put the amendment to Clause 55 as renumbered.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 55 as amended.

Put to the Committee and agreed to.

Clause 56... Where we are now?

Mr. PAULWELL: Mr. Chairman, 56 is the renumbered 55(1).

The CHAIRMAN: I put 56 - the amendment to 56.

Put to the Committee and agreed to.

I put 56 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: Clause 58 as renumbered - I don't quite understand this Bill. We have some - we have all of these below are renumbered. So I put Clauses 56 and 57 as renumbered.

Put to the Committee and agreed to.

Clause 58 as renumbered, I put the amendments.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 58 as renumbered and amended.

Put to the Committee and agreed to.

The CHAIRMAN: Part XV, I put Clauses 56 through to 63.

Put to the Committee and agreed to.

The CHAIRMAN: I put the First Schedule.

Put to the Committee and agreed to.

I put the Second Schedule - I put the amendment to the Second Schedule.

Put to the Committee and agreed to.

I put the Second Schedule as amended.

Put to the Committee and agreed to.

I put the amendments to the Third Schedule.

Put to the Committee and agreed to.

The CHAIRMAN: I put the Third Schedule as amended.

Put to the Committee and agreed to.

The CHAIRMAN: And we delete the word, '*dispatch*' wherever it appears and substitute therefor in each case the words dispatch.

Mr. PAULWELL: Yes, that's an editorial, Mr. Chairman.

The CHAIRMAN: I put the Fourth Schedule.

Put to the Committee and agreed to.

The CHAIRMAN: I put 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 sixty-two (62) amendments.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: The question is that I do report the Bill as having passed Committee Stage with sixty-two (62) amendments.

Put to the House and agreed to.

The SPEAKER: Minister.

Mr. PAULWELL: Mr. Speaker, I move for the Bill to 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 Repeal the Electricity Lighting Act, Electricity (Frequency Conversion) Act and Electricity Development Act; to consolidate and modernize the laws relating to the generation, transmission, distribution, supply, dispatch and use of electricity and for connected matters",

read a third time and passed.

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 item, Notices of Motions Given Orally.

Put to the House and agreed to.

NOTICES OF MOTIONS GIVEN ORALLY
(Recommitted)

The SPEAKER: Mr. Kellier.

Mr. KELLIER: 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 Conch (Export Levy) (Special Provisions) Act, 2015".

Mr. PAULWELL: Mr. Speaker, we will now move to Item 16, the Minister of Industry, Investment and Commerce will lead that debate.

The SPEAKER: Minister Hylton.

Mr. SAMUDA: May I, Mr. Speaker?

Mr. SHAW: Nuh badda wid no long speech, mi a tell yuh from now.

(Inaudible comments)

Mr. SAMUDA: Mr. Speaker, if I may, Mr. Speaker? You know, we have a practice...

(Inaudible comment by a Member)

Mr. SAMUDA: Oops sorry, is not him coming? We have a practice...

The SPEAKER: Hold on, hold on, hold on. What is - you have a...

Mr. SAMUDA: I'm enquiring of you, Mr. Speaker.

The SPEAKER: Okay.

Mr. SAMUDA: We have a practice in the House that whenever we have these

humongous Bills we have - the Minister has to go through every clause. Now, as in our Committees, where we can put the Minutes and confirm the Minutes without going through clause by clause, paragraph by paragraph, is there any way in the Standing Orders that that provision could be provided for us to speed up the process? Because it's a tedious process and quite frankly - quite unnecessary.

If the Minister has an amendment within the Bill in the Committee Stage he may bring that to your attention so that we proceed expeditiously. But this laborious, tedious, boring process that means nothing other than you assume that there is some provisions that says you must do it.

The SPEAKER: There is, there is.

Mr. SAMUDA: There is? This is what I'm enquiring about, is it a legal provision that we can avoid?

It is something worth thinking of, Mr. Speaker, and acting on it, because right now we have 142 clauses; it is now 6:36 and I don't know how long we're going to be here to deal with this matter. Surely there must be a modern way of dealing with this ancient practice.

Mr. SHAW: Why we're taking it now?

The SPEAKER: House Leader, your comments.

(Inaudible comments)

Mr. PAULWELL: Mr. Speaker, this Bill is so important that I don't want it to be rushed through this evening. So I'm going to suggest that we take it next week.

Mr. SAMUDA: First thing next week.

Mr. PAULWELL: Yes. But for that, Mr. Speaker, I seek the indulgence of our colleagues because there's an important resolution that the Minister of Agriculture and Fisheries needs to take today and it will only take us two minutes, I believe, if we would allow him.

(Inaudible comment by Mr. Shaw)

Mr. PAULWELL: Yes.

(Inaudible comment by Mr. Shaw)

Mr. PAULWELL: No I wouldn't like that; I wouldn't like that.

So Mr. Speaker, if Members will oblige, I would move that we move to Item 5.

(Inaudible comments)

The SPEAKER: Yes, Mr. Kellier.

THE CONCH EXPORT LEVY ORDER, 2015

Mr. KELLIER: Thank you, Mr. Speaker.

Mr. Speaker, this is a very simple matter and should not delay us. Item 5 under Government Business, this is the Conch Export Levy, rate at Levy Order, Mr. Speaker, which I had brought this to the House and signed the Order on the 16th of April, 2015, so everyone is familiar with it.

(Inaudible comment by Mr. Samuda)

Mr. KELLIER: Yes. So all we're seeking, Mr. Speaker, as set out in Item 5 - and I don't know if you want me to read it, but it is here.

Mr. SAMUDA: If you can avoid that.

(Laughter)

Mr. KELLIER: It says:

This Order, Mr. Speaker, may be cited as the Conch Export Levy Rate at Levy Order for 2015, one. And two, a levy rate of 75c in the currency of United States of America or the equivalent in Jamaican currency per pound of conch is hereby imposed upon conch exported from Jamaica during the 2015 conch season.

Basically, Mr. Speaker that is what the resolution...

(Inaudible comment by Mr. Samuda)

Mr. KELLIER: Yes the quality, the quality, yes.

(Inaudible comment by Mr. Samuda)

Mr. KELLIER: Yes, the quality.

Mr. Speaker, that is basically the - the Resolution says:

Whereas by virtue of Section 3(1) (c) (ii) of the Conch (Export Levy) Act (hereinafter referred to as the Act) the Minister may, from time to time by order, prescribe the Conch Export Levy to be paid under the Act;

And Whereas on the 16th day of April, 2015, the Minister made the Conch Export Levy rate of Levy Order 2015;

And Whereas it is provided by Section 3 of the Act that an order made under the section shall be subject to affirmative resolution of the House of Representatives;

And Whereas it is desirable that the Conch Export Levy Rate of Levy Order be affirmed:

Now Therefore be it Resolved by this Honourable House as follows:

1. This resolution may be cited as The Conch Export Levy Rate of Levy Order 2015 Resolution; and
2. The Conch Export Levy Rate of Levy Order 2015, which was laid on the Table of the House on the 21st day of April, 2015, is hereby affirmed.

I so move, Mr. Speaker.

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, the 7th of July at 2:00 p.m.

The SPEAKER: The question is that the House do adjourn to next Tuesday, July the 7th at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: (Gavels) The House stands adjourned.

The adjournment was taken at approximately 6:41 p.m.

TUESDAY, July 7, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:31 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

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. 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. IAN DAVE HAYLES, (PNP), Hanover, Western, Minister of State in the Ministry of Water, Land, Environment and Climate Change

OTHER MEMBERS

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

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

MR. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central

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. 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

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern

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. DWAYNE FRANCOIS ST. MICHAEL VAZ, (PNP), Westmoreland, Central

MR. KEITH ANTHONY WALFORD, (PNP), St. Ann, South 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. 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 from the University of the West Indies students doing their Doctorate of Dentistry, Dental Surgeon.

(Applause)

STATEMENTS BY MINISTERS

Mr. SMITH: Mr. Speaker, if you will permit me. The response from the House Leader suggests to me that there is obviously an oversight, because one would believe that based on the current crime rate, and in particular, the murders that there would be a statement from the Government in the House today regarding action.

Mr. Speaker, when I say the situation is alarming and frightening...

The SPEAKER: Hold on there, are you offering a statement...

Mr. SMITH: I am speaking to...

The SPEAKER: Mr. Smith, you are not allowed to make a statement, you know.

Mr. SMITH: I am not...

The SPEAKER: No, you are stretching it a bit too far.

Mr. SMITH: I am not making a statement...

The SPEAKER: No, you are.

Mr. SHAW: He is not.

Mr. SMITH: I couldn't make a statement I am not yet the Minister, so I couldn't make a statement.

(Applause)

The SPEAKER: Please wait your turn.

Mr. SMITH: I am just saying, I am bringing to your attention, sir, that there is a major problem with regard murders in this country...

The SPEAKER: Thank you, Mr. Smith.

Mr. SMITH: ...and we have not heard or seen anything from the Minister for a very

long time and it is getting worse and worse.

The SPEAKER: Thank you, Mr. Smith.

(DR. THE HON. PETER DAVID PHILLIPS, St. Andrew, East Central, entered and took his seat.)

Mr. PAULWELL: Mr. Speaker, just to say that the Honourable Minister of National Security is off the island and I am sure when he returns he will make the appropriate statement.

Mr. SMITH: Mr. Speaker, that is most unacceptable...

The SPEAKER: No Mr. Smith.

Mr. SMITH: Mr. Speaker, in this communication age you could be even on the moon.

The SPEAKER: No Mr. Smith, no, no, no, I cannot allow - Mr. Smith, could you take your seat please.

ANNOUNCEMENTS

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

- **Jamaica National Agency for Accreditation (JANAAC)**
  Annual Report and Audited Financial Statements for the financial year 2013/2014

BILLS BROUGHT FROM THE SENATE

The following is a 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 3rd day of July 2015, a Bill shortly entitled; "The Income Tax (Amendment) Act, 2015", was passed in the Senate with four (4) amendments for which the Honourable Senate seeks the concurrence of the Honourable House of Representatives and the amendments have been circulated

Signed: Floyd E Morris,
President of the Senate".

Dr. PHILLIPS: Mr. Speaker, as has been indicated the Senate amendments to the Bill have been circulated. There are what I would describe as *de minimis* and I would therefore move that the Senate amendments to the Bill be approved.

Motion put the House and agreed to.

REPORTS FROM COMMITTEE

Mr. JACKSON: Mr. Speaker, I think the House Leader has an update as he had promised last week on the Economy and Production report re banking fees.

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

Mr. PAULWELL: The matter is being prepared for Cabinet's attention; it is to be fixed to an agenda, an upcoming agenda of the Cabinet so it is under active consideration.

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Mr. Smith, you better concentrate on what your job is.

Mr. SMITH: Mr. Speaker, it is my intention at the expiration of 21 days to ask the Minster of National Security the following questions.

Part 1:

Will the Minister outline the backlog in the processing of firearm license applications by the Firearm Licensing Authority (FLA) for the periods ending August 2012, August 2013, and August 2014 respectively?

Part 2:

Will the Minister say what is the backlog in the processing of firearm license applications by the FLA as at July 2015?

Part 3:

Will the Minister advise of the stipulated time period in the processing of firearm license applications by the FLA within which an application is either denied or upheld?

Part 4:

Will the Minister confirm that there has been an investigation of the applications department at the FLA?

Part 5:

Will the Minister indicate whether there has been any resignation(s) of senior personnel subsequent to the investigation at the applications department of the FLA?

The SPEAKER: Thank you.

PRESENTATIONS OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Dr. PHILLIPS: Mr. Speaker, I move to introduce and have read a first time, a Bill shortly entitled, "The Customs (Amendment) Act, 2015".

Bill shortly entitled:

"The Customs (Amendment) Act, 2015",

read a first time.

Dr. PHILLIPS: Mr. Speaker, I beg to give notice of second reading of the Bill and to indicate that at Public Business, I will seek to have the second reading taken and to have the Bill referred to a select committee to sit jointly with one from the Upper House.

Mr. DALLEY: Mr. Speaker.

The SPEAKER: Mr. Dalley.

Mr. DALLEY: I move to introduce and have read a first time, a Bill shortly entitled, "The Public Procurement Act, 2015".

Bill shortly entitled:

"The Public Procurement Act, 2015",

read a first time.

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

Mr. PAULWELL: Mr. Speaker, on behalf of the Minister of Agriculture and Fisheries Labour and Social Security I now move to introduce and have read a first time, a Bill shortly entitled, "The Conch (Export Levy) (Special Provision) Act, 2015".

Bill shortly entitled:

"The Conch (Export Levy) (Special Provisions) Act, 2015"

read a first time.

Mr. PAULWELL: Mr. Speaker, on behalf of the Minister of Agriculture and Fisheries, I beg to further give notice of second reading of the Bill and beg to give notice that at a later stage today the Minister will move for the suspension of that Standing Orders to enable him to take second reading of the Bill and to take it through all its concluding stages.

Mr. DALLEY: Mr. Speaker, I further beg to give notice that at a later state today, I will move for the suspension of the Standing Orders to enable me to move for second reading of the Bill and to take it through all its concluding stages.

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, the Minister of Finance will commence Public Business with the Provisional Collection of Tax Excise Duty Order followed by the Public Procurement Act and then the Minister of Industry will commence with debate on the Nuclear Safety and Radiation Protection Act, followed by the Minister of Agriculture.

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: Do you have the long copy? You have the long copy?

(Inaudible comment by a Member)

Dr. PHILLIPS: Yes.

(Inaudible comment by a Member)

Dr. PHILLIPS: Then why don't we use the long copy, we're not going to meet now?

(Inaudible comment by a Member)

Dr. PHILLIPS: Huh?

(Inaudible comments)

(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: But we, in effect, we just want to set it up. All right.

Mr. Speaker, the matter before us is the item listed at 15 under Government Business and that is the Provisional Collection of Tax (Excise Duty) Order (Confirmation) Resolution, 2015. This Order is pursuant to Section 7 of the Excise Duty Act, which empowers the House to impose an excise duty on goods manufactured in the island and to revoke, reduce, increase or alter any duty or provide exemptions therefrom.

Last March Mr. Speaker, in respect of the 2015/16 fiscal year, the House set out an increase in the existing fines and fees and penalties; the reason being that there had been no change to these fees and penalties in over 70 years. We at the last - the last change of fees being in 1942 when not even the Leader of Opposition Business had been...

Mr. D. SMITH: Gone back to war.

Dr. PHILLIPS: You had gone to war?

Mr. D. SMITH: Yes.

Dr. PHILLIPS: Okay.

A MEMBER: You're sure about that?

Dr. PHILLIPS: That's my brief.

(Inaudible comment by Mr. Shaw)

Dr. PHILLIPS: Well that's what I have, the 19...

(Inaudible comment by Mr. Shaw)

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

Dr. PHILLIPS: Last change being noted. In any event, for a long period of time there had been no changes. It was felt that these - that the sums posed did not pose any deterrence to noncompliance and therefore the measure was primarily a compliance one with little revenue consideration. The measure was effected and implemented on the 2nd of April 2015 by way of a Provisional Order. This Order expires at the end of September, and the House is being asked to confirm the present Resolution to ensure that these changes are permanently reflected in the law.

Mr. Speaker, I so move that we confirm the Provisional Order that is listed at Item 15.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, the - I'd like to ask the Minister to check again on the issue of the last time the fees were increased. Because my information, Mr. Speaker, is that the last time the fees were increased was in 1991 and not 1942, so that is a matter of - that requires factual clarification.

(Inaudible comments)

Mr. SHAW: I think I will await the Minister.

(Inaudible comment by Mr. Smith)

Mr. SHAW: Derrick, I'm waiting on clarification before I continue.

Mr. D. SMITH: The House Speaker runs the House.

Mr. SHAW: You could try to run the House.

(Inaudible comment by a Member)

Mr. SHAW: I would never believe that when I heard you awhile ago. (Laughs) You were making a statement.

(Inaudible comments)

Mr. D. SMITH: Yuh have to rough dem up yuh nuh, yuh have to rough dem up.

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

Mr. Speaker, the Honourable Minister has now corrected the earlier information that the last time the increases in fines, fees and penalties under the Excise Duty Act, which he said was 1942 is in fact, Mr. Speaker, 1991 and not 1942.

Mr. ATKINSON: Nonsense!

Mr. SHAW: Which then places - which places my comments in a perspective where I find it somewhat perplexing, Mr. Speaker, when I look at the level of increases that have been implemented, because this is a Confirmation Order, by Provisional Order they're already in place.

But when you look at all of it, Mr. Speaker, the majority of the increases range in penalties, in fines, if a fee was $2,000 in 1991, it's now $2 Million; if a fee - if a penalty was $5,000 in 1991, it is now $5 Million; if a penalty was $7,000 in 1991, it is now $7 Million. So the first thing I sought to do, Mr. Speaker, is to look at the inflation, cumulative inflation, between 1991 and now, and the inflation rate over those years, Mr. Speaker,

averaged 16.5% per year average, which would put the cumulative inflation to now, at 380% increase.

So Mr. Speaker, I find no clear reason other than the urge for revenue, because if it were based on inflation then increase would be in the region of 400%. But, Mr. Speaker, what is the increase? Of interest, whether it is $2,000 to $2 Million, $5,000 to $5 Million or $7,000 to $7 Million, take a look at it, Mr. Speaker, in each case it is an increase of 999 times what it was. And calculated in percentage terms, Mr. Speaker, it is an increase in percentage terms of 99,900%.

Mr. D. SMITH: No man, go back and check, go back and check, yuh caan make such big mistake.

Mr. SHAW: Ninety nine thousand nine hundred per cent increase in these penalties.

Mr. DALLEY: Don't smuggle.

Dr. WHEATLEY: Mathematics!

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

Mr. SHAW: So Mr. Speaker, I wonder if the Government and the Minister of Finance basically has made a determination that in reviewing these fees, what is important here is a deliberate policy decision to put a substantial punitive figure as the penalties. Clearly, in his opening remarks by referring to 1942, he would be implying that an inflationary factor would be in there. But since it's 1991 - and I take the inflation factor, which is under 400%, I'd want to know what is the rhyme or reason, or the rationale for such a significant increase in the rates, and I'd therefore ask the Honourable Minister to comment on that.

And the other point I wish to make, Mr. Speaker, is that in making such a radical change, it seems that the Minister should embrace the opportunity if indeed these new rates are going to stay. That the Minister should embrace the opportunity to revise the Act itself, because the Act itself is quite outdated, it appears, and in some cases I think the language that is used as well, Minister, is somewhat imprecise and can lead to all kinds of interpretation.

And I'll give you an example, Mr. Speaker. In the revised figures under Section 65 subsection (2) of the Excise Duty Act, and in this one the penalties are going up, Mr. Speaker, significantly, but let me give an example of the wording that is used here:

> *"If any person who sells, offers for sale, receives for use in manufacture or stores for commercial or manufacturing purposes, any excisable goods on any premises, fails to aid..."*

Hear it now.

> *"...fails to aid and assist to the utmost of his power, such officer in measuring and taking an account of all excisable goods in or upon such premises, he shall be guilty of an offence."*

It appears, given the age of this Bill, that that appears to be somewhat imprecise and left up to the subjective judgement of the officer as to whether he has received the utmost cooperation of the person, on whose premises it is being searched.

I only give that as one of the examples of why I think that against the background Mr. Speaker of these substantial, really substantial increases, notwithstanding devaluation and everything, from $5,000 to $5 Million can't be just a penalty, it must be a deliberate revenue earning measure. And if it is just - it's a penalty because it is perceived that it's a serious infraction, then that qualification must be provided in this Honourable House.

So, Mr. Speaker, I believe Mr. Speaker that it is indicative of a disturbing trend that is taking place with the increases that are being - it's happening in the country. We've heard about the trade licences; we've seen where trade licences and where people have to - previously had to pay $2,000 or $5,000 for a trade licence is now up to $75,000 and on and on and on. On top of that they have to be paying the minimum business tax of $60,000.

Things are being added in costs to business people in this country, Mr. Speaker, and business is not doing well, but the costs are going up and up and up. And it's not businesses alone either, Mr. Speaker...

Mr. CHUCK: The hostility!

Mr. SHAW: ...on my way to Parliament today...

(Inaudible comments)

Mr. SHAW: ...on my way to Parliament today, a parent call me to say that they went to collect their documents at the Porus High School...

(Inaudible comment by Mr. Dalley)

Mr. SHAW: ...the Porus High School in Manchester, just to collect the documents to register...

A MEMBER: We are familiar with that.

Mr. SHAW: ...a new high school student for that school, they've been told that the cost of the package has increased from $1,500 last year to $3,000 this year, at Porus High School.

Mr. D. SMITH: Si di MP there yuh nuh!

Mr. SHAW: So it looks like a high cost virus just pick up everybody now and every department from Excise, Income Tax, Minimum Business Tax, Trade Licences, school fees just to collect your docket, your package, just to register your student at school in one single year it gone from $1,500 to $3,000 on people of limited incomes in this country.

So, Mr. Speaker, I simply ask the Minister to explain the circumstances of this rather astronomical increase range of fees, penalties and fines. Thank you very much.

Dr. PHILLIPS: Mr. Speaker I, I - it is true - as they say in philosophy that everything is connected to everything else, but at least in discussion on the Bill we should try to focus on the matter before us. And much as the Member likes to talk a lot, the Member should try to confine himself to the matter before us.

Let me make the point clearly, this is not a revenue measure, revenue and taxation applies to all persons within the category. This applies to anyone who is in breach. If you don't break the law, you are not liable to pay.

Mrs. NEITA-HEADLEY: That's right.

(Applause)

Dr. PHILLIPS: So that's the first point and that is an elementary distinction between taxation and a penalty for a breach of the law.

Now it is true that it is intended as a penalty to be a deterrent to those who are minded to break the law and it takes place against the background where legitimate producers of spirits, for example, and it is a major area, are facing improper and illegal incursions into the market by those who are engaging in bootleg operations for spirits which has a consequence further not only of destroying the reputation for the quality of the spirits legitimately manufactured because there are those who would pass off inferior spirits and commodities as being the legitimate commodity, but is also illegally manufactured bootleg spirits also threaten the health of the community. We have seen in many other jurisdictions people selling liquors that have infused with chemicals of unknown origins and where there has been tremendous loss of life. We have imposed these penalties in order to ensure that we keep the trade legitimate and in order to ensure that we keep the health of the Jamaican people intact.

So Mr. Speaker, I don't think we need to make heavy weather and say everything is everything. Link all kinds of school fees to excise duties - God knows graduation numbers. I share much, and many of us here share the same concerns about the unnecessary burden of graduation that is being imposed from basic school come right through, but that has nothing to do with this. If you want to make a speech on this, go to a graduation and make the speech. Don't come here and *mek* it. (Applause)

Mr. CHARLES: And if you want to clap, go to graduation and clap.

Dr. CAMPBELL: You heard that? (Laughter)

(Cross talk)

Dr. PHILLIPS: Mr. Speaker, I take the Member's point that we can review the overall Act. I think we have to be careful though that the question of the language and imprecision, as you define it, is really a matter for the judges to determine based upon the evidence brought before them as to what satisfies them, but there is no doubt that in many areas legislation needs to be updated and upgraded.

Mr. Speaker, it's a simple matter before us. There has been no evidence of any increase in revenue flows as a consequence of this. What we seek most of all is evidence of a reduction of breaches of the Excise Act as a consequence of what we have put in. (Applause) and so, Mr. Speaker, I move that we confirm the Order.

The SPEAKER: Those in favour.

Put to the House and agreed to.

Dr. PHILLIPS: Mr. Speaker, I move suspension of the Standing Orders to enable me to take second reading and to refer the Customs Bill Amendments to Committee.

The SPEAKER: The question is for the Standing Orders be suspended to allow the Minister to take...

Dr. PHILLIPS: Mr. Speaker, this legislation and the amendments to the Customs Act have significance for the operations, particularly of trans-shipment operators and would be an important element in our efforts to enable Jamaica to become a point of trans-shipment and a centre o for logistics operations in the country.

Accordingly, Mr. Speaker, I propose in order to give all stakeholders an opportunity to refer this Bill to Committee comprised of the following Members:

The Honourable Dr. Peter Phillips, (Chair)
The Honourable Dr. Morais Guy
The Honourable Anthony Hylton
Mr. Fitz Jackson
Mr. Audley Shaw, CD
Mr. Delroy Chuck, QC

to sit jointly with a similar Committee to be appointed by the Senate. I so move, Mr. Speaker.

The SPEAKER: Those in favour.

Put to the House and agreed to.

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.

Mr. DALLEY: Mr. Speaker, I beg to move -

The SPEAKER: Just before you go, Mr. Dalley.

Mr. DALLEY: Oh!

The SPEAKER: Those in favour of the Bill going to Committee as outlined by the Minister.

Put to the House and agreed to.

Minister Dalley.

Mr. DALLEY: (No mic used) Mr. Speaker, I beg to move for the suspension of Standing Orders to enable me - of the second reading of the Bill shortly entitled, "The Public Procurement Act, 2015".

Mr. SHAW: Turn on your mic.

Mr. DALLEY: ...and 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, notice of which was given earlier.

Put to the House and agreed to.

THE PUBLIC PROCUREMENT ACT, 2015

Mr. DALLEY: Mr. Speaker, Honourable Members, at the last sitting of this Honourable House given the significant reorganization of the old Public Procurement Bill coming out of your Joint Select Committee and evidenced by the Report, it was necessary for the Government to withdraw the Bill that was laid before this House on July 29, 2014, and retable the same in order to conclude the debate on the Public Procurement Act, 2015 with a clean copy, which has been circulated to the Members. Today I intend to take the Bill through all its final stages.

Mr. Speaker, there has not been any significant changes to the retabled Bill. The changes have concentrated on mainly the deletion of clauses that your Committee felt would be more appropriately placed in the regulations accompanying the Bill and recommendations made by your Committee to strengthen the Bill as well as presentation and input from the Members who participated in the debate on the Bill.

The Report of the Joint Select Committee was laid before the House on April 29, 2015, and was accepted. I would, therefore, not repeat what has already been presented in the

Report. I wish, however, to re-emphasize the importance of this Bill as Jamaica's first standalone instrument which will guide and regulate how Government spends taxpayers' dollars on procuring goods, services and works and how it will transform the public procurement landscape and will lead to increased value for money and increased access to opportunities by many Jamaican suppliers. I am grateful that the Members have accepted the Report and what I propose to do now is to ask this House to support the passing of this Bill, which I will take through its final stages today.

Before I begin to discuss the provisions of the Bill, let me just remind this House why this Procurement Bill was necessary. As you know, Mr. Speaker, Members, the Government's procurement system has long been in need of improvement but more specifically it has been in dire need of comprehensive legislative reform. Public procurement was sheltered under various pieces of legislation to include the Contractor General's Act, the Financial Administration (Supplies) Regulations of 1963 and the Public Sector Regulations of 2008.

The system was formally characterized by many inefficiencies, needless bureaucracy; it suffered from severe delays at all stages of the process; it needed additional accountability and experienced a lack of capacity. It is for this reason, Mr. Speaker, Members that among the things to be done to this standalone legislation is that great emphasis will be placed and has started on the training and building of a proficient procurement cadre of persons throughout the Government, and this has already begun.

One of the areas of weakness also included unclear lines of demarcation within the public procurement institution, for example, the Office of the Contractor General and the National Contracts Commission. The work was undertaken to address these concerns in the system and was not approached lightly and begun as early as this administration took office.

In recognition of the gravity of the issues, and their potential impact on the economic growth of the country, the Government hosted a series of stakeholder meetings and formed a Technical Working Group whose mandate was to draft recommendations to inform changes to the Public Procurement procedures. I wish to advise this Honourable House that many of the recommendations of that Technical Working Group have been reflected in this Bill before you today.

Your Committee, Mr. Speaker, recognized that in many small developing countries like Jamaica, the Government is the single largest national procurer of goods and services, and works. Based on statistics received just this week from the Office of the Contractor General, in the last fiscal year alone, the Government of Jamaica spent approximately Fifty-nine Billion, Four Hundred and Fifty-two Million, One Hundred and Seventy Thousand, Three Hundred and Thirty-one Dollars and Eighty-nine cents ($59,452,170,331.89) on public procurement as follows: insurance services, 34 contracts valuing $773,377 Million; procurement of

works, $8,791 Billion in the last fiscal year alone; goods - 5,127 contracts, $48,427 Billion; and consultancy services - international and local - $1.4 Billion; a total of Fifty-nine Billion, Four Hundred and Fifty-two Million, One Hundred and Seventy Thousand, Three Hundred and Thirty-one Dollars and Eighty-nine cents ($59,452,170,331.89).

Having regard to those numbers which do not include contracts valued $500,000 and below - and just today, Mr. Speaker, I was surprised because we are trying to locate somewhere in Government where all those contracts are stored. Persons who have been awarded works contracts, or any kind of contracts, $500,000 and below, we still do not have the number and that is several hundreds of millions of dollars.

It was recognized by the Government that even wider public consultation and participation was integral for the improvement of the system. We were deliberate, therefore, to adopt an exhaustive consultative approach as this is a matter that affects many Jamaicans.

The Bill is, therefore, reflective of the many recommendations that were made by the stakeholders, members of the public, your Committee Members, that initial technical working group members who all made their recommendations to this first - this Bill. I wish also to acknowledge the work of our international partners, as I close this Debate, in this initiative.

At this time, Mr. Speaker, I wish to take time out with respect to specifically thank the following persons and entities involved in the consultative process, and for helping the Government of Jamaica to reach where we are on this Bill:

- the Members of the Houses of Parliament who participated and supported the team,
- the Joint Select Committee,
- the Inter-American Development Bank,
- the World Bank,
- the Permanent Secretaries Board,
- the Ministry of Finance and Planning - Policy and Planning Unit, and the team,
- the Ministry of Industry, Investment and Commerce,
- the Ministry of Transport, Works and Housing,
- the Ministry of Local Government and Local Authorities,
- the National Contracts Commission for the records,
- Office of the Contractor General that participated in every session of the Joint Select Committee,
- the Office of the Chief Parliamentary Counsel,
- the Attorney General's Chambers,
- the Construction Industry Council,
- HEART Trust/NTA,
- the National Works Agency,
- the National Water Commission,
- the Urban Development Corporation,
- the Association of Contractors Association and Consultants,
- Caribbean Eco Water System,

- Bill Wright Construction Company Limited,
- Alcar Construction Company Limited,
- YP Seaton and Associates Company Limited,
- Construction Solutions Limited,
- Pat Construction Service Limited,
- the MSME Alliance, and,
- the Incorporated Master Builders Association.

Mr. Speaker, I have taken the time to read through this list, because when the Parliament - the Joint Select Committee requested of the public, of those persons who had interest in this new piece of Legislation called Public Procurement, 2015, these businessmen and women, private sector organization - I am sorry - they took the time to make submissions, and also took the time to bring their thoughts, their suggestions, to the Joint Select Committee here. And I have to ask this Honourable House to applaud this effort from the members of the public.

I would be remiss, Mr. Speaker, if I did not single out, for some special mention of your Committee, the Members of the Committee who approached the task with dedication and diligence. The Committee had a total of nine meetings, the last of which was held on March 18, this year. Having already presented the clause by clause of the Bill, Mr. Speaker, when I opened the Debate, I will just highlight some of the changes that were made to the Bill, and some concerns that were raised.

Part I of the Bill highlights all the preliminary points as set out in Clause 1 to 5. Mr. Speaker, this Part of the Bill is intact and no changes were made between the old and the re-tabled Bill. It contained the interpretation of the key terms, and sets out the application of the Act.

Amongst the concerns raised by your stakeholder Members of the Committee and Members of this House was the need for there to be greater development consideration in policy application, particularly as it relates to Micro and Small Enterprise, the MSME sector, and the encouragement of their greater participation in Public Procurement.

I am happy to report, Mr. Speaker, that the Bill includes a definition of offset at Clause 2, which recognizes the policy of this Government to apply margin of preference, and set aside to encourage Jamaica's economic growth, in particular, among this sector, the MSME. (Applause) With the introduction of offset, Mr. Speaker, there will be the creation of a National Policy Space to facilitate the growth of the Micro, Small and Medium Enterprise. (Applause)

What are we saying in this Bill? A certain portion of Government's contracts will be set aside only for the MSME sector. For example, if procurement is to be done, let us say of a cost of $10 Million, for example, certain contractors and suppliers at a higher grade will not be allowed to bid on those procurements. Those procurements will be reserved only for the MSME sector small companies. (Applause)

Your Committee, Mr. Speaker, spent a lot of time in finding ways and means to make sure…

(*Sotto voce* comment by Dr. Davies)

Mr. DALLEY: He has decided not to speak... to make sure that this new Bill which is the first time we are having this new Bill that this Bill bolster the work of the small men and women in Jamaica who are involved in business, and would like to enter the public procurement space of the Government.

Part II, Administration of the Office of the Public Procurement Policy

Part II of the Bill at Clause 6 to 22 reflects the changes recommended by your Committee and the stakeholders, and sets out the overall framework for the administration of public procurement, through the establishment of this Committee.

The Public Procurement Commission and granting - Part II of the Bill at Clause 6 to 22, Mr. Speaker, reflects the changes recommended by your Committee and stakeholders, and sets out the overall framework for the administration of public procurement through the establishment of the Office of Public Procurement Policy, the Public Procurement Commission, and granting those offices, general administrative powers to further the objects and purpose of the Bill.

This Part of the Bill addresses the matter of the unclear line of demarcation that was raised by stakeholders between the Office of the Contractor General and the Public Procurement Commission. The NCC has been reconstituted and includes representatives nominated by the Contractor General, persons recommended from the private sector, and professional bodies such as the Bar Association. These are outlined at Schedule II of the Bill.

Part III speaks about Methods of Public Procurement. There were no changes to this Part. It provides the method by which procurement can be had: open bidding, restricted bidding, and single source procurement's is set out in Clause 23 to 25.

Part IV speaks of a surcharge.

Part IV has been reorganized, Mr. Speaker, as previously, it was placed under Part III of the old Bill which addresses the method of public procurement. The surcharge provision is not new but is now contained in a separate part of the Bill for appropriateness. These Provisions can be found at Clause 26 to Clause 29 and encapsulates in a clearer manner, the need to hold public officers accountable for deficiency, or loss of public funds. We were mindful to ensure that the principles of natural justice would not be forsaken. Mr. Speaker, in so doing, there will be - no action will be taken until thorough investigation of the breach is done.

Part V speaks to the Public Procurement Process. The Bill makes general provision which touch on a number of important aspects of the Procurement Process, such as the notification to the public of procurement opportunities: the participation, in the proceedings, the treatment of bidding documents, the qualification of suppliers, as well as pre-qualification proceedings.

Most importantly, Members, Mr. Speaker, this Bill addresses the vexed issue of the lengthy contract award process with requirements for prompt notification to bidders at every step in the process, and

cautions against the irresponsible and dilatory action on the part of procuring entities. These Provisions can be found at Clause 30 to Clause 47.

Part VI, Reconsideration, Review and Appeal.

Mr. Speaker, the policy objective which Part VI of the Bill seeks to achieve is that of strengthening the authority of the Public Procurement consideration, review and appeal process to stop the procurement process prior to contract award, where there are signs of irregularity or impropriety. To that end, Mr. Speaker, Part VI of the Bill provides the scope within which an application for reconsideration of the procuring entities' decision can be made by an aggrieved party. In this regard, the procuring entity is given powers to vary, reverse, or uphold, any action or decision taken in the proceedings of procurement.

The Public Procurement Review Board.

In furtherance of this objective, Mr. Speaker, the Procurement Review Board is established to hear applications from aggrieved parties that are in receipt of a decision made by a procuring entity following an application for reconsideration. The constitution of the Procurement Review Board is set out in the Third Schedule to the Act. These Provisions can be found at Clause 48 to 53.

Mr. Speaker, the Bill, the new Bill speaks to civil liability and offences, corrupt practices, Clauses 54 to 59. Miscellaneous provisions, Clauses 60 to 65, and it speaks to the issue that was raised by a Member during their presentation about the appointment of the Review Board. It speaks to the review period of the Bill.

Previously we had said that this Bill, being a new piece of legislation, should be reviewed every five years. The Committee and stakeholders - your Committee recommended that the Bill be reviewed every three years.

Importantly, Mr. Speaker, the Bill proposed to repeal, once this Bill is passed, to repeal the Financial Administration Supply Regulations of 1963 and the Public Sector Procurement Regulations 2008 and Part III of the Contractor General's Act. It also proposes not to affect any civil or criminal liability incurred by any person under any existing law before the appointed date of this Bill.

Mr. Speaker, before I conclude on the review of the Bill, and based on the contributions by Members of the Honourable House, we have noted and listed a number of amendments of a minor nature, which I will submit to the Clerk of the House; I will not address them here. There are, however, some valuable recommendations for amendment to the Bill that I wish to raise and propose for amendment. The words, "*procurement concerns*" should be inserted immediately before the words, "*national development projects*" at Clause (3 to 2) and I will do that in Committee, simple amendment here. In concluding, Mr. Speaker, I believe, based on the collective approach taken and the collaborative effort by your Members and the public at large, the Bill addresses the concerns and aspirations of the people of Jamaica to have a fair and balanced public procurement

system that is reflective of the needs of the Jamaican people.

Mr. Speaker, the Government is confident that when enacted today and when signed into law by the Governor-General, this Bill will signal the serious approach that the Government is taking in the regulation of the public procurement process in line with international best practice in the interest of transparency, accountability and for improved efficiency of spending taxpayers' money.

Mr. Speaker, we have addressed the matter of creating greater participation of the MSME. We are in the process of reviewing the GOJ Public Procurement Handbook, right now, the standard bidding documents; we are continuing the training of public procurement specialists and we have implemented the Electronic Government Procurement System (EGP, which was rolled out this month and is in its pilot stage.

The Bill, Mr. Speaker, this Bill will go a long way in transforming the public procurement landscape, and I now therefore call on the Members of this Honourable House to pass this Bill today.

I thank you, Mr. Speaker. I thank you, Members. (Applause)

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

The SPEAKER: Mr. Shaw.

Mr. SHAW: Thank you, Mr. Speaker.

Mr. Speaker, the Minister has quite correctly noted that considerable work has been done on this Bill at the Committee Stage and in which the opportunity was given for feedback from a wide cross section of stakeholders. I want to just raise a point. And the Minister mentioned in his presentation that the handbook is now being revised. But I would like the Minister to confirm in his concluding remarks that it is not just a revision of the Handbook but really a promulgation of appropriate accompanying regulations that must be tabled in this Honourable House and receive the affirmative approval of this Honourable House.

And the reason I say that, Mr. Speaker, is that the Bill has - the final Bill that is before us still appears to have a number of weaknesses. An analysis I have done in which the Office of the Contractor General has made a number of very, very important observations in their presentation at the Committee Stage, and there are a number of points that the Contractor General, the Office of the Contractor General made that basically have been ignored by the Government in the final Bill that is before us. And I give a couple examples. The question of the definition of a contractor in which the Office of the Contractor General suggested that there should also be an appropriate definition of a subcontractor and how that subcontractor should relate to a contractor. That has been ignored for the purposes of this Bill.

Another one is perhaps even more potent in its potential is the definition – and this is all in Part I - the definition of corrupt practice, precisely what that means, the Contractor General had indicated a concern that the

definition fails to make provision for acts of fraudulent practices, collusive practices, coercive practices and obstructive practices.

And Mr. Speaker, what is important in this matter is that the Office of the Contractor General made its recommendation in the context of clearly the evolving practice of the award of contracts, and it was seen as important that corrupt practices should be further delineated and defined to have a careful definition of subsets such as fraudulent practice, collusive practice, coercive practice, obstructive practice.These recommendations once again have been ignored by the Government in the definitional clauses, and I think in these matters that are being ignored the question is, will they be taken up in the regulations? That's the question. We don't know. We don't know.

Another one has to do with the definition of national bidder and how the Bill now has a definition of a national bidder, it actually includes regional bidders. And it just make good sense, recommended by the Office of the Contractor General that you should name them as they are, name them regional bidders which would include national bidders and where it is exclusive to national bidders, such as the MSME section, then you are safe to use the word national there. That too was ignored in the definitional section of the Bill.

And I give one further example of what is ignored in the recommendations under Part II relating to the independence of the Public Procurement Commission and the concern expressed by the OCG that the Chairman should not be directly subject to ministerial direction in order to give the Procurement Commission the kind of independence that is anticipated in the promulgation of this new Bill. That recommendation, too, has not been accepted.

So Mr. Speaker, the point I am trying to make here is I expect that some of these things will be dealt with in the regulations, but what are they? We are looking - right now we are being blindfolded to approve this Bill without knowing whether the regulations are going to carry some of these other issues that are of great concern. Because if the regulations don't have them they will be deficient and if the deficiency is there then there will be loopholes and there will be potential for abuse of the public procurement law.

Mr. Speaker, I am asking the Minister to ensure that the recommendations of the OCG be reviewed very, very carefully within the context of the development of the regulations that should come back to this Honourable House. Because of 64 recommendations by the Office of the Contractor General only 17 of them were accepted and 47 of the recommendations rejected. I am suggesting on more than a cursory view of those 47 that were rejected that many of them, since they have not found a place in the Bill they need to find a place in the regulation. Because I believe that the Contractor General developed these recommendations out of an empirical situation and it should not be given short thrift, it should be given consideration for the purposes of the regulation.

(Applause)

Thank you very much, Mr. Speaker.

Mr. BARTLETT: Mr. Speaker, the final Bill that is before us does, indeed, break new grounds in terms of building Jamaica's capacity to deliver in the international trade, as well as in terms of its efficiencies which are vital if we are to be regarded as being a place to do business, to rear our families and to live a prosperous life.

And I believe that the House, Mr. Speaker, and I am being careful in making this comment, that the House perhaps needs to be a little more seized with the critical importance of this particular Bill that is before us. Because it has the potential to significantly transform the way we do business, the way we govern ourselves and the way in which we relate to the international market.

(MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, entered and took his seat.)

The decision of course to create a set of rules and regulations that harmonizes itself with globalized positions creates a level playingfield for all to be able to participate. It's very critical and important because it is going to speak very significantly to cultural practices which over time has defined how we operate and particularly our political practices and our political culture; the issues of victimization, the way in which contracts are awarded, the way in which positions are opened and access is created for friends and family and political brethren and sisters to enter. Because this now sets a set of rules that will guide how things are done and will change also, the way in which expectations are going to be defined. Because we need to appreciate that after this you can't make a person an officer in the Ministry who does not fulfill all the requisite requirements.

It has to be understood that you cannot give a contract to your crony because he is going to be a contributor down the road. He has to now conform to a set of rules and regulations that govern how contracts are awarded, and to whom contracts are awarded. But Mr. Speaker, this is a good thing. It's a good thing because it is bringing us into the age of transparency, and it is creating a far more honest society where corruption and nepotism are eschewed.

Mr. Speaker, the Minister in making his preliminary comments indicated that the purpose of this bit of legislation is to ensure that public procurement responds to value for money. Value for money. That in all instances whenever any kind of expenditure is committed, there is a guarantee that the taxpayer is going to get reward for his dollar, and that's very important, because, Mr. Speaker, it has been found out that some 30 per cent of procurement in developed and developing countries represent leakages as a result of corruption.

The Minister spoke that $59 Billion was spent last year on public procurement, with a whole range of contracts including insurance placements and so on. That represents, Mr. Speaker, nearly 10 per cent of your GDP, which falls in line with international standards for developing countries where it has been found that public procurement represents 10 to

15 per cent of their GDP and in lesser developed countries, 30 to 50 per cent of their GDP. This is huge. And if you talk about gravy train, Mr. Speaker, that's where gravy train is. So to clean up that system, with a rules-based programme, with proper laws and regulations, is to ensure greater efficiency in public management and savings for the poor, so that more can be spent on social services. More can be spent on your public infrastructure, your roads, and your water, and so on.

So, Mr. Speaker, the Member also spoke about the creation of equity, or a level playing field which will provide for equality among all, to give access to enable everyone to have a chance to procure. The truth is that, that is a wish unless we take the steps to enable all to be able to participate and to procure. Because the little guy - and you talk of the SMEs is not going to be able to participate in the same way as the big guy who is heavily endowed and who has funding at his avail, and whose capital availability is there at all times.

Then, of course, the training and development, the skill set, and the extent to which your skill is certified. Not just that you have the skill, now, you know, but that it is certified, because the little man who can do a good job around the comer, but don't have a certificate to prove that he has skill and competence, will be out of the picture. So my question Mr. Minister is, what provisions are in this Regulation that is to come, to secure the SMEs and to put them in a position where they truly can compete? Because to operate a procurement system where competition is the centrepiece and you don't have the capacity to compete, then you are wasting your time, and we would be avoiding the poor of the country, the smaller man in the country from being an active part of the process.

So whilst you mention training and development you confined it to those who are going to manage the process, which is good, and I am with you on that 100 per cent, because it's very important that those who are managing the system understands it well, but we need now to create capacity among those who are to benefit. Women. What provisions are being made within it to ensure that our women are going to be able to participate in the process at levels that are equal to our men, based on how traditionally we structure roles and rewards for activity.

So Mr. Speaker, the final point that I want to make in this is, that, a public education exercise must follow the promulgation of this particular order. So that the country understands what this procurement is all about, how each person is going to participate, what access is there, what are the criteria for access, and how they are going to get redress where they are aggrieved. This, Mr. Speaker, is central and critical, and I would like the Minister to give us that assurance, that a national programme of public education on the procurement procedures will be carried so as to ensure that investment also in training and development is enabled and that the capacity of our people because if the capacity isn't there among us, you know, Mr. Speaker, what will happen is, because the procurement is open to the world, foreigners will be coming

in droves to do simple things for Government, which our people ought to be doing, and sometimes we focus on small contractors in the construction industry but it's not all, because procurement covers a whole raft of activities within the Public Sector in almost every area including jobs in the public sector. So a special arrangement has to be - and, Mr. Speaker, I want the Minister to pay some attention to this, because he needs to also tell us that the rest of the Government is on board, that the other Ministries are on board.

Mr. L. BUCHANAN: Where is the Opposition?

Mr. BARTLETT: …because they have to be on board to ensure…

Mr. L. BUCHANAN: Where is the Opposition?

Mr. BARTLETT: …that this capacity building of which I speak…

Mr. L. BUCHANAN: Where is the Opposition?

Mr. BARTLETT: …is enabled in every area, so that more and more Jamaicans…

Mr. L. BUCHANAN: Where is the Opposition?

Mr. BARTLETT: ....our local Jamaicans - well, when we were in government we had the responsibility and we did it right. So I want you to take note of what you must do, and don't worry about - the Opposition is talking to you now about what must be done, and the Opposition insist that these things be done in the interest of the people of Jamaica. So, what, Mr. Speaker, is important here is that, all the .Ministries - because everyone has to participate in this procurement.

Mr. HENRY: Including Fisheries.

Mr. BARTLETT: Every single Ministry.

(Laughter)

And they have to be - Yes. And they have to be geared to prepare and to help us to build the capacity overall so that all the jobs in Government can go to locals; that all the big construction projects that we have are done by locals, and that may sound far-fetched because we know that sometimes larger companies can operate a scale, and as a result of that they will have to bring smaller companies with them, or the issue of technology where technology exist that we don't have, but we must ensure that there is transfer of the technology and that our people are built and prepared to be able to have that technology transfer.

Those are the few points that I wanted to raise on the matter, but we support it in its broadest sense because we do think that this could be a huge tool for both economic and social transformation in Jamaica.

Thank you.

(Applause)

Mr. DALLEY: Mr. Speaker, I would like to thank the Members, two Members. One told me that he wasn't going to speak because he already communicated, but the Member from North East. The Member from East Central St. James has made some points which I am going to just quickly go through.

Thank you very much. For the past couple of weeks you have indicated an interest in this Bill, and let me just say though that the rest of the Government - I just noted some of the points you raised. Any Bill that is passed, that is proposed by the Administration, receives

the support, as you know - you have been a Member of Cabinet from 1980 so you understand.

Mr. BARTLETT: Yes.

Mr. DALLEY: But this far-reaching piece of legislation that is going to bring more efficiency to the way how taxpayer's monies are being spent bring more value for money, ought to, ought to bring more value for money, will, will, will widen the playingfield for more entrants in this system. Set aside a specific portion of the public procurement for a group, the MSME. We don't reach the stage yet where we can say, a specific portion for women and youth which is the ideal way to go, and just today somebody was saying there are other countries in the world who have strictly set aside procurement opportunities for these categories, but we start with - we start, we start with the MSME and within that group are women and young people.

I take the point about the public education. I take the point about the public education, and let me say, one of our international partners, the IDB, the IDB has in fact committed to assist Jamaica in funding a strategic communication plan for the Public Procurement Bill and its Regulations.

In terms of the training.

Mr. HENRY: Can I?

Mr. DALLEY: Yes.

Mr. HENRY: For clarification. In international procurement exercises of bidding, when you are an underdeveloped country there is a percentage allowed against when you tender against other developed countries, is that any approach that you are using here? I think they use 15 per cent overseas.

Mr. DALLEY: Thank you very much.

The issue is set aside when we go to Committee, I would ask that you raise it at the Committee because I will explain more there.

In terms of training Mr. Speaker, we have started the training already. We, meaning the Ministry of Finance and Planning has the responsibility for the Act, and we have the Public Procurement Policy Office, the unit is there in law. We have started to train people within the public sector, workers who are dealing with procurement already from last year, certifying them to a level internationally accepted to deal with public procurement and that will continue, but at the outset we brought HEART Trust/NTA on board to help to train and certify sole operators because a lot of persons who are carpenters or suppliers, but a sole trader who wants training, HEART Trust/NTA is designing a programme that will assist the MSME and other individuals in certifying them in their competencies.

The issue regarding the Regulations. Upon the promulgation of the Act, Mr. Speaker, the Regulations - the accompanying Regulations will be tabled in this House and I hasten to say that we are far advanced in preparing the Regulations, and we have been assisted by support from our partners and the CPC, the Chief Parliamentary Counsel at this stage has promised that within short order we shall have the accompanying Regulations to go with this Bill.

The Handbook, the Public Procurement Handbook is now what? Four volumes that we

have. It's being revised far in advance and to have one practitioner's guide, that every member of the public sector, persons who want to participate or persons who are dealing with public procurement, understand the public procurement guidelines through this revised guide.

Let me say that some people - some of the things that I have seen, public procurement has to be taken to a different level. You can't have a clerk - and no disrespect to a ordinary clerk in a office, but you can't have a simple clerk who has never been trained, dealing with procurement of hundreds of millions of dollars. They don't understand the RFP, they don't understand how to do the assessment, and that is why we have moved to ensure that this is not the case.

The Member from North East Manchester raised some issues about the Contractor General's recommendations. Let me just say, Mr. Speaker. The Joint Select Committee had several sittings, and we had several persons who tabled recommendations, who made presentations, including the Contractor General, and some of his recommendation or the recommendations from the Office of the Contractor General. Let me not personalize it. We have accepted, but the Committee did not feel - and there are members of the Committee in this House now on both sides. We did not feel that all of the recommendations were to be accepted to be placed in the Bill, but that some of them should go in the Regulations, and that is why only 17 of his recommendations were accepted and might I say too, some of them really did not find favour with the Committee, with your Committee, Mr. Speaker.

Take for example, the Member spoke about corrupt practice. We spent a lot of time to try and define what corrupt practice should be, and the Contractor General had an opinion which he submitted, but in the end we felt that corrupt practice should mean the offering, giving, receiving or soliciting of anything of value, directly or indirectly, whether tangible or intangible, to improperly influence, interfere with, or change the outcome of the registration of a supplier, procurement proceedings, or the execution or performance of a procurement contract. In the wisdom of your Committee, assisted by the CPC, we visited several pieces of legislation, including the Corruption Prevention Legislation and came up with this definition of corrupt practice. So it is not that we did not take the OCG's recommendation into consideration, but we used recommendations from all different sources to come up with the definitions.

The big guy *versus* the little guy, somebody mentioned that. The Procurement Bill and its regulations realized that the small contractors in Jamaica or small suppliers in Jamaica were at a disadvantage from the stage of the registration, all of that has to be changed and has been recommended for change. A grade four or five contractor, the least in the line, could not have an engineer, working on their establishment, resident engineer *et cetera, et cetera.* And that is why in the deliberations and recommendations from the Master Builders Association and all

the other people, we decided that the registration of contractors would also be revamped and that is being done by the NCC but not the OCG. The OCG can do anything under its Act, if it feels that public trust is breached. But the OCG should never, in the first instance, be responsible or have anything to do with the registration of contractor to give service or to supply goods to the Government of Jamaica... (Applause) ….it was a big mistake and that is now being corrected.

Finally, Mr. Speaker, before I ask for your - for the second reading. Yes, the big guys *versus* the little guys, I said something about that and the definition of contractor and subcontractor. We - your Committee - we sought to define contractor as a bidder to whom a procurement contract has been awarded by a procuring entity. And there was some discussion about whether or not you should put in the Bill, the issue of a subcontractor and define it, and I will take the suggestions from the Committee and take it back to the technical team and ensure that some of these recommendations/suggestions where they can fit in the regulations that they find favour there.

Mr. Speaker, with that said, I now move that the Bill be read a second time. Thank you.

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 consolidate and modernize the law relating to the public procurement of goods, works and services and for related 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. DALLEY: Mr. Chairman.

The CHAIRMAN: Yes, Minister.

Mr. DALLEY: Your Committee - we are recommending a number of simple changes, amendments, simple adding some words which we have circled and this will go - the Clerk of the House will sort this out with the printers at that time. But there is, in Clause 3(2)(b) the words, '*procurement concern'* should be inserted immediately before the words, '*national development projects'*, we are inserting the words, '*procurement concerns*' just before the words, '*national development projects*' at Clause 3(2)(b).

The CHAIRMAN: Yes, we have that.

Mr. DALLEY: At Clause 51, Mr. Speaker.

The CHAIRMAN: Hold on Minister, let us accept the amendments as you - one by one.

Mr. DALLEY: Okay, sir.

The CHAIRMAN: So what we will do is we put the amendment to Clause 3 as outlined by the Minister.

Motion put to the Committee and agreed to.

Part I, Clauses 1, 2, 3 as amended 4 and 5 put to the Committee and agreed to.

Part II, Clauses 6, 7 and 8 put to the Committee and agreed to.

Part II, Clauses 9, 10, 11 and 12 put to the Committee and agreed to.

Part II, Clauses 13 and 14 put to the Committee and agreed to.

Part II, Clauses 15, 16 and 17 put to the Committee and agreed to.

The CHAIRMAN: We have an amendment to Clause 18?

Mr. DALLEY: Yes, Mr. Chairman. May I?

The CHAIRMAN: Continue.

Mr. DALLEY: Yes, in sub-clause (3)(a) I invite you, Mr. Chairman and Members to insert immediately after the word, '*approve*' the words, '*the application'*.

Clauses 18 in sub-clause 3(a) insert immediately after the word, '*approve*', we insert the words, '*the application'* and that would be the amended Clause 18.

Clause 18 as outlined by the Minister put to the Committee and agreed to.

Clause 18 as amended put to the Committee and agreed to.

Clauses 19 and 20 put to the Committee and agreed to.

Clauses 21 and 22 put to the Committee and agreed to.

Part III, Clause 23, 24, and 25 put to the Committee and agreed to.

The CHAIRMAN: We are at Clause 26 now Minister.

Mr. DALLEY: Yes. Mr. Chairman and Members, Clause 26 have a small amendment. In sub-clause (l)(b) delete the word and substitute therefor the word, '*provides'.* So instead of having '*if'* we are going to write - put in '*provides'.* I put the amendment, Mr. Chairman.

The amendment to Clause 26 put to the Committee and agreed to.

Clause 26 as amended put to the Committee and agreed to.

Part IV, Clauses 27, 28, and 29 put to the Committee and agreed to.

Part V, Clause 30 to 33 put to the Committee and agreed to.

Part V, Clauses 34 to 47 put to the Committee and agreed to.

The CHAIRMAN: Okay, I withdraw that. We are now at Part V, Clause 42, Minister.

Mr. DALLEY: Yes, thank you, Mr. Chairman.

In Subsection (1)(b) in Clause 42, Mr. Chairman, delete the words, '*would be'*, '*would be'* and substitute therefor the word, '*is*'. So instead of having, '*would be'*, it will read, '*is*'.

The CHAIRMAN: I put the amendment to Clause 42 as outlined by the Minister.

Clause 42 put to the Committee and agreed to.

The CHAIRMAN: I put Clause 42 as amended.

Clause 42 as amended put to the Committee and agreed to.

The CHAIRMAN: I now put Part V, Clauses 34 to 47.

Put to the Committee and agreed to.

The CHAIRMAN: Part VI, Clauses 48 through to 53.

Mr. DALLEY: I have a Clause 51 amendment.

The CHAIRMAN: 51?

Mr. DALLEY: 51.

The CHAIRMAN: Yes, Minister, your time.

Mr. DALLEY: In sub-clause (6) delete the words, '*Where the Review Board is satisfied after*' and substitute therefor for '*after*', substitute the word, '*after*'. So let me...

The CHAIRMAN: So we delete the first four words - five words.

Mr. DALLEY: Right, yes, Mr.... '*Where the Review Board is satisfied*'.

The CHAIRMAN: And start at '*after*'?

Mr. DALLEY: '*After*' yes, sir.

The CHAIRMAN: I put the amendment to Clause 51.

The amendment to Clause 51 and Clause 51 as amended put to the Committee and agreed to.

The CHAIRMAN: Part VI, I put Clauses 48 through to 53.

Put to the Committee and agreed to.

The CHAIRMAN: Part VII, Clauses 54 and 55, I put Clauses 54 and 55.

Put to the Committee and agreed to.

The CHAIRMAN: Part VII, I put Clauses 56 to 59.

Put to the Committee and agreed to.

The CHAIRMAN: You have any more amendments, Minister?

Mr. DALLEY: Yes, on the Third Schedule.

The CHAIRMAN: Oh, on the Schedule.

Mr. DALLEY: Yes, the Schedule, sir.

The CHAIRMAN: Okay.

Mr. DALLEY: Yes.

The CHAIRMAN: Part VIII, Clauses 60 to 66.

Put to the Committee and agreed to.

The CHAIRMAN: I put the First Schedule.

The First and the Second Schedule put to the Committee and agreed to.

The CHAIRMAN: We have amendment in the Third Schedule?

Mr. DALLEY: Yes, Mr. Chairman. In paragraph 1(1) of the Third Schedule, delete the chapter and substitute therefor the following:

> *The Procurement Review Board - QC - shall consist of seven members appointed by the Governor General on the recommendation of the Minister, from a panel of 10 persons nominated by associations representing the private sector and professional bodies.*

Mr. Chairman?

The CHAIRMAN: Yes, Minister.

Mr. DALLEY: Yes. I've put the...

The CHAIRMAN: I put the amendment to the Third Schedule.

Put to the Committee and agreed to.

The CHAIRMAN: I put the Third Schedule as amended.

Minister?

Mr. DALLEY: Yes?

The CHAIRMAN: Is there any other amendment to the Third Schedule?

Mr. DALLEY: No, no, sir.

The CHAIRMAN: I put the Third Schedule as amended.

Put to the Committee and agreed to.

The CHAIRMAN: The Fourth Schedule, I put the Fourth Schedule. We have an amendment in the Fourth Schedule?

Mr. DALLEY: Let me just check. Is there an amendment to the Third Schedule - further amendment? No?

The CHAIRMAN: Could you take us through the amendment?

Mr. DALLEY: Mr. Chairman, the question was raised by Member...

Mr. HENRY: No I was just asking if like in the international approach to tendering, if you're from a less developed country tendering against a larger country you have a preference position of 15% to counterbalance the accessibility of things that you don't have the ability as a small country to have - bank rates for instance and professionalism. So when you're catering to the small business persons who would not have access to the facilities that the larger companies have, would you build in any preference position like that?

Mr. DALLEY: The preference position is built in some regulations, meaning that in the - a local company will now be on the same footing as an international company at certain level of contract. Meaning the international company, in applying for large contract in Jamaica, would not have to be registered with the NCC upon application - applying for that contract, as we have seen in many instances, but at the point where they are awarded, would have been - would have to have been registered, but an application would not. For those contracts, local companies would find themselves on the same footing.

Also, in the national preference, the reason why offset, set aside and preferential treatment is in the Bill is that those methodologies can be applied for local, small, regional contractors, *et cetera, et cetera.* And the Committee was mindful that a contractor from Kingston could apply and come to Mayday for a $2 Million drain contract, sign the contract, walk away, subcontract it to somebody there, collect the money and the person in Mayday can pay the Bills.

Set aside an offset can be implemented in any form, meaning regional approach, you can put out a RFP that says - and my team will back me up on this, but it gives you the wide range to say, only contractors of certain grade in this region should apply. That's the flexibility that it has and it protects the national against the international bidder.

Mr. PAULWELL: Mr. Chairman, I think we're on to Schedule 4.

The CHAIRMAN: I thought we had a...

Mr. DALLEY: There is no more amendment to it.

Mr. PAULWELL: No amendments, okay, so we can put it again.

The CHAIRMAN: I put the Fourth Schedule.

Put to the Committee and agreed to.

The CHAIRMAN: I put 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 six (6) amendments.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage with six (6) amendments.

Mr. DALLEY: Mr. Speaker, I now move for the 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 Consolidate and Modernize the law relating to the public procurement of goods, works and services, and for related matters",

read a third time and passed.

Mr. CHUCK: What is it, logistic hub again? More logistic hub again?

Mr. Anthony HYLTON: Yea man, more a di same.

. **Mr. CHUCK:** More logistic hub?

THE NUCLEAR SAFETY AND RADIATION PROTECTION ACT, 2015

Mr. Anthony HYLTON: Mr. Speaker, the title of the Bill, "Nuclear Safety and Radiation Protection", gives an indication of the importance of the subject matter to a range of activities that affect our everyday lives. But it is the many outstanding decisions by ministries and agencies of government that are being held in abeyance pending passage of this Bill that speaks to its urgency. Some of these decisions, Mr. Speaker, are literally lifesaving.

Mr. Speaker, the Bill seeks to create the legal framework of the regulation of activities, practices and apparatuses and facilities involving ionizing radiation and nuclear technology and is in keeping with international standards and best practices. The Government of Jamaica is of the view that all activities relating to radioactive material, nuclear material and ionizing material, ionizing radiation apparatus, should be made subject to standards of safety and security, as exposure to high levels of ionizing radiation can have deleterious effects on people, property and the environment.

Mr. Speaker, various Ministries are users of ionizing, radiation and nuclear technology. And I referenced the Ministry of Health, Energy and Agriculture and the regulatory authority necessary to implement the standards of safety and security needed to be under a neutral Ministry, such as the Ministry of Industry, Investment and Commerce was determined to be the most appropriate Ministry, given its mandate for enabling industry and commerce with attendant regulatory experience.

The fact also is that a number of personnel at the Bureau of Standards have already undergone training by the International Atomic Energy Agency (IAEA) and other institutions in the subject matter and are best suited to provide the core of the skills needed to move the proposed authority forward.

Accordingly, Mr. Speaker, the objects of the Bill are as follows:

a) To protect people and the environment from exposure to ionizing radiation, to the maximum extent that is reasonably practicable, taking into account social and economic factors, and recognizing the need for the use of ionizing radiation for beneficial purposes.

b) To protect radioactive sources from misuse that may result in harm to people or the environment.
c) To promote radiation protection principles and an effective nuclear safety culture.
d) To provide compensation for damage, loss and injuries caused by ionizing radiation.
e) To allow for the beneficial and peaceful uses of nuclear technology.
f) To achieve and maintain a high level of safety and security facility.
g) To establish and maintain the authority with sufficient independence and authority to effectively perform the functions set out in this get and finally,
h) Mr. Speaker, which is to facilitate Jamaica's compliance with international obligations arising under the Convention.

I now deal with certain sections of the Bill, the critical sections of the Bill, Mr. Speaker. Part I addresses the preliminary aspect of the Bill. It includes the short title and the commencement date. It also provides for the interpretation of certain key terms and highlights the objects and matters to which the Bill applies. This Part, Mr. Speaker, also explains the meaning of a fit and proper person. It is important that this qualified person so deemed for a grant of authorization. The term authorization, Mr. Speaker, in relation to this Bill refers to a licence, a permit, an approval, a certificate of registration or any other form of authority granted to engage in any practice or activity or to operate any facility involved in the use of ionizing radiation and technology.

Part II Mr. Speaker, makes provision for the establishment of a national regulatory body referred to as the Hazardous Substances Regulatory Authority, a body corporate which will, among other things, grant authorization, establish operational standards, regulate and monitor activities, practices and facilities, utilizing ionizing radiation and nuclear technology. The Act, Mr. Speaker, also makes provision for the establishment of a Board of Directors for the Authority. The Board will be responsible for the recommendation of policy and general administration of the affairs of the Authority.

The Authority, Mr. Speaker, will be headed by a Director General who will, among other things, carry out the directives of the Board, direct the technical activities and day-to-day operations of the Authority and make recommendations to the board concerning safety standards and regulatory practices.

A Registrar will also be appointed to, among other things, keep and maintain up-to-date a register of authorization. With respect to the employment of its staff, the Authority will be responsible for the employment of its officers, employees and agents.

The Act, Mr. Speaker, further mandates cooperation between the Authority and other investigative authorities in Jamaica in the form of providing copies of documents and sharing pertinent information with respect to the prosecuting of offences or other unlawful

conduct and allows for the Authority to cooperate with foreign regulatory authorities and law enforcement agencies in accordance with the applicable laws.

Part III of the Bill, Mr. Speaker, addresses the prohibition and restriction on ionizing radiation and nuclear activities in Jamaica. In particular, it prohibits:

i. the building, importing, exporting, and operating of a research reactor.
ii. the acquisition or development of *inter alia* nuclear explosive.
iii. the developing, producing, otherwise acquiring, stockpiling or retaining of radioactive material or nuclear material for the purpose of producing a weapon and the disposal of the said materials, except in accordance with the authorization granted, and,
iv. the construction - it prohibits the construction or operation of nuclear installations.

It is also an offence, Mr. Speaker, for an owner of radioactive material or nuclear material to cause, suffer or permit an unlicensed person to use or handle radioactive material. This Part, Mr. Speaker, further requires, among other things, that:

1. the Authority takes certain measures where it believes that a person pose a threat to the security of a security-enhanced radioactive source or any nuclear material by reason of the person failing to pass a security background check.
2. a person carrying out developmental testing operation involving or in relation to mining or mineral processing where a prescribed radioactive material or nuclear material exists but first be authorized by the authority - this must first be authorized by the Authority.
3. an ionizing radiation apparatus must be registered.
4. authorization be obtained prior to the transportation of radioactive material or nuclear material. This Part also provides for the application, the grant, refusal, renewal, modification, surrender, suspension and revocation of authorization.

Mr. Speaker, on receiving an application in the prescribed form accompanied by the prescribed fee, the Authority may grant an authorization which is non-transferable to the applicant. The authorization should be accompanied by such terms or conditions as the Authority deems necessary. It is noteworthy, Mr. Speaker, that prior to granting an authorization, the authority may require financial assurance to secure compliance with conditions of authorization. This would require the applicant or authorization holder to lodge with the Authority a financial assurance in the form of a bond. Where however an authorization has been granted, it may afterwards and in

accordance with the relevant provisions of the Bill, be renewed, varied, suspended or revoked by the Authority.

The Authority may, as well, Mr. Speaker, refuse to grant an authorization. It may do so in a number of instances among which are the following:

where it is of the opinion that it would not be in the public interest to grant the authorization and where it found that the application contained or was based on false or misleading misrepresentation or information.

This Part, Mr. Speaker, also mandates that the Authority keeps records, maintains a register of authorization and allows for inspection of the latter. It also establishes a clear system for the authorization of persons to conduct any activity or practice associated with the operation of facilities in the so-called operator authorization. Mr. Speaker, the Authority is further mandated to establish a requirement that on site and off site emergency plans be prepared and approved for any facility, activity, practice or source that could give rise to a need for emergency intervention. Provisions relating to this matter are also detailed in this Part.

Mr. Speaker, I next go to Part IV. This Part, Mr. Speaker, seeks to address the duties of authorization holders. It stipulates, among other things, that:

i. An employer shall ensure that each radiation worker is not exposed to ionizing radiation that exceeds the prescribed dose limits for radiation workers.

ii. A person responsible for radioactive material or nuclear material in a workplace shall ensure that each radiation worker is made aware of changes in specified particulars in relation to that material.

iii. The Authority may, by notice in writing, direct an employer to prepare and adopt a radiation management plan, *et cetera.*

iv. An employer is to provide his radiation workers with appropriate and approved personal monitoring and/or protection devices.

This Part further articulates specific requirements in relation to the disposal of radioactive material, nuclear material, ionizing radiation apparatus and radiation accidents. In respect of the aforesaid materials and apparatus, a record is to be kept by the person who disposes of either. With respect to radiation accidents, Mr. Speaker, this Part determines what constitutes radiation accidents, as well as stipulates that there is a duty to report and investigate apparent radiation accidents and to maintain a record of same.

There are certain set procedures, Mr. Speaker, to be followed by a person who is responsible for an ionizing radiation apparatus and has detected that a fault or defect exists in the apparatus. This Part provides that the Authority may, by notice in writing, direct the employer to appoint a radiation safety officer or a radiation safety committee or both for a particular workplace.

Further, Mr. Speaker, provisions are also made in this Part for the reporting mechanism when there has been a loss or theft of radioactive material, nuclear material, ionizing radiation apparatus or security enhanced radioactive source, as well as stipulates that such acts constitute offences.

This Part, Mr. Speaker, further provides that the occupier of premises that contain radioactive material, nuclear material or ionizing radiation apparatus are to display in a conspicuous place the appropriate warning signs where applicable. Additionally, records in relation to radioactive material or nuclear material or ionizing radiation apparatus can only be destroyed in a manner prescribed by the Act.

I move next to Part V Mr. Speaker that addresses Hazardous Substances Appeal Tribunal. This Part provides for the establishment of the Hazardous Substances Appeal Tribunal for the purposes of hearing appeals from the decisions of the Authority.

Part VI Mr. Speaker, provides for the appointment of suitably qualified persons as inspectors for the purpose of administering and enforcing the Bill. The duties of an inspector include, but are not limited to the inspecting of facilities to ensure compliance with this Bill, international obligations and regulations. Under this Part, Mr. Speaker, the Authority may, by notice in writing, issue directions to any person for the purpose of facilitating a required inspection and an inspector may apply for a search warrant where he is unable to obtain consent or has been refused consent from the person who owns or has control of the premises that is to be inspected.

In Part VII Mr. Speaker, this commences with the fundamental principles of radiation safety protection. This Part mandates that the Authority shall make regulations for the protection of persons from injury due to exposure of ionizing radiation and for specifying the sources, activities and practices to be exempted from regulatory control.

The Authority may also issue directions for radiation protection requirements that are to be met before any activity or practice can be authorized. It also establishes that the primary responsibility for safety rests with the authorization holder. Further, Mr. Speaker, in relation to medical practices, the Authority is mandated to issue guidelines in relation to, among other things, the training of radiation workers, and an onus is placed on the operator of a facility carrying on medical practice to ensure that no patient is administered a diagnostic or therapeutic exposure unless the exposure is prescribed by a registered medical practitioner who is assigned the primary task of, and has obligations for ensuring overall patient protection and safety.

In Part VIII, Mr. Speaker, the Authority is to establish a system of control over radioactive sources and devices, and maintains a national register of radioactive sources. In this regard, the primary responsibility for ensuring the safe and secure use of a radioactive source rests again with the authorization holder.

Every person, Mr. Speaker, engaged in the importing or exporting of radioactive sources,

shall comply with the International Atomic Energy Agency, the IAEA Regulations for the Safe Transport of Radioactive Material and any other relevant regulations.

Mr. Speaker, loss of radioactive sources is to be reported to the Authority immediately which will coordinate the development of a national programme with the appropriate public bodies in order to gain or regain control over the orphaned source.

Part IX addresses research reactors. And here, Mr. Speaker, the function of the Authority, in relation to research reactors includes establishing and maintaining a regulatory framework to govern their safety. Alternately, the operator is to ensure the safety and security of the research reactor, and all of its activities and procedures associated with same.

Part X addresses the decommissioning of facilities generally. And here, special provisions are made for the decommissioning of facilities in the Sixth Schedule of the Bill.

In Part XI, it is provided that the Seventh Schedule shall have effect, with respect to mining, processing and transportation of radioactive material, or nuclear material.

In Part XII, radioactive waste and spent fuel management is addressed. This Part, Mr. Speaker, provides for the formulation, implementation and review of a coherent National Policy on Radioactive Waste, as well as outlines the general principles for radioactive waste and spent fuel management. It also requires that regulations on safety and security requirements are implemented in relation to same, and in a manner that accords with the interest of the public and the environment.

Here, Mr. Speaker, the primary responsibility for ensuring the safety and security of radioactive waste and spent fuel for which no operator can be determined, rests with Authority. The same can only be exported or obtained on obtaining a Grant of Authorization. However, if an authorized exportation cannot be completed, the radioactive waste or spent fuel must be re-imported into Jamaica, unless alternative, safe, and secure arrangements can be made. This Part, Mr. Speaker, also stipulates that the operator of a nuclear facility shall prepare a closure plan for the closure of the facility which is to be submitted for the approval of the Authority.

Part XIII addresses nuclear liability and coverage. Here, Mr. Speaker, it addresses nuclear liability and coverage and commences with key terms that are used throughout this Part. Subject to the Provisions of this Part, Mr. Speaker, only the operator of a nuclear installation will be liable for nuclear damage of the operator's nuclear installation.

In respect of the liability, Mr. Speaker, during the transportation of nuclear material, the general rule is that the sending operator of the nuclear material will remain liable for any nuclear damage in relation to same until the receiving operator has taken charge of the material.

Rights of compensation for nuclear damage will be extinguished if no action is brought. In respect of life, 30 years from the date of the nuclear incident, or in respect of

any other nuclear damage, within 10 years from the date of the nuclear incident.

In this regard, Mr. Speaker, the Supreme Court of Jamaica is the only competent Court for the purpose of examining claims for compensation for nuclear damage in Jamaica. With respect to final judgements, Mr. Speaker, by a foreign Court awarding compensation for nuclear damage, the general rule is that the Order will be recognized and enforced as if it were a judgement of the Supreme Court of Jamaica.

Part XIV addresses the safeguards to be implemented. Here, Mr. Speaker, nuclear material must be used only for peaceful purposes, and in accordance with Jamaica's international obligations. Accordingly, nuclear weapons and other explosive devices are prohibited.

Mr. Speaker, in a bid to ensure compliance with Jamaica's international obligations, the IAEA will have the right to apply safeguards as provided for in the relevant Agreements between Jamaica and the IAEA, and any protocols attaching thereto. Accordingly, Mr. Speaker, the Authority is to ensure the effective implementation of safeguards in Jamaica.

Mr. Speaker, any person intending to carry out research and development activities related to the Nuclear Fuel Cycle must first submit to the Authority, the information on the activities to be carried out. Similarly, operators performing activities subject to the Safeguard Agreement must submit the relevant information and data, necessary for compliance by Jamaica with the Agreement.

In Part XV, export and import controls are addressed. And here, Mr. Speaker, controls over the export and import of radioactive material, nuclear material, or an ionizing radiation apparatus to and from Jamaica must be conducted in a manner that advances the objectives of export and import controls. The Stakes of Objectives include, but is not limited to the protection of the public, and environment, and ensuring the security and economic interest of Jamaica.

And Part XVI, Mr. Speaker: It is the responsibility of the Authority to establish requirements for the physical protection of nuclear and other radioactive material. However, authorization holders are primarily responsible for ensuring the physical protection of radioactive material or nuclear material, and related facilities under applicable regulations and authorization conditions. Accordingly, where there has been a theft, threat of theft, or loss of radioactive material or nuclear material, the authorization holder must notify the Authority without delay.

In the event of the theft, robbery, or other unlawful taking, or a credible threat of an unlawful taking of radioactive material, or nuclear material, the Authority must take appropriate steps as soon as possible to inform other States or international organizations that may be affected. The Authority must also determine the necessary cooperation and assistance arrangements in the recovery and protection of the material.

Mr. Speaker, it is an offence for a person to develop, acquire, manufacture, possess,

transport, transfer, use, or disperse in any manner, radioactive material or nuclear material without lawful authority. And all of this, with the intent to cause death or serious bodily injury, or with intent to cause substantial damage to property, or to the environment, or which causes death, or serious injury to any person, or which causes substantial damage to property, or to the environment. It is also an offence, Mr. Speaker, to make a device for the unlawful disperser of radioactive material, or nuclear material.

This Part, Mr. Speaker, further stipulates that Jamaica will have jurisdiction over offences committed in Jamaica, or on board a ship, or a craft registered in Jamaica, and over offences when the alleged offender is a national or permanent resident of Jamaica. Also, it will have jurisdiction over offences when the alleged offender is in Jamaica, and when an act constituting the offence is committed abroad. And this, if it is done in the course of the international transportation of radioactive material, or nuclear material, or an ionizing radiation apparatus, and the shipment originates in Jamaica, or Jamaica is the ultimate destination.

In Part XVII, Mr. Speaker, this addresses general offences. It stipulates *inter alia* that it is an offence for:

1) a person with intent to deceive, to forge, use, lend or allow an authorization to be used by another organization or person;
2) persons without reasonable excuse to open, alter, break or remove any seal placed on an authorized - placed by an authorized officer on a radiation source, or its container, or device;
3) a person without reasonable excuse to hinder assault or obstruct an authorized officer, or other person engaged in the administration of this Bill;
4) a person to bribe, or attempt to bribe an inspector or other person engaged in the administration of this Bill, and it is also an offence for said persons to accept bribes.

In 4, a person who knowingly - a person who knowingly make any false declaration or false statement of a material nature, in any application made, or knowingly gives false or misleading information to any authorized officer, or other persons engaged in the administration of this Bill.

Part XVIII of the Bill, Mr. Speaker, address the penalties. This Part details the operations of a fixed penalty regime. Mr. Speaker, where an offence is committed by a body corporate, each Director, company secretary - sorry - member of the senior management or other officer of that company will be liable to be prosecuted and punished in respect of the offence, unless the person proves that the offence was committed without his knowledge, or that he had taken all reasonable steps to prevent it.

In Part XIX, an authorized officer may, at all reasonable times, during business hours, enter the business premises of any authorization holder, or any person reasonably suspected of being engaged in an activity or

practice, involving any radioactive material, or a nuclear material, or an ionizing radiation apparatus for the purposes of inspection.

During inspection, Mr. Speaker, the Authorized Officer may seize and detain any radioactive material, or nuclear material, or ionizing radiation apparatus found on the premises, and which he reasonably believes is being used unlawfully.

Where the authorized officer has reasonable grounds to believe that a person has committed, or is committing an offence against the Act, the authorized officer may arrest the said person. Having arrested the person, the authorized offficer must immediately bring, or cause the person to be brought to the nearest police station. Where applicable, Mr. Speaker, the Justice of the Peace may also issue a search warrant to an authorized officer to enable the said officer to carry out inspections.

In Part XX, Mr. Speaker, the Minister may, by order, subject to affirmative resolution, amend or vary monetary penalties under this Bill and any schedules to this Bill, say, for the custodial penalties listed in the Eighth Schedule.

The Minister, Mr. Speaker may make regulations for the control of activities related to radioactive material, nuclear material and radioactive radiation apparatus, and for the protection of people and the environment against the harmful effects of radiation. Breach of any of the provisions of the regulations on summary convictions in a Resident Magistrate's Court will result in a fine not exceeding $1 Million.

In Part XXI dealing with transitional provision, on the promulgation of this Bill its provisions will be applied to all pending applications for licences, permits or other authority. Any licences, permits or other authority granted prior to the commencement date will continue to be valid and if not expired will expire the latest 90 days after the commencement date.

Mr. Speaker, persons engaging in a prescribed activity on the commencement date will have 90 days or such longer periods as the Authority may, in writing, allow within which to apply for an authorization. This constitutes the overall - a tour of the overall parts of the Bill, Mr. Speaker, and I invite comments from my colleagues.

The SPEAKER: Dr. Wheatley.

Dr. WHEATLEY: Mr. Speaker, permission to speak from a seat other than my own.

The SPEAKER: You may proceed.

Dr. WHEATLEY: Mr. Speaker, this is a vitally important measure which brings Jamaica into compliance with the international standards and best practices adopted by Member States in respect to the safe handling of hazardous materials.

Mr. Speaker, this Legislation is overdue. It formalizes our agreement and gives powers of inspection of premises and equipment to ensure compliance with government standards.

Without these standards or regulations workers and patients alike can be at risk to the exposure of radioactive substances. The Minister outlined in detail the content of this Bill. I believe that the Bill covers almost

everything that needs to be covered to ensure that it is applicable and secure the patients, in particular, who may become exposed to radioactive materials.

Mr. Speaker, the passing of this Bill or this Legislation will allow for Jamaica to immediately benefit or become eligible for direct assistance from international agencies in respect of equipment, well-needed equipment and training. I am glad, Mr. Speaker, that we have started the process of training, especially the young minds who are more in tuned with the technology. And notwithstanding the fact that we have a number of more senior persons working in the industry who, they themselves, are qualified to ensure that these regulations are upheld.

Mr. Speaker, I want to make special mention of the disposal of radioactive material, especially, Mr. Speaker, when as is we see persons disposing of waste, not necessarily radioactive waste in a manner that exposes us to a number of public health issues. Now, as it relates to radioactive material it's a totally different matter. It is something that we cannot joke around with because you can have serious contamination of our groundwater, serious contamination of meat material where if, for example, it is disposed of inappropriately in a dump and, for example, animals are allowed to be exposed the contaminated meat can find its way in our food chain or the...

(*Sotto voce* remarks by a Member)

Dr. WHEATLEY: Thanks old farmer.

(Inaudible comment by Mr. Jackson)

Dr. WHEATLEY: Mr. Speaker, there is just one part of the Bill that I want to just bring to the attention. Section 43(c) - I know that persons might want to disagree with me on this matter as it relates to prohibiting, the granting of authorization to an undischarged bankrupt individual. I noticed that this is a terminology you find throughout the legislation throughout this country. But in this particular case, Mr. Speaker, I want us to examine a situation where if you have a competent scientist and that competent scientist is declared to be bankrupt and is now - but he is capable and competent and he is seeking employment, how will that - and he has to interact and work with hazardous radioactive material...

(*Sotto voce* remarks by Mr. Jackson)

Dr. WHEATLEY: How does that, Mr. Speaker, prevent that person from becoming bankrupt? Because if he is bankrupt he is not able to gain meaningful employment, yet he is competent and might have made some bad financial decisions. In fact, he might have been FINSACed or something to that effect. And so that discretion must be there.

(*Sotto voce* remarks by Mr. Jackson)

Dr. WHEATLEY: There needs to be some kind of discretion there because we must ensure that we provide opportunities once you are qualified and even if you should make....

(*Sotto voce* remarks by Mr. Brown)

Dr. WHEATLEY: Just stop your noise nuh man and make some meaningful contribution to life, man. You are just here talking rubbish over and over.

The SPEAKER: No, Mr. Wheatley, when you are on the floor you can't use those languages.

Dr. WHEATLEY: My apology, Mr. Speaker. But I need some protection, Mr. Speaker.

The SPEAKER: Well, seek it from me.

Dr. WHEATLEY: Okay, Mr. Speaker, can you protect me, sir?

The SPEAKER: Yes, man.

Dr. WHEATLEY: But apart from that, Mr. Speaker, I must say that this particular Bill really addresses a very important issue to ensure that we are compliant and that we protect the rights of our citizens.

(Applause)

The SPEAKER: Dr. Ferguson.

Dr. FERGUSON: Mr. Speaker, the Nuclear Safety and Radiation Protection Act, 2015 is a Bill long overdue and I want to congratulate, Mr. Speaker, the Member from Western St. Andrew and the Minister with responsibility for bringing this Bill at this critical juncture.

Mr. Speaker, as part of my own Portfolio the question of how we treat with radioactive material and how we treat with the nuclear material is very critical to the health and well-being of our country. And in fact, Mr. Speaker, in 2012 when my Ministry - we had some issues with the old Cobalt-60 radiation machines at KPH and Cornwall Regional; we had great difficulty getting in the spare parts needed because of the absence of the legislative framework. And we had to use our best contact, speaking with the International Atomic Energy Agency, and they gave us an exemption in 2012 so we would have been able to bring in those parts.

But to show the seriousness of their own arguments in 2012, Mr. Speaker, in 2014 research project that was taking place at the University of the West Indies, or between the University of the West Indies and the National Water Commission, they wanted to bring in a piece of X-ray equipment and they were denied, Mr. Speaker, and this was a research project supported by the International Atomic Energy Agency, they were denied the privilege of bringing in that piece of X-ray equipment on the basis of the warning that we received in 2012.

It is therefore important, Mr. Speaker, that we support this Bill against the background of the necessary diagnostic tests, especially as it relates to our cancer patients, Mr. Speaker. In 2010 we had 3,198 deaths from cancer; 70% of our population is dying annually from chronic diseases, including cancer which represents about 20%. And we therefore look forward with great anticipation to this Bill being passed because the Government, only about six weeks ago, signed the largest contract for equipment in the health sector, US$145 Million to buy two Linear Accelerator Machines to set up two Centres of Excellence for cancer care. And with that, Mr. Speaker, we will not be able to bring in the equipment without this piece of legislation.

And therefore, Minister, you know that my Ministry has worked closely with you in the drafting of this Bill with the Chief Parliamentary Counsel. And as it is now we have no doubt that once it is in place it will

allow for the academic community also. Because as you know, Mr. Speaker, or you might not know, in 2012 - 2013 my Ministry invited the International Atomic Energy Agency to send in an impact mission to Jamaica and they came and they looked at cancer, what were the gaps in our system and did a comprehensive study, and the University of the West Indies is now looking at moving towards bringing back reintroduction of nuclear medicine as a part of the response to our cancer patients. Along with that, because of the isotopes that are used and very expensive, they want to set up a facility for the production of isotopes and that, too, would require the International Atomic Energy (Agency's) approval because they deal with shipment from country to country, and if they deny the movement it just will not happen.

So Minister, I am extremely pleased that it is before the House, extremely pleased that you are taking it through all the stages this afternoon, and the Ministry of Health looks forward with great anticipation to this Bill being signed.

The SPEAKER: Mr. Pryce.

Mr. PRYCE: Mr. Speaker, I will be swift and say upfront that I rise to support this Bill. I think that it provides a transparent platform on which the public education understanding as to the important and prevalent role that radioactive material play in a modern economy and a modern society needs to be properly understood.

Mr. Speaker, it is also a fact that over the last decade or so, this habit of what is known as proximity terrorism has also emerged where countries such as Jamaica, in the absence of a legislative framework and the associated regulations and systems to properly identify, categorize and utilize, including dispose of radioactive waste, could become a proximity location perceived to be somewhat in the dark or behind the modern times and used by persons who have interests outside of what we as Jamaicans normally consider how we would like to be perceived in the global community. I also place on record that it is my belief that when we would have achieved a logistic-centred economy, when we will be using our facilities as a destination for either the storage or the fitting together of some consumer products, that the time is also near when we would have to have better capacity to x-ray and otherwise look into certain kinds of material, determine whether or not they include or are made up of radioactive matter so that we can better protect the economy and, of course, protect the wider population.

The points made by the Member from Eastern St. Thomas who is also the Minister of Health, are important points to reiterate because for quite a long time, unknown to most Jamaicans, the addition of radioactive care has enhanced our ability as a country to care for many patients, some of whom don't even yet present with anything that is considered cancerous, but so ubiquitous is the use of radioactive material in modern healthcare that even visits to the dentist or visits to other medical practitioners, see patients being assisted with either equipment or material that has some amount of radioactivity.

I believe, Mr. Speaker, that one of the most important development from putting this legislation in place, is that it opens Jamaica to an investment destination or opens Jamaica as an investment destination to other kinds of business activities without which this kind of legislation we would not even have been considered. I think that legislation like this one and others that I am sure will follow, whether we recognize them as a direct contributor to the attainment of a logistics-based economy or not, this Parliament will see increasingly items of legislation and proposed amendments to existing legislation that will take into consideration what has become normal or in fact everyday developments in other jurisdictions, and for which Jamaica stands only to gain once we start as well to accommodate and incorporate them in our legislative framework.

Thank you, Mr. Speaker. (Applause)

Mr. Anthony HYLTON: Mr. Speaker, let me thank the Members for their responses and I move for 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 make new provision for the regulation of activities, practices, apparatuses and facilities involving ionizing radiation and nuclear technology for the protection of people, property and the environment from the harmful effects of ionizing radiation 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: Yes, Minister.

Mr. Anthony HYLTON: Mr. Chairman, the amendments such as they are have been circulated, contained in the document which has been circulated and I was wondering if we could take them *en bloc*.

The CHAIRMAN: No, no, no. We have to deal with it clause by clause.

Mr. Anthony HYLTON: Okay, Mr. Chairman.

The CHAIRMAN: But those are the only amendments?

Mr. Anthony HYLTON: Yes, Mr. Chairman.

The CHAIRMAN: Okay. What I will do as in the previous Bill, I will do it by sections. The first amendment is to Clause 2.

Mr. Anthony HYLTON: Correct, Mr. Chairman. Delete the definition of "*local authority*" and 2(1) and 2(2), in paragraph (b) of the definition of "*radioactive waste*", delete the words, "*exposure to*".

The CHAIRMAN: Okay. I put the amendments to Clause 2.

Put to the Committee and agreed to.

I put Clause 2 as amended.

Put to the Committee and agreed to.

Part I, Clauses 1 through to 5.

Put to the Committee and agreed to.

Part II, Clauses 6 to 17.

Mr. Anthony HYLTON: In 16(2).

The CHAIRMAN: Clause 16.

Mr. Anthony HYLTON: Yes, Mr. Chairman, delete the word, "*provisions*" and substitute therefor the word, "*function*".

The CHAIRMAN: I put the amendment to Clause 16.

Put to the Committee and agreed to.

I put Clause 16 as amended.

Put to the Committee and agreed to.

I put Part II, Clause 6 to 17.

Put to the Committee and agreed to.

Part III, Clauses 18 to 53.

Put to the Committee and agreed to.

Part IV, Clauses 54 to 72.

Put to the Committee and agreed to.

Part V, Clause 73.

Put to the Committee and agreed to.

There is an amendment to Clause 74.

Mr. Anthony HYLTON: Yes, Mr. Chairman. Delete the words, "*conditions or limitations*" and substitute therefor the word, "*conditions*".

The CHAIRMAN: I put the amendment to Clause 74.

Put to the Committee and agreed to.

There is an amendment to Clause 78.

Mr. Anthony HYLTON: Delete the words, "*subject to subsection (3)"* and "*a*" and substitute therefor the word capital "*A*".

The CHAIRMAN: I put the amendment to Clause 78.

Put to the Committee and agreed to.

I put Clause 78 as amended.

Put to the Committee and agreed to.

Part VI. I put Clauses 74 through to 78, including the amendments.

Put to the Committee and agreed to.

Part VII, Clauses 79 to 85.

Put to the Committee and agreed to.

Part VIII, Clauses 86 to 90.

Put to the Committee and agreed to.

I put Part IX, Clauses 91, 92 and 93.

Put to the Committee and agreed to.

Part X, Clause 94.

Put to the Committee and agreed to.

Part XI, Clause 95.

Put to the Committee and agreed to.

Part XII, Clauses 96 to 103.

Put to the Committee and agreed to.

Part VIII, Clauses 104 to 109.

Put to the Committee and agreed to.

Part XIV, Clauses 110 to 116.

Put to the Committee and agreed to.

Part XV, Clauses 117.

Put to the Committee and agreed to.

Part XVI, Clauses 118 to 124.

Put to the Committee and agreed to.

I put Clause 125.

Put to the Committee and agreed to.

Part XVII, Clauses 126 to 131.

Put to the Committee and agreed to.

Part XVIII, Clauses 132 and 133.

I put Clause 132.

Put to the Committee and agreed to.

We have a typo in Clause 133. The short copy, it is omitted but it is on the - so we treat that as a typo.

Mr. Anthony HYLTON: Yes, Mr. Chairman.

The SPEAKER: Printing error. So I put Clause 133.

Put to the Committee and agreed to.

Part XIX, Clauses 134 to 137.

Put to the Committee and agreed to.

Part XX, Clauses 138 to 140.

Put to the Committee and agreed to.

Part XXI, Clauses 141 and 142.

Put to the Committee and agreed to.

I put the First Schedule.

Put to the Committee and agreed to.

I put the Second Schedule.

Put to the Committee and agreed to.

I put the Third Schedule.

Put to the Committee and agreed to.

I put the Fourth Schedule.

Put to the Committee and agreed to.

I put the Fifth Schedule.

Put to the Committee and agreed to.

I put the Sixth Schedule.

Put to the Committee and agreed to.

I put the Seventh Schedule.

Put to the Committee and agreed to.

Mr. Anthony HYLTON: The Eighth Schedule, Mr. Chairman.

The CHAIRMAN: Yes.

Mr. Anthony HYLTON: I am moving that we delete Part B and substitute therefor the following that are set out with the amendments.

The CHAIRMAN: I put the amendment to the Eighth Schedule.

Put to the Committee and agreed to.

I put the Eighth Schedule as amended.

Put to the Committee and agreed to.

I put the Title and the Enacting Clause.

Put to the Committee and agreed to.

The question is that I do report the Bill as having passed Committee Stage with six (6) amendments.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage with six (6) amendments.

Mr. Anthony HYLTON: Mr. Speaker, I move for the 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 Make new provision for the regulation of activities, practices, apparatuses and facilities involving ionizing radiation and nuclear technology for the protection of people, property and the environment from the harmful effects of ionizing radiation, and for connected matters",

read a third time and passed.

(Applause)

THE CONCH (EXPORT LEVY) (SPECIAL PROVISIONS) ACT, 2015

Mr. KELLIER: 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 make special provisions for the payment and the collection of the Conch Levy payable under the Conch (Export Levy) Act, in relation to the 2015 conch season and subsequent seasons specified in a resolution of each House of Parliament".

The SPEAKER: The question is for the suspension of the Standing Orders to allow for

second reading of the Bill and to take it through its stages.

Motion put to the House and agreed to.

Mr. KELLIER: Mr. Speaker, before this Honourable House is a Bill entitled, "AN ACT to make special provisions for payment and collection of the Conch Levy payable under the Conch (Export Levy) Act in relation to the 2015 conch season and any subsequent season specified in a resolution of each House of Parliament".

The purpose of which is to amend Section 3 subsection (2) of the aforementioned Act and to include a new section being Section 3(a) to permit the payment of the requisite conch levies in installments within three months of an exporter's application for an export held certificate and export licence for each consignment of conch in relation to the 2015 conch season and any subsequent season which is specified in a resolution of each House of Parliament.

The background to the mandatory collection of conch levies originates from the passing of the Conch (Export Levy) Act on April 30, 2009. This Act came into being in order to facilitate the sustainable management and development of the fisheries sector in Jamaica by imposing a levy on the export of conch and establishing the Fisheries Management and Development Fund.

Since the 2009 conch season, levy has been imposed on each pound of conch exported from Jamaica, a levy of United States 75 cents was imposed for the 2014 conch season and is being imposed for the 2015 conch season.

Levies are payable pursuant to Section 3 subsection (2) of the Act by an exporter and on each occasion that he applies for an export health certificate and export licence for a consignment of conch.

In 2013, the exporters made representation to the Ministry indicating their willingness but inability to make the requisite payments for the remaining conch in their possession in relation to the 2013 conch season. They sought a deferment of payment which was not permissible under the Act. Section 11 of the Act makes the failure to pay the levy a criminal offence. Section 3(2) of the Act was therefore amended to allow for the payment of the levy to be made in installments within three (3) months of the submissions of the applications for an export health certificate and export license for each consignment of conch in relation to that season.

Similarly, in relation to the 2015 conch season, the exporters have made representation to the Ministry, indicating Mr. Speaker that they face significant financial challenges due to various reasons such as the ever increasing production cost as well as investment cost in maintaining their European Union accreditation. This has resulted in a struggle for the exporters in growing market shares in the extremely competitive global conch market. The exporters have expressed a continued willingness to pay, but they seek deferment of payments in relation to the 2015 conch season which is not permissible under the Act.

In the circumstances, Mr. Speaker, the Bill seeks to establish special provisions for

the payments and collections of the conch levy payable under the Conch (Export Levy) Act in relation to the 2015 conch season and any subsequent season that is specified in a resolution of each House of Parliament in order to permit exporters to complete payment of Conch Export Levy within three months of the date of submissions of applications for an export health certificate and export licence for each consignment of conch.

Further Mr. Speaker, the Bill seeks to permit payment of the Levy in installments provided that all outstanding payments are made within the said three (3) months period.

The SPEAKER: Mr. Hutchinson.

Mr. HUTCHINSON: Mr. Speaker, there isn't any debate on this because it is something that was started in 2009 and it has been going along every year. But I would just like to ask the Minister, as far as quotas are concerned....

(*Sotto voce* comments by a Member)

Mr. HUTCHINSON: No, it is a debate but I just want information. The quotas, is there a longevity on those who get quota. In other words, a quota is given out. Can you just explain how are those quotas allocated, the quotas to those who are going to fish?

Mr. KELLIER: Mr. Speaker the quotas for the exporters are based on a formula that have been developed in conjunction with them. Based on the amount of the catch of the previous season, they are allowed certain percentages of what that is. So whatever they catch this season, it will determine based on the allocation, the overall allocation that is decided upon, then once that is determined the amount of catch that you did the last season helps to determine what percentage you get of the quota that is now established.

So if the quota is increased and there are no new players that have come in to seek, to be a part of the export business, or to be a part of that conch business then, it means that those who were there based on their catch they will get increase quotas for harvesting conch. That is how it operates. But this is a formula that was developed with the conch stakeholders to allow for easy calculation and transparent administration of the conch arrangements.

Mr. Speaker, I now move 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 make special provisions for the payment and collection of the Conch Levy payable under the Conch (Export Levy) Act in relation to the 2015 conch season and any subsequent season specified in a resolution of each House of Parliament",

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, 3 put to the Committee and agreed to.

The Schedule put to the Committee and agreed to.

The Title and the Enacting clauses put to the Committee and agreed to.

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 amendment.

Mr. KELLIER: Mr. Speaker, I now move 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 make special provisions for the payment and collection of the Conch Levy payable under the Conch (Export Levy) Act, in relation to the 2015 conch season and any subsequent season specified in a resolution of each House of Parliament",

read a third time and passed.

THE FISHING INDUSTRY (AMENDMENT) ACT, 2015

Mr. KELLIER: Mr. Speaker, I now move to take item 13 on the Order Paper, Mr. Speaker, as this relates to a Bill entitled: "AN ACT to Amend the Fisheries Industry Act".

Mr. Speaker, I am pleased to introduce this piece of legislation, a Bill entitled: "AN Act to Amend the Fishing Industry Act" for a debate in this Honourable House. This Bill is in response to the urgent need to increase the existing fines and penalties under the Act in order to strengthen the enforcement mechanisms, Mr. Speaker.

Currently, the miniscule fines do not operate as a deterrent to offenders who commit breaches under the Act including those who participate in overfishing and over-exploitation of the fisheries resources. This strategy being employed to primarily increase the monetary penalties and custodial sentences will also serve to tackle the proliferation of foreign poachers which have plagued Jamaican maritime waters over the years.

In relation to the penalties, Mr. Speaker, the Bill sets out a dual jurisdiction of the Resident Magistrate's Court and the Supreme Court so that offences that attract fines in excess of J$3 Million would be dealt with by the Supreme Court.

The Bill also seeks to amend Section 3 of the principal Act to increase the maximum fine under the Resident Magistrate's Jurisdiction from $1,000 to $3 Million, and maximum custodial sentence from 12 months to 2 years or both fines and imprisonment and to introduce a dual jurisdiction whereby the offender may alternatively be convicted on indictment in the Supreme Court where the fine would be unlimited.

The Bill seeks to amend Section 7 subsection (2) of the principal Act to increase the maximum fine under the Resident Magistrate's Jurisdiction from $20, Mr. Speaker, to $100,000. Twenty Dollars ($20).

The Bill seeks to amend Section 8

subsection (3) of the principal Act to increase the maximum fine under the Resident Magistrate's Jurisdiction from $200, Mr. Speaker, to $3 Million and maximum custodial sentence from 6 months to 12 months or both fines and imprisonment and to introduce a dual jurisdiction whereby the offender may alternatively be convicted on indictment in the Supreme Court where the fine would be unlimited; and the maximum custodial sentence would be increased to 5 years.

The Bill seeks to amend Section 11 subsection (6) of the principal Act to increase the maximum fine under the Resident Magistrate's jurisdiction from $20 to $500,000.

The Bill seeks to amend Section 14 subsection (5) of the principal Act to increase the maximum fine under the Resident Magistrate's jurisdiction from $50 to $500,000.

The Bill seeks to amend Section 18 subsection (2) of the principal Act which deals with fishing in a fish sanctuary. And Mr. Speaker, this is very important for the nation to understand and to take note of. We seek to amend Section 18 subsection (2) of the principle Act which deals with fishing in a fish sanctuary by increasing - like out in Oracabessa - by increasing the maximum fine in the RM Court from $500 to $3 Million, and increasing the maximum custodial sentence from 6 months to two years on the one hand, and also introduces a dual jurisdiction whereby the offender may alternatively be convicted on indictment in the Supreme Court where the fine would be unlimited and the maximum custodial sentence would be increased to five years.

The Bill further seeks to amend Section 19 subsection (2) of the principal Act to increase the maximum fine under Resident Magistrate's Jurisdiction from $500 to $3 Million dollars and a maximum custodial sentence from 6 months to 12 months, or both fines and imprisonment to introduce a dual jurisdiction whereby the offender may alternatively be convicted on indictment in the Supreme Court where the fine would be unlimited and the maximum custodial sentence would be increased to five years.

The Bill further seeks to amend Section 20 subsection (2) of the principal Act to increase the maximum fine under the RM jurisdiction, from $500.00 to $3 Million or both fine and imprisonment and to introduce a dual jurisdiction whereby the offender may alternatively be convicted on indictment in the Supreme Court where the fine would be unlimited and the maximum custodial sentence would be increased to five years or both fine and imprisonment.

The Bill seeks to amend Section 22 of the principal Act, to increase the maximum fine under the Resident Magistrate's jurisdiction from $1,000 to $3 Million and to introduce a dual jurisdiction whereby the offender may alternatively be convicted on indictment in the Supreme Court where the fine would be unlimited, the maximum custodial sentence would be increased to five years.

The Bill further seeks to amend Section 23 of the Principal Act to increase the

maximum fine under the RM jurisdiction from $1,000 to $3 Million and maximum custodial sentence from 12 months to two years...

Mr. L. BUCHANAN: Hear! Hear!

Mr. KELLIER: ...or both fine and imprisonment and to introduce a dual jurisdiction whereby the offender may alternatively be convicted on indictment in the Supreme Court where the fine would be unlimited and the maximum custodial sentence would be increased to five years or both fine and imprisonment.

Further, Mr. Speaker, the Bill seeks to amend Section 24 subsection (2) (a) of the Principal Act to increase the maximum fine under the RM jurisdiction from $100, $100, Mr. Speaker, to $500,000.

A MEMBER: Hear, hear!

Mr. KELLIER: The Bill seeks to amend Section 24 subsection (2) (b) of the principal Act, to increase the maximum fine under the RM jurisdiction from $500 to $1 Million and a maximum custodial sentence from six months to 12 months.

The Bill seeks to amend Section 24 subsection (2)(c) of the Principal Act to increase the maximum fine under the RM jurisdiction from $5,000 to $3 Million...

Mr. PICKERSGILL: Yes.

Mr. KELLIER: ...from 5,000 to $3 Million and a maximum sentence from 12 months to two years and to introduce a dual jurisdiction whereby the offender may alternatively be convicted on indictment in the Supreme Court where the fine would be unlimited and the maximum custodial sentence increase to five years.

Mr. Speaker the Bill seeks to amend Section 24(2)(d) of the principal Act to increase the fine under the Resident Magistrate jurisdiction from 5,000 to $1 Million or twice the amount of the unpaid fine and to increase a dual jurisdiction whereby the offender may alternatively be convicted on indictment in the Supreme Court...

Mr. PICKERSGILL: Yes!

Mr. KELLIER: ...where the fine would be unlimited, the maximum custodial sentence would be increased to five years.

The Bill seeks to amend further, Mr. Speaker, the General Penalty Clause being Section 29 of the principal Act, to increase the maximum fine under the RM jurisdiction from $100 to $3 Million and a maximum custodial sentence from three months to 12 months and to introduce a dual jurisdiction whereby the offender may alternatively be convicted on indictment in the Supreme Court where the fine would be unlimited and the maximum sentence would be increased to five years.

Additionally, Mr. Speaker, provision has been included to specifically deal with offences by a body corporate and a provision giving the Minister power to increase fines subject to affirmative resolution. The Bill seeks to achieve these objectives by adding new sections to the principal Act, that's Section 31 and 30 respectively. The Bill also seeks to insert new definitions for conveyance, equipment and kraal and replace other definitions for fish, fishery inspector and fishing, which are necessary for the purpose of clarity and accuracy. It also seeks to amend Section 16 of the principal Act to make the

suspension of a licence immediate rather than waiting for a 30-day period to allow for an appeal process which would defeat the purpose of a suspension which is an urgent response to an unfavourable situation.

The Bill seeks to amend Section 21 by expanding the list of items that can be seized by a fishing inspector to include fish or catch.

And the Bill seeks to amend Section 22 subsection (3) by including reference to a net or kraal for completeness.

Also, the Bill seeks to amend Section 25 to include a provision for the maximum imposition of monetary penalties and custodial sentences in relation to the regulation made under the Act to be $1 Million and six months respectively.

Finally, Mr. Speaker, the Bill proposes to amend Sections 3, 5 and 7 and delete Section 26 of the principal Act for the purpose of the deletion of the Schedule and all references thereto throughout the Act, in order to make it abundantly clear that a license is required for all forms of fishing so as not to give latitude to an interpretation that a license is only required in relation to fishing in a manner specified in the Schedule. It should be noted that there are several other deficiencies in the Act, for which a comprehensive Fisheries Act is currently being drafted to address, in order to achieve effective management and development of the fisheries industry. However, it is imperative to promulgate this Bill in the *interim* in order to safeguard the fishing industry...

Mr. PICKERSGILL: Yes!

Mr. KELLIER: ...by strengthening the enforcement mechanism.

Mr. Speaker, I am sure the Members and the Oppositions are very much aware of this Bill because it is for some time now that these matters have been discussed, inside the House and outside.

The abuse that has taken place in our marine environment, Mr. Speaker, has a lot to be desired. And if we're to create a real fishing industry to benefit the people of this country, we have to take all necessary actions to ensure that those who try to undermine the fishing industry here locally in our marine waters are properly taken care of by the Courts. So we are giving the Court the kind of ammunition and latitude to deal with those offenders who seek to deplete our waters of our fisheries.

Mr. Speaker, it is very important. This industry employs thousands of people around the island...

A MEMBER: Yes!

Mr. KELLIER: ...it is the livelihood of thousands of people. And it may sound simple, you talk about two fishermen down here, it is much more than even nothing like that, it is thousands of people whose livelihood are involved here in the fishing industry and we have to take steps to protect it on behalf of the Jamaican people.

So Mr. Speaker, this is a start, so that we can plug some of the loopholes now and we hope that these measures will stand as a deterrent to people who want to abuse our fisheries.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Hutchinson.

Mr. HUTCHINSON: Mr. Speaker, this Act has been one in long coming. It is one that has been through various administrations and gone over 12 years and it has been tuned and fine tuned and I'd like to congratulate the Minister for...

Mr. L. BUCHANAN: What?

Mr. HUTCHINSON: ….having this - bringing it here. (Applause) Yes, it is one where...

A MEMBER: Thank you for your support.

Mr. HUTCHINSON: No, no, we must understand, you know, it has been a difficult one, we have been through it and we have seen where it has been difficult and we must say congrats for...

A MEMBER: Thank you very much.

Mr. HUTCHINSON: ...bringing it here at this point in time.

Because Mr. Speaker, we have been - the country has been losing a lot of income based on poachers and other fishermen who have come into our waters and taken out which belong to us. And many people are questioning the fines, the fines are adequate. As a matter of fact, sometimes I think some of them should be more... (Applause) ...because what we are dealing with here is very serious.

But I just want - there's just one section that I have a concern, Minister, and that's Section 16 where - Number 3, where you are now putting off - let me just say before it was,

> "the cancellation or suspension of a licence shall not take effect until the expiration of the period of 30 days aforesaid or if any appeal is made is unsuccessful under the termination of the appeal".

You're now putting in,

> "where the cancellation or suspension period of a licence shall take effect immediately...

A MEMBER: Yes.

Mr. HUTCHINSON:

> ...notwithstanding the filing of an appeal".

Now, I feel there should be somewhere where you have natural justice where you should look at it and after the appeal, then you would take a decision, but you're going to actually cancel it without any question or anything at all and I think that should be looked into at that effect, but that is my concern that I have here.

The SPEAKER: Mr. Smith.

Mr. KELLIER: Yuh go oppose JC?

Mr. SMITH: Mr. Speaker, I listened to the Minister outlining the amendments being sought to the Fishing Act and the increased fines. And that prompted me, Mr. Speaker, to well, ask the question, if these amendments were made in collaboration between the Minister of Agriculture and the Minister of National Security. And I asked that question against the background that Jamaica, between 78% and 80% of the murders that we experience in this country is by the gun. And there's a consensus that the vast majority of these guns are brought into the island by way of individuals operating as fisherfolks, that's the reason I asked the question.

There is the feeling sir, that you know, all this fishing in the banks and Jamaican fishermen are relating to fisherfolks from

Nicaragua and all those other banks, Haiti in particular, that's the information coming out of the police high command so I ask that question. Because if we are looking at this Act and we are increasing fines then we have to be - there has to be something to ensure that these thousands of fisherfolks are genuinely going out there fishing, or if they are, what percentage of them are fronting for in terms of trading in ammunition, those of them taking ganja out and exchanging the ganja for guns.

As I said, is 291 guns have been recovered in this country up to Saturday and just under 7,000 rounds, various types of ammunition, and I know there are other ports of entries, airport and the wharves, *et cetera* and even less established entrances, but the general feeling is that it's out of this fishing industry that the vast amount of these illicit items, guns come into this country.

So Minister, perhaps you can, you know, advise in bringing these amendments to the House if there was that level of collaboration between both ministries.

Mr. KELLIER: I thank my colleagues for the comments. Mr. Speaker I will start with the last concern expressed first. The truth is, we do have collaboration, very close collaboration with the Ministry of National Security in dealing with legislation and you must remember that all legislation have to come to the Cabinet where the Minister of National Security sits so he also has an occasion there to comment. But in formulating, putting these things together we have collaborated and this is why you will recall that recently we have been speaking about the drone programme as part of the surveillance techniques that we have been testing to help to police the waters, our marine environment, and this is being done in collaboration with the Marine Police and the JDF.

So you know, we have collaboration going there and we recognize that it will be to some effect working, this collaborative approach with the drones that can help to inform the JDF, the Coast Guard as to where people are in the waters who are not accounted for, and they can always take them down based on the equipment that they have that they can go out and apprehend them.

So we have great concerns on the national security side as well, but we are making a start where the drone programme is concerned. Testing have been done and have proven to be very successful. The Minister of State has been out in the Pedro along with the security forces there, the Coast Guard and so on, to see the testing and the results have been very, very encouraging, and we intend to go even further in terms of the type drones that we deploy to make sure that the range is much wider so they can go much further afield and remain in the air for much longer hours so that they can literally pinpoint everything that goes on within our space. So it's a very important point being raised there, Mr. Speaker, and I just want to assure the Member that that collaboration is taking place because we are really being overrun with this business of drugs for guns, and so on.

In respect of the cancellation of a licence or the suspension, we have to take some very

stiff action on these matters and I understand where the Member is coming from. The truth of the matter is, if you don't suspend the licence when you - because you don't just reach to that stage just willy-nilly, you know, is based on solid information and breaches that have been committed and the reports that come that leads you to suspend a licence, is action that you have to take. Because if you do nothing the person will continue, you have no way - outside of suspending the licence - you have no way of controlling the situation; you have no way of controlling the situation. So, the person has the right of appeal, but during that period he can't do any fishing because if you don't arrest it there and then, then it is pointless.

And the next thing that - he will also disappear because the person you catch fishing illegally you also have problems with them. The person who you give a licence to fish that is doing the wrong thing, if you don't suspend the licence you can't stop him from fish. Once he has the licence in his possession he is still able to fish legally. If you suspend the licence legally, because you have the authority so to do, he has to cease and desist. Am I right, AG? Okay, so therefore, that is the position, Mr. Speaker. We understand the concern but it is something that if we find - by the time we bring the overall Bill here - if we find any conclusive what you would call now arguments that really can make the difference then we can look at an amendment then. But for the time being I believe we need to hold the line with these people who abuse this thing and believe they can get away.

So you know, I implore the Member to let us move with this first amendment and then at a later stage we can take a second look, Mr. Speaker. I can say to the Members of the House in a very transparent way we are prepared to take a further look, but for now those persons who we catch violating this thing and who have been violating it over many years ago our weapon is to suspend the licence with immediate effect.

So Mr. Speaker, with those few comments I 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 Fishing Industry 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, Minister? I put Clause 1.

Put to the Committee and agreed to.

I put Clause 2.

Put to the Committee and agreed to.

I put the Schedule.

Put to the Committee and agreed to.

I put the Title and the Enacting Clause.

Put to the Committee and agreed to.

The question is that I do report the Bill as having passed Committee Stage without amendments.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage without 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 the Fishing Industry Act"

read a third time and passed.

(Applause)

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 item: Notices of Motions Given Orally.

Put to the House and agreed to.

NOTICES OF MOTIONS GIVEN ORALLY

(Recommitted)

Mr. PAULWELL: Mr. Speaker, I am very pleased on behalf of the Minister of Local Government, as was promised last week, I beg to give notice that at the next meeting of the House he will move to introduce and have read a first time a Bill shortly entitled: "The Local Government Unified Service and Employment Act, 2015".

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 the 14th of July at 2:00 p.m.

The SPEAKER: The question is for the House to adjourn to next Tuesday, the 14th of July, 2:00 p.m.

Put to the House and agreed to.

The House accordingly adjourned at approximately 6.10 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2015 – 2016

TUESDAY, July 14, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:31 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. PETER MURCOTT BUNTING, (PNP), Manchester, Central, Minister of National Security

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

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

OTHER MEMBERS

MR. EDMUND CURTIS BARTLETT, CD, (JLP), St. James, East 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

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

MR. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern

DR. DONALD KEITH DUNCAN, (PNP), Hanover, Eastern

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

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

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

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, 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, (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. Raymond Pryce.

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, we have two Statements this afternoon. Firstly, the Minister of Education will give a brief Statement and then the Minister of National Security will follow.

The SPEAKER: Rev. Thwaites.

Mr. CHUCK: This one is from John Crow Mountain.

Rev. THWAITES: Mr. Speaker, later today a Ministry Paper will be tabled in this Honourable House detailing the progress being made in the implementation of the Safe Schools Programme for the periods 2012/2013, 2013/2014, 2014/2015. The House and the country as a whole is entitled to understand the levels of anti-social behaviour in the primary institutions, as it turns out, of socialization in the island's schools and to be aware of the corrective measures being taken.

The Security and Safety Unit in the Ministry of Education in collaboration with the Community Safety and Security Branch of the Jamaica Constabulary Force has been engaged in several initiatives that have resulted in a significant decline in the levels of violence and critical incidents in schools for the past three years.

Mr. Speaker, I pause to thank and congratulate the Jamaica Constabulary Force and the Ministry of National Security for their participation fulsomely with the Ministry of Education in staunching the levels of violence in schools.

(Applause)

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

(MR. LLOYD BARNES SMITH, (PNP), St. James, Central, Deputy Speaker, entered and took his 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.)

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

Data collected by the Community Safety and Security Branch of the Jamaica Constabulary Force indicates as follows:

- robberies have dropped over the three-year period in schools by 83%;
- fatal stabbings are down by 67%;
- thefts down by 60%;
- woundings down by 52%;
- fights have dropped by 14% and
- weapons found in schools by 17%,

and these figures represent a trend over the three-year period.

However, last year, that's 2014/2015, we saw increases in the number of fights compared to the preceding year moving from 168 to 226 and the total number of incidents in 2014/2015 was 409 compared to 290 the previous year 2013/2014 and the Jamaica Constabulary Force Area 5 had the largest number of offences, 438. And Members may have seen a report in the newspaper highlighting that particular factor, Area 5 during 2014 as compared with 2013. Those figures were correct but they did not represent the full picture which I am now constrained to offer.

In terms of weapons seized, the total number has declined by more than two-thirds over the three-year period. Weapons seized for the period 2012 to 2014, in 2012 knives, 915; 2013 - 128; 2014 - 138; scissors, Mr. Speaker, 486 in 2012; 122 in 2013 and 306 in 2014. Machetes: 15 in 2012; 2 in 2013; 5 in 2014; ice picks: 46 in 2012; 6 in 2013 and 23 in 2014 and other weapons seized 280 in 2012; 122 in 2013 and 23 in 2014.

It must be noted Mr. Speaker that there is a significant and almost threefold spike in the possession of scissors from 2013/2014. The reason often given by students is that scissors are used for home economics classes and the Ministry of Education has recommended that school develop guidelines for the use of scissors by students as it relates to them travelling with this item.

Additionally, the Ministry is in the process of procuring 135 new metal detectors. These are the W-A-N-D-S, Mr. Speaker, W-A-N-D-S, to ensure that all high and secondary schools have these in place for the new school year beginning this September.

While the Ministry of Education is responsible for developing the policy framework for the Safe Schools Programme, law enforcement is carried out by the school resource officers. There are 157 of them, Mr. Speaker, and deans of discipline, there are 109 of those. The Ministry of Education publicly commends them for the preventative and corrective work they carry out in schools.

And Mr. Speaker, I should like to particularly single out Sergeant Coolridge Minto who heads the Ministry of Education's Schools Safety Programme on assignment from the Jamaica Constabulary Force. He is in the Gallery this afternoon.

I make a note on the use of the ganja with some concern, Mr. Speaker. The Ministry is very concerned about the access to marijuana and other illegal substances within school zones, given the data provided by the National Council on Drug Abuse. They did a survey, sir, and of the 38 schools in the sample, 50.4% of students reported how easily it is to obtain these substances in or around the schools.

Mr. Speaker, this Government and this Parliament has modified the criminal penalties for small quantities of ganja and regulated the use of medical marijuana. Let it be clear that there is no place for ganja, for tobacco or for any mind-altering or physically harming substances in the schools, none whatsoever. (Applause) As a result the Safe Schools Team is developing a strategy to address this issue and we also have to look very carefully at the issue of vending outside schools.

Mr. Speaker, you will remember the recent incident at Maldon in St. James, where it was alleged, confidently alleged that a student was able to retrieve a weapon from a vendor's stall where it had been hidden in order to murder a fellow student outside the school. And we understand the reasonable trade that vendors at school gates carry out, but we have to establish regulations and protocols that are going to govern this, because very often - or let me say oftentimes there have been reports that contrabands, weapons and illegal substances are pervade side by side with the tangerines, the cheese trix and the school supplies.

The Ministry of Education has been involved in a number of initiatives through the Safe Schools Unit to ensure there is a continued reduction of critical incidents in schools. These include the Security and Safety Guidelines which are being revised and will be available by the start of the 2015 school year and will, for the first time, feature areas such as bullying in the school and also cyber bullying.

Mr. Speaker, people of all sexual orientations, people of varying physical demeanor are often subject to bullying in school. We wish to have a '*no tolerance*' approach to this whatever, school is a place for learning, for growing and for employment. (Applause) What is called hazing is bullying and it is out of order and will no longer be tolerated.

The Policy also addresses human trafficking, which has been incorporated into the Social Studies curriculum and will be taught in schools for the first time in September 2015. And we will also familiarize students with the appropriate sections of the Child Care and Protection Act.

Continued promotion of uniformed groups Mr. Speaker, I can't emphasize, this point enough, uniformed groups are a very important aspect of socializing young people, especially boys. There are over 600 uniformed groups in schools with 79 new groups established in the past year. The presence of

these groups is significant in promoting positive values and attitudes of our students. Plans are in place to add another 105 groups to schools that are operating without even one uniformed group.

And the Ministry of Education has cemented a special partnership with the Caribbean Maritime Institute, an excellent institution, you know, Mr. Speaker, and 15 schools... (Applause) ...will in September, benefit from this new initiative. The initiative is to set up a Marine Cadet Corps...

A MEMBER: Yes!

(MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern, entered and took his seat.)

Rev. THWAITES: ...in each of the schools, and we would like to see this far extended in subsequent areas. (Applause)

A new Chaplaincy programme I'd like to emphasize is also, Mr. Speaker, will be launched in September 2015. Mr. Speaker, the Constabulary Force, and this indicates joined-up government you know, sir, the Chaplaincy of the Constabulary Force has largely been hitherto, involved in the counselling and various spiritual and psychological needs of the police force. But they have space and time, and therefore the Ministry has formed a partnership with the Jamaica Constabulary Force Chaplaincy Services Branch, initiated by them, I should tell you, Mr. Speaker, that will, in September, see the assistance of Force Chaplains. And listen to this, over 450 voluntary Police Chaplains in different parishes lending support, guidance, mentorship to a school near their location.

Mr. Speaker, there is ample evidence of a willingness to volunteer by many of our people, to help to improve our social situation. We can do more with what we have. These Chaplains will give support to trauma incidents and also provide general, moral and spiritual guidance during the academic year. During the month of August, 60 persons from schools will be trained with eight modules of the International Conference of Police Chaplains in preparation for the new school year.

Mr. Speaker, the Ministry continues to enjoy a good relationship with other stakeholders who play a key role in the school. And a Mentorship programme has been launched in 40 schools this year with over 20 schools benefitting from what is called, a Safe School Tour.

The Ministry continues - rather the JCF and by extension the National Police College of Jamaica, conducted a special training with all Deans of Discipline, and this will continue this month to further build the capacity of the Deans to take on the challenges of the new school year.

Mr. Speaker, in conclusion, the Ministry of Education's position in treating with safety should be seen as a holistic approach and not left up to an individual. Mr. Speaker that should be the approach to socialization and to the surcease of crime and violence in this country. It's not one Ministry, it's not one person, it's not one force that can do it, we must all combine.

As a consequence, we have mandated that a Security and Safety Committee be established in each school. May I repeat that, sir? A Security and Safety Committee be established in each school... (Applause) ...comprising both internal and external partners, involving parents, sir, involving concerned individuals, alumni, teachers as well as administrators and the security forces, personnel and partners who should develop and implement a security and safety net to treat with all of the problems at a local level.

Mr. Speaker, I hope that these measures will assure the country of a proactive stance to improve the atmosphere of peace and constructive learning in our schools which will eventually, if we do it correctly, if we do it right the first time, make for a more peaceful outcome and a more productive society.

May it please you.

(Applause)

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

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

Mr. McKENZIE: Mr. Speaker.

The SPEAKER: Mr. McKenzie.

Mr. McKENZIE: Thank you, Mr. Speaker.

Mr. Speaker, I just want to share the sentiments of the Minister. I just have two questions for the Minister, but just to say that the Safe Schools programme, especially in two schools in my constituency, have seen significant improvement, Minister. (Applause) The number of recorded incidents in the last school term has decreased significantly. But, Minister, I'd like to ask a question which is of concern, I'm actually hoping that a study has been done to determine what are some of the main causes of violence that is taking place within the schools. And I'm wondering, Minister, if a school like Tivoli, 231 students, Minister, was assigned to Tivoli from the GSAT programme, and from that 231, Minister, only 35 of those students are averaging above 50%, Minister, the rest are in the low 30s, 20s and even as low as 8%.

Minister, I am just wondering, Minister, if the Ministry really consider that this could also be a contributing factor to the level of violence in many of the schools. Because the non-traditional high schools, the schools that are situated in various areas - and I have at least four in my constituency, where those students that are sent after the GSAT, Minister, perhaps contributes to the level of violence. And I'm just wondering whether or not the Ministry has anything on board to look at it to really sort of reduce the number of students of that level. If you get a greater mix, you know, Minister, 231 and only 35 averaging above 50 is not arguing well for the school.

So I'm just putting it to you, Minister, to find out whether or not any consideration is being given, not just to give them the students, but to provide the necessary resources, Minister, to make them competitive with the other schools and to help to turnaround these students that you just made reference to in this report.

(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.)

Rev. THWAITES: Mr. Speaker, I thank the Member for West Kingston for his question and comment, and may I appreciate him for his concern for the fate of the schools in his constituency, particularly the Tivoli Gardens High School. I appreciate when a Member of Parliament approaches the Ministry of Education and says, there is a difficulty, there's a challenge, can you help? Can you make remedial changes? And Mr. McKenzie has done just that on several occasions.

Mr. Speaker, the assignment of students from the GSAT, as you will know, is done as a blend of acceding to parental preference for school choice, and about 25% of the students this year, much more than previously, were assigned according to proximity to the schools of their choice. Mr. Speaker, you'll understand the need for that particularly.

The important thing, however, is to remediate those like the 230 plus who are below 50%. Because let's be clear, if your aggregate results are less than 60% you're going to have trouble in high school. And that's going to mean frustration, Mr. Speaker, and eventually lack of interest and a spillover into violence, into antisocial behaviour.

Mr. Speaker, the Ministry of Education is anxious to partner with each school in a remedial effort, which takes place either during the summer vacation as some are doing, or at the opening of the term where we bring the students up to standard in the following areas: one, literacy and numeracy and thirdly, in their social attitudes towards education and particularly to the school culture - the ideals of the school culture to which they have been assigned. And if additional assistance and resources are necessary in the instance raised by the Member, or in any other instance in Jamaica, we stand ready.

The expense of failure and of low productivity further on, and of students simply passing through the system without being ready to take on its obligations, make no sense, that's far more expensive. There's no point parents being asked to buy books $10,000, $12,000 and more and the children can't read.

(Inaudible comment by Mr. McKenzie)

Rev. THWAITES: Well the important thing is for us to remediate it. It should've been done before, but let us do it now. And therefore, Mr. Speaker, I challenge the goodly Member and all of us to be mindful of that.

Let's start off the secondary experience correctly by making up the deficit such as indicated wherever it applies.

Peer pressure, Mr. Speaker, is one very, very, important element of school violence. There are many young people who don't have healthy family environments or community connections such as a church membership, and they get together with those who will validate them, who will affirm them even in their bad behaviour. And it is not uncommon that gangs are found in schools unfortunately, and therefore the positive influence, for example, of joining a uniformed group.

I urge all Principals and Guidance Counsellors, if you have a young person who seems to be heading in the wrong direction, try and encourage them to join the Cadets, the Girls Guides, the Boy Scouts or some other grouping, because the collegial spirit for the good, not for the evil, is very persuasive. So, Mr. Speaker, I'm very, very, anxious that the education system continues to have a close alliance with the Unite for Change Movement and that we speak directly to the deficiencies such as raised by the Member for West Kingston. Thank you.

(MR. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, entered and took his seat.)

The SPEAKER: Mr. Bartlett.

Mr. BARTLETT: Thank you, Mr. Speaker. Mr. Speaker...

Dr. DAVIES: It's not tourism this yuh nuh.

Mr. BARTLETT: Just relax. It's a very sad day. It's a very sad day for me in this House, and in fact for all of us, for the entire nation, for the Minister to bring to us a matter which is an indictment on the way that we've been able to manage our society and to protect our people, particularly our children.

Our schools represent the very cradle of the development of the key values which will determine what type of society that we are. And when we have a Minister - I pain with you, I must tell you, and I share the concerns that you have, but when we have you saying to us that thousands of dollars in fact, will have to be spent on creating a school safety security programme to prevent criminal activities by our children in school, it is an awful indictment on us. And it is something that this entire Chamber today should take with utmost seriousness, because what we're admitting to in fact is that we're creating out of our school system, the cradle, for the violent world that we have.

(DR. WINSTON LLOYD GREEN, (PNP), St. Mary, South Eastern, entered and took his seat.)

When we have to establish special security committees in every school to manage that process, it's a further indictment. When, Mr. Speaker, we have to admit with pain that the murder rate in our schools have not fallen and I, as a Member of Parliament, had that particular pain and agony when in the parish that I represent at least three students

were killed by other students in related and unrelated matters within the last six months.

One of the things, Mr. Speaker that we have looked at is what is the impact of scamming and other such activity on the level of violence that are now being prevalent in a number of the schools particularly in Western Jamaica. And, Minister, perhaps you may want to take another look at the very programme which so important from MSTEM, how we manage that whole business of the issuing of the tablets and how the students use those tablets. You know the more I think about it is the more complex the situation is. And when Minister you have to be talking about providing courses in human trafficking and understanding the Child Care Act these are things that we never thought about to be in the school system, because these are things that our children had never been exposed to or practiced, and I want us to use this wake-up call, Mr. Speaker. A wake-up call for all sixty-three of us in this House and all of us who are responsible as guardians of the future of this country who have responsibility for children, every parent, every father, every mother, every minister of religion to take another look at really what is happening, because if our school system the discipline is falling then the future of our society is lost.

Mr. Speaker, I am really passionate at this minute but I do believe Members are seized with the seriousness of this matter. We have to rescue our schools. And thank you, Minister, for coming up with a plan, because at least that represents an important step and perhaps part of a roadmap that we can all lock into now, improve on it and with a determined effort leave here to say we are going to take back our schools from the violence elements that are overtaking.

I thank you, Mr. Speaker.

The SPEAKER: Mr. Charles.

Mr. CHARLES: Mr. Speaker, I just would like to advise the Minister that my eyes are full with tears when I look at his plan. I think we in this House, Mr. Minister, are guilty and we stand indicted to this ganja thing that has now [wipe] into our schools. How you plan to free up ganja and...

(Cross talk/Laughter)

Coming. I identify myself as the warner man, because I know what ganja is going to do to our children in the schools. And Minister, I see you here. You made the announcement. Ganja has no place in our schools. But, Minister, you *caan* free it up out at the gate and don't expect it inside. You *caan* free it up on the road and don't expect them to pack dem bag *wid* it. Minister, we are going to destroy our boys, our children.

(Cross talk)

A lot of you are not concerned. You laugh when I say *yuh gwine* have to build more Bellevues. Yuh laugh when I say *yuh gwine* have to build more Ward 21. Yuh laugh, but I have seen it. I have experienced it,

The SPEAKER: Get to the question now, Mr. Charles.

Mr. CHARLES: Many of the boys who were smoking ganja in my school are still out there not combing *dem* hair, not bathing, not shaving and they were brighter than me. And

so when I cry in this House that ganja is going to mash up our children and our schools. Minister, I read your plan. I don't see any specific plan to stop the peer pressure on our boys with the ganja that destroys brain as how tobacco destroys lungs. Ganja mash up your brain!

Minister, you have a terrible job, good words, but God know I pray for you as I pray for my country and I pray for my brothers and sisters, children in the school. Tell us, Minister, what specific plan you have to control ganja in the schools across Jamaica and our boys who will be carrying spliff in their bags to school?

The SPEAKER: Mr. Smith. We will wrap up after this. Oh, Mr. Shaw coming after - next.

Mr. D. SMITH: Mr. Speaker, to the Minister. Minister, these youngsters who get involved in this anti-social behaviour...

(Cross talk)

...I don't believe most of them learn their craft in school. I believe they learn it in their living environment and then they take it to school.

(Cross talk)

So the question, Minister, is, what is the liaison arrangement after an individual gets caught here with weapons or in a fight at school between the school and the parent or guardian of the individual child?

The SPEAKER: Mr. Shaw.

Mr. SHAW: You're asking all the questions first?

Minister, I have two questions. The first one is a follow-up to what the Member from North Central Clarendon had to ask and it has to do with the fact of the recent adjustment in the law concerning the .use or the consumption of ganja. My particular concern is whether or not the Ministry would consider some kind of proactive working arrangement with the Constabulary Force and Ministry of National Security to at least at the beginning of school, lunch time, departure time some kind of patrol, especially around your very sensitive schools starting with the ones mentioned in this Report? Because it seems to me there is a sense that this freeing up of the weed could infiltrate the minds of our children for them to think the freeing up of the weed means that it's also free for them. And certainly those who are involved in selling, in trading are going to be the recruiters of our children so I am putting it to you that some kind of interdiction and proactive strategy be developed.

And the second point that I'd ask you to comment on, Minister, and you did in your comment say, after the question from the Member from Western Kingston, that you are looking at remedial programmes. But I wonder, Minister, whether that is an adequate response, because the truth is that the grades that the Member from Western Kingston mentioned are very similar to grades right across the system and until we get to the day when we can start educating our children from three years old, take them over so at grade one they're ready and that by the time they do GSAT they will be functionally able to matriculate right through high school. But until such time my question is, whether the Minister should not consider that this has to

go far and beyond some preparation through summer school and so on, that each school especially the non-traditional high schools that are most highly compromised whether there should not be a curriculum adjustment to deal fundamentally at least in the first year with the problem of function, illiteracy among the children entering high school? (Applause)

Rev. THWAITES: Mr. Speaker, I'd like to thank all the Members for their genuine concern on this matter. The Member from East Central St James shares our concern. Many of the things that we do in this House tends to overlook the decline of social capital that has taken place over our period of independence and I know that he has in his constituency suffered the trauma - I've shared it with him - of murder of a child in a school precincts and the horrible effects this has on a community and the effect it has on many, many other children who are there.

I wish to just correct over the three-year period that we are analyzing the incidence of murders in schools has gone down, but many children, unfortunately, have been killed outside of the school and that gives us no comfort.

(Inaudible comment by Member)

Rev. THWAITES: The influence of the quick money, the scammers, cannot be overstated and it's a broader issue than the school can deal with but the fact of the matter is that young children see their elder peers being able to gain millions of dollars, hundreds of thousands of dollars, buy car for their elder siblings if they can't even have a licence to drive and it devalues the process of education.

Miss HANNA: Hear, hear!

Rev. THWAITES: And one of the things that we Members of Parliament and all those who affect public conscientiousness have to deal with, Mr. Speaker, is that education is the number one priority of growth. (Applause) It's not something to be taken for granted and this is of huge significance.

Government MEMBER: Hear, hear!

Rev. THWAITES: The question of the misuse, the possible misuse of the tablets I think is manifestly outweighed by the benefit of the tablet and I can tell you that the e-Learning company which falls under the jurisdiction of the Science and Technology Ministry, but which the Ministry of Education fully participates in, is taking the requisite steps, which will be announced further, to ensure that there is a higher measure of security than has been available up to now even though much has been done.

Mr. BARTLETT: Manage it a little better.

Rev. THWAITES: Mr. Speaker, the concerns of the Member of North Central Clarendon are shared. I am quite clear in my support for the reform of the law relating to marijuana. The criminal law is not the instrument appropriate for that kind of prescription as it was in the past. So I have no regrets there. What I do have a regret about is that we haven't yet mounted a programme of public education in our schools that point out through our health and family live curriculum

through combination with the National Council on Drug Abuse…

Mr. PRYCE: Hear, hear!

Rev. THWAITES: ...the kind of measures that will alert students from the earliest stages that smoking ganja will not improve your conscientiousness, will not make you more popular and, in fact, is going to wreck your brain if you're not careful. (Applause) And I pledge, Mr. Speaker, and it is the mandate of the Government I know for us to tarry no longer in that regard and make sure that the appropriate steps are taken. And this also connects with the sentiment of the Member from Manchester, because...

Mr. BARTLETT: The narratives have to change, you know.

Rev. THWAITES: I do think - yes, the narratives have to change...

(Inaudible comment by Mr. Bartlett)

Rev. THWAITES: ...and the question of having patrols in conjunction with the police is an important suggestion and I would want to take it into account.

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

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

(MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern, entered and took his seat.)

Mr. Speaker, I want to tell you. You know the ones we are really concerned with are the students who drop out.

Government MEMBER: Hear, hear!

Rev. THWAITES: Yes. The students who drop out are the ones who are most likely, with the statistics coming from the Constabulary, to get into antisocial behaviour to join gangs, and therefore, as of now principals are being enjoined that the student just doesn't drop out and you leave it at that. Leave him to his wiles. The police must be told; an effort must be made by the school to find that student and remedial effort put in to reorienting him into school system. We can't just leave those children out there because it is to society's disadvantage when they become delinquent.

The issue of liaising with parents that the Member from North West St. Andrew raised is of crucial importance. Right now I would like to ensure him that when serious disciplinary situation arises parents are routinely called in and there is room for a consistent application of therapy, dialogue, with them, the student and the school authorities but, Mr. Speaker, we have a problem because in many cases when the parents are called in they don't come, or when they do come there is an underlying difficulty that can seriously affect the reorientation of that student.

Mr. Speaker, can I tell you a little story, I won't keep you. A woman came to the Ministry a month or so ago and insisted that I fire the principal of a particular school. She didn't know that it's not possible for any Minister to do that, but her problem was that he was being unfair to her 14 year-old boy, and I questioned a little bit more and the boy

was being - he was misbehaving and she thought the principal's reaction to this was unfair. When I questioned a little further I asked, "Where was the boy's father?" and I was told that she don't talk to him again, and then I pressed a little further and said, "But is there anyone then, any male who can help this boy, obviously going through puberty, to settle himself and probably to settle in school and cease to provide the kind of disruption in the school that the principal complained about?" And she told me well, yes, she had a boyfriend but him and the boy can't stand each other.

(*Sotto voce* comments)

Rev. THWAITES: Now, Mr. Speaker, that is a clear scenario why the boy was acting up the way he is. And you used the verse of the Bible, his name is Legion. The Minister is correct.

A MEMBER: Legion?

Rev. THWAITES: Legion. Yes, yes. Many of them. When the devil multiplied, Member from St. Catherine, that was the verb used.

But, Mr. Speaker, unless we are going to set - not with any condemnation, not with any disrespect, unless we are going to set standards in this land that recognize what is a biological and emotional psychological truth that children are best brought up by people who care for them and preferably the people who brought them into the world. Yes? We are not going to go very far.

(Applause)

And those who do not have those family circumstances, God bless those who care for them, but we must ensure that our children have an ideal and understand. It wasn't the principal of that boy's school that is the problem, it's the family situation -

(Applause)

And it takes all kinds of different action and expensive action to correct that situation. The greatest cramp in our schools right now, to student achievement in its broadest sense is not money, it is weak family relations between the family and the school.

The issue of remedial responses, which the Honourable Mr. Shaw raises, is correct. We have to go back to the early childhood experience and I am pleased to tell you that there is a sturdy movement in this regard to improve both the organization, the provision of trained teachers, of adequate nutrition, and of a stable curriculum. Many of these ventures I wish to accord were started from the previous administration. All we are doing is escalating them. We have moved the number of trained teachers in pre-primary schools from roughly 20 per cent to over 40 per cent now, and you have helped because you have approved the increase in their salary. We are now feeding the early childhood children and following what was laid, we are giving them a stable curriculum, but there is no doubt that the early formation is the most crucial and you can be assured of partnership in this regard.

May it please you, sir.

(Applause)

Mr. Daryl VAZ: Through you, Mr. Speaker, just inquiring of the Minister on some educational matter in relation to the transfer of student athletes. I understand that

some of the schools are in recruitment as we speak, and I know it was an issue…

The SPEAKER: Hold on Mr. Vaz. That has nothing to do with what the Minister spoke about, you know.

Mr. Daryl VAZ: Not education?

The SPEAKER: No, no, no!

Mr. Daryl VAZ: Sports?

The SPEAKER: No.

(Laughter)

Rev. THWAITES: Mr. Speaker, would you just allow me to assure the Member that next week, with your permission, that of the House Leader, I wish to make a statement on the question of school transfers and school assignments, and also on the issue of certain small schools which will have to be closed this year.

The SPEAKER: Thank you. Thank you.

Minister Bunting.

Mr. BUNTING: Thank you Mr. Speaker. Mr. Speaker, I would like to start by addressing two preliminary but important points before I get into the substance of my statement today.

Opposition MEMBERS: Where are the copies?

Mr. BUNTING: Oh, sorry. There are copies here.

(Copies circulated to Members)

Firstly, Mr. Speaker, I would like to use this opportunity to express the Ministry's condolences to the family, friends and colleagues of Constable Curtis Lewis who was attached to the Little London Police in Westmoreland. He died as a result of injuries he sustained after he was hit down by a motorcycle in Westmoreland yesterday. The death of this young constable reminds us of the variety of risks our security forces face each day as they embark on their duties.

I believe, Mr. Speaker, I can safely say that on behalf of this entire House we express our regret and sadness at the loss of over 600 Jamaican lives to violence, especially the 39 children since the start of this year.

Secondly, Mr. Speaker, many of us here - or the second preliminary point I want to address, is that many of us here in this House have made remarks on the political platform which after reflection could have been put differently. The language of politics is often rough and encouraged by the atmosphere at political rallies. I have regularly been the target of such language.

Mr. Daryl VAZ: Me too.

(Laughter)

Mr. BUNTING: I have been described recently as callous, mediocre and a little - a few years ago more colourfully as Satan.

Mr. McKENZIE: Den dat no good something, man.

(Laughter)

Mr. BUNTING: In one particular case, Mr. Speaker, I was libelled so severely that I had to resort to the court to successfully defend my name.

(Heckling)

Mr. Daryl VAZ: Me too.

Mr. BUNTING: Don't draw my tongue.

(Laughter)

But, Mr. Speaker, two wrongs don't make a right. Last Sunday I made comments at a constituency conference in Eastern St.

Andrew that weren't necessarily harsh and seemed to have caused a fair amount of discomfort.

Mr. McKENZIE: Seemed harsh?

(Heckling by Opposition Members)

Mr. BUNTING: Mr. Speaker, I watched some coverage of the press conference yesterday evening -

(Heckling by Opposition Members)

Mr. McKENZIE: It was written. It was written.

The SPEAKER: Hold on, Mr. McKenzie.

(Heckling by Mr. McKenzie)

The SPEAKER: Hold on, Mr. McKenzie.

Mr. McKENZIE: What you a talk 'bout written. A written words dat.

The SPEAKER: Mr. McKenzie.

(Heckling)

Mr. BUNTING: As I said, Mr. Speaker, these remarks were unnecessarily harsh and seemed to have caused a fair amount of discomfort.

Mr. SILVERA: Ruffled feathers.

Mr. BUNTING: Additionally, these remarks are inconsistent with my approach to handling my portfolio.

Government MEMBER: That's true.

Mr. BUNTING: I have been focused on uniting for change and my remarks were contrary to that objective. Therefore, I would like to use this opportunity to apologize for those remarks.

(Applause)

Government MEMBER: Big man, big man. Big man.

(Heckling)

(The Speaker gavels)

Mr. McKENZIE: Once a John Crow always a John Crow.

(Heckling)

Mr. BUNTING: Well, you say so, you say so.

(Laughter) (Heckling)

You say so, you say so.

Mr. McKENZIE: Apology is accepted. Go on.

(Heckling) (The Speaker gavels)

Mr. BUNTING: Mr. Speaker, I want to turn now to the issue at hand.

Mr. Daryl VAZ: Serious issue.

Mr. BUNTING: And I want to deal with the murder - the crime statistics generally, but the murder in particular.

Mr. Speaker, for the last five years or so, certainly since 2011, Jamaica has averaged about 1,100 murders per year. Well below the all time peak of 1,692 in 2009. While the average has been around 1,100 the actual figures have been within a band between 1,000 and 1,200. Last year was the lowest in a very long time over a decade, I recall, recording just over 1000 murders. 1,005 to be specific.

If we continue through to the end of the year at the rate we started for the first half, the 2015 figures will end at approximately where we were in 2013, about 1,200. Mr. Speaker, we are all very concerned about reversing the gains we made last year, but those of us who have been studying this problem over many years understand that progress will not always be on a straight-line basis, there will be setbacks. Paradoxically, the figures for other categories of serious and violent crimes are all

down. Shootings are down by eight per cent, rape down by 25 per cent, and aggravated assault down by 14 per cent.

Mr. McKENZIE: And how much John Crow is down?

(Laughter)

Mr. BUNTING: Acquisitory crimes or robberies are also down by 16 per cent. It's not that there are more violent incidents, Mr. Speaker, it's just that they are deadlier. So what we are experiencing this year is not a general surge in crime but rather a spike in murders.

Now it is important for us to understand some of the main contributors to this spike. On a per capita basis the parishes of St. James, Hanover and Westmoreland have the highest murder rates. St. James has a murder rate about two and a half times the rest of Jamaica. St. James, Hanover and Westmoreland are the parishes where lottery scamming activities are concentrated and also where the murder rates are highest. A recent analysis by the National Intelligence Bureau found that at least one in three murders, in Area I were identified as lottery scam related, and it is suspected that the figure may be significantly higher than that.

(HON. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern, Minister of State in the Ministry of Agriculture and Fisheries, entered and took his seat.)

About half of the murders islandwide are categorized as gang related. And earlier this year, there was a significant increase in murders in St. Catherine North as a result of an intra-gang feud; this has subsided based on a number of the initiatives introduced in that police division and I will speak to one of them later.

Mr. Speaker, we can conclude that participation in scamming and gang activities is what places the victims, their families, and friends or neighbours at greatest risk. This is corroborated by studies by the Violence Prevention Alliance which suggest that only 15 per cent violent incidents are committed by perpetrators unknown to the victim. It also helps to explain the results of the recent LAPOP study, which is coincidentally was handed out as we entered the Chamber today.

Mr. Speaker, if we turn to chapter one, figure 1.7 Crime Victimization Rates you may be surprised, you may be surprised to see that Jamaica is recording the lowest level of crime victimization in the region. Now you may say, how is it that we have one of the highest murder rates and yet one of the lowest levels of crime victimization? And for Members who may not understand what is meant by crime victimization, essentially a survey is done and a representative sample of persons is asked the question. Have you been a victim of any type of crime in the past twelve months? That is, have you been a victim of robbery, burglary, assault, fraud, blackmail, extortion, violent threats or any other type of crime in the past twelve months? And Jamaica has consistently scored at the lower end and this year 2014, we are in fact the lowest in the hemisphere. And I am talking this is compared with countries like

the United States, Costa Rica, Canada, Columbia, Dominica Republic, Mexico, Peru, Argentina. Violent crime - our violent crime is very concentrated on victims who themselves are involved in scamming or other criminal activities and in the places where they hangout. This, Mr. Speaker, should be a warning to parents, families, and neighbours who turn a blind eye to that youngster who they know is scamming or otherwise mixed-up, because any scammer in your home or in your immediate community puts you and your children, your family at risk.

Mr. Speaker, underlining these specific - these two specific scenarios - is the culture of violence that has developed in much of our society. Even family members resort to extreme violence to settle disagreements, evidence in 52 domestic murders so far this year, 20 more than the corresponding period last year. And, Mr. Speaker, although it was coincidental that the Minister of Education made his statement on school violence today, it really reinforces the fact that this culture of violence even extends to child on child violence, some fatal which have been occurring this year. Reduced within schools, but increased outside of the school compound.

Mr. Speaker, we know the contributing factors: poor parenting or in some cases no parenting at all, inadequate schooling, poor social conditions, undiagnosed or untreated mental health conditions, lack of employment, all these factors contribute to poor justice system, but that usually affects them a little older as they become (Cross talk) right but that is certainly a contributing factor. However, Mr. Speaker, it is the culture - so all these factors contribute to increasing the vulnerability of youths to crime. However, it is the culture of violence and acceptance of criminality that exists in many communities plus the easy access to guns, fed by the guns-for-drugs trade that complete the ingredients necessary for the high murder rate that we have experienced for decades.

Mr. Speaker, I invite the Leader of the Opposition – I'm sorry he has stepped out - but I invite him to do some research on the multiple causal factor that contribute to violent crime and he will learn that it is not simple about income or poverty. Right here in the Caribbean, we have the examples of Trinidad and the Bahamas with much higher per capital income than Jamaica, yet with similarly high murder rates while Haiti with the lowest per capita income in the hemisphere has one of the lowest murder rates in the Caribbean. What is also interesting, Mr. Speaker is that these surges are not limited to Jamaica.

An article in the *USA Today*, just a few days ago spoke of homicide rates surging in major US cities after seeing years of decline in violence crime, several major American cities experienced a dramatic surge in homicides during the first half of this year.

Mr. Speaker, Baltimore increased 48 per cent, Chicago 19 per cent, Dallas 28 per cent, Milwaukee 104 per cent, New Orleans 36 per cent, St. Louis 60 per cent, New York 11 per cent, San Antonio 23 per cent, Washington DC 18 percent, and the source of this is the police departments in respective cities.

Mr. Speaker, this is not a phenomenon that we alone are grappling with. But let me turn now to the response to the spiking murders. The Commissioner of Police recently outlined a series of operational responses which I will not go over today. However, there are a number of supporting initiatives from the policy level which I will outline, starting with the support X for improving the operational capability of the security forces.

The first thing I will speak to, Mr. Speaker is that there will be substantial improvement in the mobility of the security forces over the next few months.

(Applause)

On the JCF side 60 motorbikes have already been purchased for delivery by the end of this month, of those sixty, fifty will be deployed to police stations across the island and ten will go to traffic. By the end of - by the end of this month we expect that orders will have been approved at the NCC for 45 patrol cars, 27 pickups, 4 trucks and 3 buses these are all in the final stage of the procurement process and this will be in addition to 22 vehicles already acquired in April 2015.

Mr. Speaker, I want to now turn to the JDF, the delivery of new - what is called Protected Mobility Vehicles, in the old days they were called Armoured Personnel Carriers, but they are now called protected mobility vehicles, PMVs, the delivery of those new vehicles has commenced. Nine Protected Mobility Vehicles are scheduled for delivery this fiscal year. This is the first set of new PMVs provided for the JDF since the VI-50s were acquired in the 70s and a few more in the 80s.

(*Sotto voce* comments by a Member)

Mr. BUNTING: It is older than you and I think one is left operational.

The acquisition of these rugged all terrain vehicles will assist the JDF both incubating heavily armed criminal gangs, as well as in disaster relief situations.

Mr. Speaker, another initiative which I think is worthy of mention. A Ministry of National Security team, drawn from the FLA, the JCF and the Audit Department has completed an audit of private firearms and ammunitions stored in every police division across Jamaica. On completion of each divisional audit, the firearms and ammunitions were transferred to the FLA for safekeeping and ultimately for destruction. This exercise involves over 5,000 firearms and tens of thousands of rounds of ammunitions, some of which have been left with the police by their owners decades ago. This exercise, Mr. Speaker, has eliminated the possibility of leakage of these firearms into the illicit trade.

As I mentioned two months ago, we have recently completed an upgrade of the Automated Palm and Fingerprint Identification System, as well as the telecommunications infrastructure of the JCF. And work is underway currently upgrading the 119 Emergency Call Centre the total cost of these upgrades is in the region of a billion dollars.

Mr. Speaker, I now want to turn to the second area. Recognizing that crime statistics are outcomes of failures or weaknesses at

many difference levels of the society, we are implementing a comprehensive set of social intervention initiatives that target the root causes of crime. For example, Mr. Speaker, under the CSJP II - III rather, we have employment, training, restorative justice and dispute resolution initiatives underway.

The Ministry of National Security which tries to reciprocate the good partnership of the Ministry of Education we have been supporting their parenting work. We have sponsored media campaign that encourages proper parenting and we have sponsored many public education events... (Applause) ...in association with groups like the Parenting Commission and the National Association for your Family.

Mr. Speaker, just last month over 1,000 Jamaicans from across the country came together on June 16th at the Jamaica Conference Centre to join in the cause and unite for change. Of those attending, 450 persons signed up to volunteer with programmes aimed at youth violence prevention under the theme: "*Do the right thing, volunteer to protect our children*". (Applause) Twenty-five organizations were on display and over 30 presented opportunities to volunteer in the areas of parenting, community safety planning, youth leadership and preventing reoffending. (Applause) These volunteers will be managed through the council for voluntary social services in Jamaica.

Mr. Speaker, I really want to thank the Deputy Governor-General, the Prime Minister, several Cabinet Ministers and the Deputy Opposition Spokesman on National Security, as well as the leadership of the Umbrella Group of Churches, the Council of Voluntary Social Services, and the Violence Prevention Alliance who all participated in solidarity. (Applause)

Mr. Speaker, I want to turn now to an initiative that we are expanding; this is the Violence Interrupters Initiative. The Ministry has increased its sponsorship of violence interruption activities. I don't see the Member from the South East St. Andrew, he has been a longstanding member of the PMI but he would appreciate what we are doing. Fifty (50) persons are selected on the basis of their having creditability with youths in communities have been selected and are being trained by the Peace Management Initiative and Cure Violence, a similar overseas organization. They are being trained in Violence Interruption Methodologies and then deployed back into the communities with the highest levels of violence. Twenty have been trained and deployed in St. Catherine North since the beginning of June and an additional 30 have been recruited, and are scheduled to be trained this month for deployment in St. James.

Now Mr. Speaker, I want to turn to the third set of initiatives. Since taking office, we have been working assiduously to develop policy and pass legislation to support the fight against crime. The 2013 National Security Policy established the broad framework of strategic analysis and direction for the medium term. The Law Reform (Fraudulent Transactions) (Special Provisions) 2013 Act

created a new set of offences covering activities related to advance fee fraud, identity theft, *et cetera.* This has facilitated the arrest and prosecution of hundreds of scammers since its introduction.

The Criminal Justice (Suppression of Criminal Organizations) Act, 2014 created a new class of conspiracy-type offences. It is similar to the Anti-Racketeering Legislation used in the USA to prosecute organized criminals, most recently, to indict a whole set of FIFA officials.

We have amended the Proceeds of Crime Act to ensure that we take the profit out of crime and make it more difficult for the facilitators of money laundering. We have tabled the DNA Act which provides a powerful investigative tool to help identify perpetrators, and secure convictions. And, Mr. Speaker, I am going to, later today, table a Bill entitled: "The Maritime Drug Trafficking (Suppression) (Amendment) Act, 2015". The Bill seeks to grant the Minister responsible for National Security the power to waive Jamaica's right to exercise jurisdiction over Jamaican nationals who have been detained by law enforcement authorities of a treaty state seaward of any state's territorial sea.

The law, enacted in 1998, allows the Minister to waive Jamaica's rights to exercise jurisdiction over vessels, cargo, and non-nationals, but not over Jamaican nationals. In practice, it has been extremely difficult to successfully prosecute cases when Jamaica has asserted jurisdiction over nationals. I don't believe there has been a single successful prosecution.

With the country located in the corridor between the main drug producing and drug consuming countries, collaboration with our international partners to prevent traffickers transiting the country's waters is an absolute necessity. This amendment has become even more urgent as there has been an increase in cocaine traffic through the Caribbean, as law enforcement authorities concentrate on the Central American routes. The amendments to this Act will also be extremely useful in tackling the guns for drugs trade between Jamaica, Haiti, the Bahamas, and Florida.

In conclusion, Mr. Speaker, I have today outlined the three-pronged approach that this Administration is taking to combat the current murder spike, and long-term violent crime challenge, through:

1) strengthening the operational capabilities of the security forces,
2) addressing the root causes of our societal violence with various social intervention strategies; and,
3) bringing important legislation to this House to support the investigation and prosecution of criminals.

(Applause)

Mr. Speaker, we can no longer afford to diminish our will and efforts to defeat crime in this country by political point scoring, and gamesmanship.

Government MEMBER: Hear, hear!

Mr. BUNTING: This will only serve to weaken the morale of the security forces, embolden the criminals, and trigger undue fear and alarm in the society.

(Applause)

Mr. Speaker, let us instead unite around the best ideas to tackle this problem.

(Applause)

I close by inviting the Opposition, in all sincerity, to bring forward any ideas that they may have for additional measures to address this long-standing obstacle to Jamaica's development - violent crime.

Thank you, Mr. Speaker.

(Applause)

Government MEMBERS: Hear, hear!

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

The SPEAKER: Mr. Smith.

Mr. BUCHANAN: Desmond how you mean say a foolishness Derrick a go speak?

(*Sotto voce* comments)

Mr. D. SMITH: Mr. Speaker, I think I will start at the point where I want to join the Minister in relation of extending condolences to the young police officer who, unfortunately, lost his life in exercising his duty. Our police personnel are always exposed while on the job. And this is one of the reasons why we expect them to be always well equipped and well trained. So on behalf of the Opposition I would like to extend those condolences to his family and friends.

(Applause)

Mr. Speaker, I would also like to say that I am extremely happy that the statement requested, in a rather mild way last week, eventually arrived, belated as it is. I am also appreciative that in this crisis period, that the Government of the day, principally through its National Security holder, Minister of National Security, would update the country on the state of murders, and other violent acts that we have - we are experiencing at this time.

In fact, Mr. Speaker, we are in a crisis state and I really appreciate the tone of the Minister's presentation this afternoon because the presentation in Eastern St. Andrew is still ringing in my ear. But I note Mr. Speaker, with some level of appreciation that the Minister has taken care of that deviation from his normal decorum.

Mr. Speaker, the Minister spoke to the audit of police locations throughout the country, and the fact that in collaboration with FLA, all those private firearms will now be stored at FLA, and plans are in place to perhaps destroy those that have been long in safekeeping and those that's just not of any use. That is very useful, but it would suggest - and the Minister can respond - that they detected some leakage from police safekeeping why this has become extraordinarily necessary.

Increased mobility, Mr. Speaker, has always been of major concern to the Opposition, and in fact, we have some questions tabled that we hope the Minister will answer in very short order. He gave some sort of a summary here, but I refuse to accept that that is in the entirety because...

(*Sotto voce* comment by Mr. Bunting)

Mr. D. SMITH: We accept that we'll get some more information in due course.

The Minister spoke to the upgrade of the telecom system, and the upgrade I think perhaps is even ongoing, of 119 because that situation has been very bad for a very long time. I have had my own experience calling 119 on a Sunday afternoon, and after 33 rings, I had to hang up because no one answered. So that is very positive and very long overdue. What I would like the Minister to give us an idea is the cost of that upgrade, both for the telecom system and also for the 119, and how they arrived at the vendor. Was there a tender process that led them to place orders - job to begin?

So Mr. Speaker, the Minister rehashed some previous announcements in regards to what is happening, and what is being done. It is good to remind us that, in fact, activities are going on behind the scenes, and PMI has been an area that has not been given the attention, in my view, that it deserves. And this is on both sides because we have some appointed Members - one is shouting out now - who have not been attending as regularly as they should. And, it is a very important initiative, and I am happy that it now - will now be getting additional attention, and I am sure, additional funding.

The Minister outlined some new initiatives, in particular, the Maritime one which has always been problematic in our waters, both in the Jamaican waters and international waters. So that is new and that is very instructive and very important as it relates to the gun trade, in particular, the gun trade between Jamaica, Haiti and other territories.

In closing Mr. Speaker, I just want to go to the area where the Minister made reference to taking this out of the hands of politics. I am not sure what he means, but I suspect he means the fact that the Opposition, on behalf of the country, highlight from time to time what's happening in the Portfolio is what he's referring to as taking it out of the political arena. And with your permission, Mr. Speaker, I want to read something that was published in the *Gleaner* on 11th April, 2010. And it says here:

> *"Two years after the JLP was voted into power, the then Opposition Spokesman on National Security, tore into the JLP crime fighting strategy, ripped it to threads."*

Here is what Peter Bunting had to say back then, and I am going to quote from what was in the *Gleaner* on that date:

> *"Two and-a-half years into his term, an indecisive Midterm Assessment of the Bruce Golding Government's performance in the area of National Security revealed the absence of direction and resultant malfunctions. Unequivocally, the Golding Administration performance in the area of National Security can only be described as a colossal failure."*

And I want you to pay attention to this section that I am going to read now:

> "*Murders have increased from 1,380 in the year 2007 to record 1,680 in the year 2009. For the first quarter of 2010 up to March 28, the murder rate has increased by a shocking 17 per cent, relative to the same period in the record year of 2009. It has also moved from 338 to 395."*

And Mr. Speaker, I can go on, but I think the House has gotten the gist of what I am trying to say that when you are in opposition it is your business; it is your responsibility to highlight concerns to the nation. The Minister did it then in Opposition and I am doing it now and I will continue to do it without any break, I will continue to do it because it is - it has nothing to do with politics. It has to do with portfolio responsibility.

Having said those words, Mr. Speaker, thank you very much.

Mr. McKENZIE: Remember John Crow have a vote.

The SPEAKER: Mr. Vaz.

Mr. Daryl VAZ: Thank you, Mr. Speaker.

Mr. Speaker, first of all let me say how pleased I am that the distractions of the last few days in terms of the statements and responses are now put away and we are now dealing with the business at hand, which is the serious crime rate that we have facing us as a country. (Applause)

Mr. Speaker, I want to speak to Portland to just lay the foundation for the few comments that I have on this serious issue. In 2014 we had six reported murders. So far for this year we have five. Shooting, we had two for the whole of last year, 2014, and we already have three.

When I do have my discussions as to what is happening in the parish and how we can help work with the police, the number one issue is mobility. And when I listened to everything that was said both by Minister and the response from the Opposition Spokesperson I must be honest, Mr. Speaker, it is above my pay grade because half of the statistics I can't follow, and they are meaningless to me because at the end of the day I believe that we are using or putting the cart before the horse. So when you tell me that you are spending millions and millions to upgrade telecoms, *et cetera*. I have no issue but the same attention has to be given to mobility because we have some of the hardest working policemen and women and military in this country that are stifled from executing their job to the maximum because of mobility. (Applause)

Mr. Speaker, in my own thinking I believe that the Government has to find a way to channel the resources in the mobility while pursuing all the other initiatives, because if you don't have the mobility the initiatives that you are implementing cannot be executed to the fullest because you need policing and real policing. So, Mr. Speaker, it is critical that if the Government which we know has fiscal constraints because of the IMF, *et cetera*. I have not heard the Minister and I am encouraging him, after economic policies the second thing that affects businesses in terms of their bottom line is crime. And therefore the private sector of this country has an interest to work with the Government of the day to see how we can cohesively work in terms of trying to help the police keep us safe and keep the country safe on the whole.

And therefore I say to you, Minister, and you offered and reached out to the Opposition, there are many different ways that we can work together, and I am saying to you today

that as of right now, based on my own experience where for 10 police stations in Portland, Portland starting from New Castle, border of St. Andrew to the border of St. Mary to the border of St. Thomas 10 police stations and 13 motor vehicles; 13 motor vehicles, 13 to patrol a parish of that geographic size. You must be at a disadvantage because it means that you have to work three, four times as hard to be able to do the policing if you are able to do it effectively because of mobility.

So I say to you, Minister, trust me you got A's in college for scholastics, I got A's for absence, but I got C's for common sense. And I am saying to you in all that has been said and all that has been said in past we have never addressed the issue of mobility as the number one priority before you get to any other initiatives. And I am saying to you if you can't do it alone to find money through the Ministry of Finance, then it needs a serious discussion with the private sector but knowing the private sector as I do you have to have a plan to present to them to get in the buy-in order to get their capital. But it is at the stage now where everybody is sufficiently panicked and worried and seized of the fact that the country, in terms of IMF and fiscal constraints, *et cetera,* is satisfied that that is good. It's affecting the way people live and it is increasing crime and all that goes with it.

So the discussion time is now and I believe that it is the time for the Opposition, the Government and the private sector to sit down just like how we have many roundtables in investment, Mr. Hylton over here, MP Hylton, and you have all sorts of grandeur events, there has to be that event whether in Kingston at the Conference Centre, Jamaica House, Montego Bay, wherever it is, to let us collectively come up with a plan and the priority has to be to mobilize the police of the country and the military.

Thank you.

(Applause)

The SPEAKER: Mr. Charles.

(*Sotto voce* remarks by Government Member)

Mr. Daryl VAZ: Common sense.

Mr. CHARLES: Mr. Speaker, I just want to say a few words to support the speaker, the Opposition Spokesman on Security. I have a problem with the Minister's presentation personally.

Mr. Speaker, on the 21st of February, 2012 this same Minister outlined a crime plan that would take us by 2017, and that was less than 18 months, one murder per day. Mr. Minister, if you would like to have a copy of your own presentation I can hand it to you, one murder per day; that was your plan.

Minister, let me ask you a few questions. How many persons have been murdered since the start of this year? Maybe you would want to get a copy of my question so you can answer. Could you come and bring a copy to the Minister. (Referring to the Orderly) We would like to get some answers. Minister, sweet talk on percentage of success doesn't impress me at all. It may impress the Press but it doesn't impress me. How many persons have been murdered since the start of the year?

Mr. L. BUCHANAN: Ask Desmond.

Mr. CHARLES: Am I correct that approximately 4,000 persons have been murdered in the three and a half years since you have been Minister, 4,000? Am I correct that since the start of this year murders have been occurring at a rate of 3.3 per day which analyzed amount at 43 per 100,000?

(*Sotto voce* remarks by Minister Bunting)

Mr. CHARLES: You are not hearing. Does the Minister recall a press briefing at Jamaica House on Tuesday 22nd of February, 2012 at which he said, "We are looking that by 2017 we will be at 12 per 1000 which would give you a maximum murder figure of about 312 per annum, less than one murder per day? Minister, you are less than 18 months away and you are six hundred and odd already in half year. What was the basis of that projection, Mr. Minister? What was the measure that will be put in place to achieve that target? Have you implemented or have this being implemented, if so, what effect has it had so far? Is the Minister still expecting to meet the target of less than one per day by the next 18 months, if not, does he accept responsibility that failure and when it does not - if he does not expect it to meet that target, does he accept that is a failure on his part?

Mr. Minister, the Member from Portland made a point and I want to reinforce a question. How can you make such a presentation without telling us what avenue of encouragement and support the police that are going to have the task of doing what you are saying? I don't see anything in here to encourage them. Mr. Minister, all the Governments, PNP and JLP Governments have been putting motorbikes and more vehicles and you have more murders. There is something that you have to look at. There is a different - you have to approach in educating the people and encouraging the police and supporting the police. I don't want to get in it because the Opposition Spokesman on Finance might be asking a question, because up to now I don't hear anything about the police that we need to encourage. How are we going to do it?

Mr. Minister, the last question or probably the last point. There is an encouragement that the police needs. You are the leader, go for it Minister, because all of this beautiful presentation, you did a better one in February. This one, five-year crime plan, Bunting aimed at less than one murder per day. You want a copy of that too, Minister?

Mr. SHAW: Him forget about it, only John Crow him know 'bout now.

Mr. CHARLES: All of this pretty talk here, Minister, that you are measuring crime by percentage I am not impressed and you don't look impressive either.

(Minister Bunting laughing)

Mr. CHARLES: You laughing. Mr. Minister, since the Member who has the responsibility to tell you seems to agree - you know, I am a country boy and when you know a man have a corn toe you see Minister and you step on it and tell him excuse - you step on the man corn toe, you know him step on it and then you tell him sorry. You coming to call me all kinds of things and say you apologize and you know you call me purposely.

(*Sotto voce* remarks by government Member)

Mr. CHARLES: You read it. You were reading it. You even write it and tell your friend listen to me and them today. You are reading it. It was written either for you, with you or in collusion with your colleagues and you coming now to apologize for it.

(The Speaker gavels)

Mr. CHARLES: Minister, I don't - the Minister accepts your apology but I certainly as a black man don't accept you calling me black John Crow. I don't accept it.

(Cross talk) (The Speaker gavels)

Dr. CHANG: Mr. Speaker, I happen to represent the parish with the highest murder rate at this point in time, unfortunately. I'd like to ask the Minister a couple of questions relating to his programmes.

One, I know there are some training or retraining of the police officers taking place, but I'd like to know how deep this training is, especially as it relates to the officers located in the parishes of St. James, Hanover and Westmoreland. Because the problem as it relates to the lotto scamming is widespread and deep and officers who are not trained in the kind of financial activity crimes are not necessary in the best position to investigate and prepare cases for court. We have had some, in fact, some failures in that area, although the special squads are doing a good job. We would like to know how deep the training is and what is the intention of the Ministry to widen this kind of training?

Along the same line, Mr. Speaker, I'd like to ask the Minister, to what extent he's working with the Minister of - his colleague in Justice, to ensure that the criminal justice system, the Courts, are sensitized to the problem. Because one of the things that is emerging in the Courts in Western Jamaica, they're still sensitive - including some of the officers - to the bullets, the guns and the bodies. And when a case is presented with a list of names, newspapers, numbers, hard drives, laptops and thumb drives, many people look at this as some kind of joke business when they're really the - that's the central core of the problem. And therefore you get some of the leaders of the cause of the homicides being given suspended sentence, sent home.

And in discussion with the senior officers, I've been told by the senior police officer, they may spend hundreds of manhours, millions of dollars prosecuting a case and even when it's well presented, because the evidence shown in this kind of activity, the man gets a suspended sentence, goes back to the streets, kills all the witnesses, all the informants and proceeds to continue his operation in the scamming operation. So I'd like the Minister to explain and at least inform the House to what extent he's taking steps to correct some of these major defects in the new kind of criminal activity.

His paper speaks of a third of the homicides being relating to lotto scam. In discussions with local officers - all the gang crimes in fact, are related to lotto scamming, and therefore you're looking more at 80% in the region that we refer to.

Mr. BUNTING: I did say, Mr. Speaker…

Dr. CHANG: The third question, Mr.

Speaker, I'd like him to look at and give us some review on violence intervention. Violence intervention has been a very active programme; we've been very active in such programme in the Western region for many years: USAID, the Department of Foreign - the British Government, CSJP, PMI, the Churches and I can name another long list of good intentions, and in fact, some well-planned programmes, but they've not always work as well. And I'd ask the Minister if they could look at reviewing these programmes to see to what extent they reach the people who are really involved and can reduce the level of, or the tendency of individuals to settle all disputes, violently, because that's the real activity.

The real problem, not just reflected in domestic crimes, but in the issues of disputes in the communities where everything is settled with a firearm, and today most of a motorcar as well, so drive by and that kind of activity is becoming very popular. And therefore the Ministry need to take a further look at the character of these interventions, which have been around for some time. What can we do to, in fact, mitigate the problem in the short term as well as the long term.

The other issue I'd like the Minister to look at, he has quoted from studies, but the question of the level of activity in the community base, in community programmes, and who are victims of crime. I'd like us to examine the impact of short term work programme *versus* ongoing intervention programme, training programmes, because many of these young men must be appreciated. You train them, you give them a skill, they go to the hotel as a maintenance man - very good programme - they get $10,000 a week take-home, which at that level, may be a good starting salary, but if he works using only his National ID for one of the operators in the scamming centre to collect even in the more primitive method, which is just to collect $500.00 at the Western Union and the money transfer in it because they're not allowed to carry larger sums now, if they travel overseas they get a big sum. But let's say it goes to the money transfer system and every day they do one transfer and get US$25 to US$50, at the end of the week they're making US$200 - US$250 at the low level; that is running between $20,000 and $30,000 per week. You cannot compete with that kind of income with just training and a regular job, to the extent that special programmes which pay similarly may help when you pull them out of the street corner, we need to examine how that operates. Because what is happening in the region is that those who are not employable in terms of structured programmes are in fact pursuing activities otherwise that make them a generous income. And there is very little attraction for them to move from what they're doing.

In fact, there's a cultural tendency that the older ones stay the course in the illegal activity and send the kids to school, their little brothers, their little sisters because there's a - they too know that they're taking high risk, and if they can provide funding for their little brothers - the good ones as they call them - the little sisters, get a decent education, go to a

better job, they have no problem, but you cannot attract them from the corners where they're earning the kind of money they're earning with no training, except the use of a National ID.

So I'd ask the Minister again to look at these four areas; the level of extent the police is being trained to deal with the kind of sophisticated financial activity that generates through criminal activities today that they can, in fact, prepare the cases adequately for court; to what extent the criminal justice system is being sensitized to deal with this kind of activity, which I said, is not manifested purely in bullets and guns or murders coming into the Court. The real perpetrators are not identified with the homicides, the shottas is the man down the line quite frankly, and then to look at how we can in fact reorganize the violence intervention programmes that we're looking at, to really reach those who are perpetrators of violence. Because currently the situation is not working at all, certainly not - his own statistics would demonstrate in the western region where I expect, Mr. Speaker, he'll have to have some further discussions out of the House to look at the special problems affecting the three parishes alluded to.

Thank you.

The SPEAKER: Mr. Bartlett.

Mr. BARTLETT: Mr. Speaker, I just wanted to ask the Minister...

(Inaudible comment by Mr. Dalley)

Mr. BARTLETT: Finally you discovered why you're in the House? That's why you're in the House, to speak on everything.

Mr. DALLEY: **(**Inaudible) ….finance procurement, human resource…

Mr. BARTLETT: No, no, he's not.

(The Speaker gavels)

(Inaudible comment by Mr. Dalley)

Mr. BARTLETT: He's not.

Mr. DALLEY: You're forgetting something.

Mr. BARTLETT: You should a guide your Minister better than that.

Mr. CHUCK: Dalley, yuh forget john crow batty?

Mr. BARTLETT: Mr. Speaker, the Member from North West St. James covered a wide breadth of the concerns and indeed a lot of the operational issues, I believe, which needs to be addressed, which the Minister, in his broader discussions with the Commission can, I'm sure, deal with and should. But in terms of the allocation of resources, the Minister, I would like to ask, Mr. Speaker, whether or not there is an intention to review the intervention programmes, the social intervention programmes as it relates to what is emerging as the catchment areas for the crime in the St. James rural communities. Because the urban centres traditionally have been the heavy hotspots, but we have seen a movement, a shift now into the rural areas and some of the communities that were previously very safe, that we hear about a problem there and we, oh my God, now we're saying which one next, and so the policy to look at a review of the allocation of resources and in that context, the police stations within those areas.

I can speak of four stations that I know of that are now manning larger communities,

larger population spread than they ever were established to do, and the resources are not there. You know, the Barrett Town Police Station is a good example, where now we have over 10,000 people that they have to deal with, from the whole of the Rhyne Park development to the Lilliput, Barrett Hall, Grange Pen, you know, huge, huge, areas.

And when you go into the station, Mr. Speaker, you're embarrassed. I'm embarrassed when I walked in there; in fact I'm now trying to get some private sector support to give them some furnishing in the place. So the whole business of resourcing these rural stations that are now becoming important centres, because the crime have moved a lot from the urban centres.

Mr. Speaker, the Minister might not be distracted by my colleague from the constituency next door to me, because half of the problems that we are having, half of the problem that we are having in rural parts are coming from urban places. And we have to make sure now that steps are taken to deal with the prevention in these rural communities. So I would love you to speak, Minister, to the plan for rehabilitation and, or intervention to prevent the spread of urban centre related violence into our deep rural communities.

Mr. BUNTING: Mr. Speaker let me thank all the Members for…

(Inaudible comment by Mr. Holness)

Mr. BUNTING: I'll yield.

(Inaudible comment by Mr. Holness)

Mr. BUNTING: Okay. Mr. Speaker, let me start with the questions from the Opposition Spokesman. He asked whether the audit was as a result of detection of leakage of the firearms being stored, some of them for decades at various police divisions across the island. And the answer is no, it is very difficult to speak conclusively to the Act because many of these firearms or the storage of these firearms far predated the establishment of the FLA. And it was a very decentralized system and most of these stations did not have any sort of electronic records, *et cetera.* So we really recognize it as vulnerability, and move without drawing people's attention to it, we just moved as quickly as resources allowed, to eliminate the risk from that source. What has happened over the decades that that system has been in place? I cannot speak definitively, but we identified it as an area of risk.

There was a question about the cost of the various upgrading of the Telecoms, the AFIS, the 119 and how they arrived at the tender. Mr. Speaker, I couldn't answer that just on my feet here, I gave a ballpark figure of the total amount in the region of a billion dollars for that, but the detail as to the procurement process, *et cetera,* the Opposition Spokesman would appreciate that that's done by the Procurement Manager at the Ministry, but I can get the information and forward it to you.

Mr. Speaker, I'm not going to respond to the part about the taking of politics, and I thank him for quoting me from 2010, but I'll just remind him that it was a very special period that he was quoting from and in the spirit of moving forward, I'm not going to go any further into that.

Mr. SHAW: But it seems as though, you know, you were asking permission.

(Laughter)

Mrs. NEITA-HEADLEY: Noo!

A MEMBER: Move forward! Move forward!

Mr. BUNTING: The Opposition Spokesman has put that down; you don't have to keep carrying it. Mr. Speaker, let me now turn to the very useful contribution from the Member from West Portland.

Mr. Speaker, I think that was a very useful contribution and I would offer to the Member or invite the Member rather to come to the Ministry and sit down. I know he has extensive experience in this area and we'd certainly be willing to take any suggestions and see how we can leverage public/private partnerships - any of the, you know, gamut of possibilities out there to improve the mobility.

The retraining of officers - well, I have actually reached the questions to respond to the Member from North Central Clarendon...

(Cross talk)

...but he has typed his questions, read them and gone.

Mr. DALLEY: Him gone drink a JB downstairs.

(Laughter)

(Cross talk)

Mr. BUNTING: Mr. Speaker, the Member from North West St. James and...

(Inaudible comment by Mr. Shaw)

Mr. BUNTING: Well, I was going to wait to see if he would return that I could answer when he is in the Chamber.

Mr. SHAW: Oh, okay.

Mr. DALLEY: He's gone to change the diet.

Mr. BUNTING: The Member from North West St. James I can understand particularly on the graph - the graphic that was included in the presentation which highlighted the fact of St. James having 2½ times more than Kingston, St. Andrew, St. Catherine. I know it's frightening and again when you think that St. James probably has been the parish that has had so much investment in infrastructure, in tourism, in business process outsourcing, jobs - probably more jobs created, it's really of concern. But I will tell you an interesting experience I had in 2012, I was invited by O'Dave Allen's group you recall - I believe you were there as well - the Granville - some PEACE promotion group - it was the MP who organized it, the MP for West Central St. James, but there was a question and answer period. I had spoken to the threat of scamming, which at the time wasn't even as much on the front page as it is now. It was - put it this way it was more concentrated in those days. Scamming is more democratized now.

(Inaudible comment by Opposition Member)

Mr. BUNTING: Democratized in the sense that many more people are involved maybe not as big players as it was before, but it has much wider participation; much wider participation now.

During the question and answer period the moderator invited everyone to - before they asked the question to introduce themselves. So people would get up and say, hi, my name is

so and so and I'm a teacher, or my name is so and so and I'm a pastor and there was one young man who got up and said, my name is so and so and I'm a person of interest to the police. So that was curious and anyway in the break I sought out the person and I engaged them and privately he said, you know Minister I not *gwine* fool *yuh.* I am involved in it. I'm involved in scamming and I know it's wrong. He said that. He said, I know it's wrong. He said, however, I used to work in the Call Centre and I just earned enough to keep going back to work. That was in a sense the phenomena you're describing. And he says, now I can send *mi* children to private school and I have a car and I have a tree-story house on a captured land. And you know it struck me then, because the same concern that you have how - it's not just poverty, because this guy was employed. He was employed. He wasn't at the bottom. He wasn't desperate. But how do you compete with something that in six months or in a year can give you what the legitimate worker would take many years to acquire. And you know what's the irony of it, Member from North West, is that I don't know if it's the same person but the same first name I read about somebody dropping their children to private school and being murdered right in front of them in the school yard. A shot went into the car with their children, so it could almost have taken the same children that he was taking the risk for in his mind. And I don't know if it's the same person, but the coincidentally he had the same first name and I just thought, do they think it right through to the end?

Mr. BARTLETT: It does not pay.

Mr. BUNTING: What is going to happen to those two little children now with no father who was the sole provider and perhaps all that he has the gangsters are going to take that away. So we really have to go through an educational process to try in a sense resocialize these youngsters to help them see right through to the end that ultimately, it is not going to pay. And in fact, you know, the authorities may very well use the Proceeds of Crime Act to go after the assets even if he left money in the bank or had real estate or whoever.

The other question about the training of the police officers. We have had very good results from MOCA West, the people who specialize and target, very high rate of convictions of persons they arrest. And we're now training all the proactive investigation teams in every police division to do the same thing. St. Elizabeth, in particular has a very active - proactive investigation team who get a lot of convictions. But precisely what you pointed to in your other question, I got a list from the Commissioner of Police of thirteen convictions in St. Elizabeth recently in every single case they got a fine, I believe, of between $200,000 and $300,000.

Now, J$200,000 and J$300,000 to a scammer it is - you know, do the math. You know I mean he makes that back in couple days, you know.

A MEMBER: One day.

Mr. BUNTING: And somehow I don't know who the - the separation of the different branches of Government: the executive from

the judiciary; I know we have to be careful about how we seem to be interfering with judicial decision-making but I think when you look at that chart and see that Area 1, in particular, Hanover, Westmoreland and St. James are literally being afflicted by an epidemic of scamming which has brought an epidemic of murder. Somehow the same judiciary living in the same country must start to appreciate the...

Dr. CHANG: First of many. Would the Minister consider asking his colleague to establish special courts to deal with these events? Would the Minister be willing to look at his colleagues in Cabinet and think about a special court when we had an - it's an epidemic of specialized criminal activity and therefore, you need people who understand and are trained to understand these matters to deal with it not only at the social level but at the criminal justice level?

Mr. BUNTING: I will take that suggestion to him. You know, I obviously can't answer on his behalf, but I will convey your suggestion to him and see how he responds to it. But I think, you know, there is valid basis for your suggestion.

And the Member from East Central St. James spoke to the plans for the review of allocation of resources. And we, in fact the Ministry engaged late last year Professor Tony Clayton from the University of the West Indies to do a study on the resource allocation not just personnel but vehicles, police stations *et cetera,* and one of the areas that came out of it - areas that came out in it was too heavy allocation to the centralized, the non-geographic units and we needed to push more personnel into the field, into the operations.

There had been a sort of tendency towards specialization. People who would come out of training school and go straight into NIB or they would come out of training school and go straight into forensics or scene of crime or straight into a very specialized area and what the recommendations from this review, which took into account - the senior police - the High Command and the executive management was that it would be better to give a grounding to all the probationers at least a couple years in street-level policing, station-level policing so all have a solid experience in dealing with the public and in knowing what it is to be a patrol officer and to deter and - community policing would become like mainstream before you start to specialize and send people into other areas.

So we've actually now set up a committee or we're in the process of establishing a committee to monitor the implementation of a set of regulations. We're developing matrices with various objectives and targets and deadlines and we're moving in that direction. So we're doing that study and agreement before we start doing the shift, but the general shift has started.

(Inaudible comment)

Mr. BUNTING: A police post and I think a vehicle has been assigned to Maroon Town.

Now that the Member from North Central is back, I'll return to his questions. Mr. Speaker, normally these types of questions would be tabled and you need some time to respond, but I'm just going to respond off the

top of my head. I think since the start of the year up to….

(Inaudible comment by Mr. Charles)

Mr. BUNTING: No man, up to Sunday there were 624 murders. Are you correct that approximately 4,000 murders - sorry, 4,000 persons have been murdered in the 3½ years since the Minister became the Minister of National Security? I don't have all the figures but broadly speaking I would think it approximates about 4,000. That compares with about 6,000 in the 3½ years before I became Minister of National Security. So I just want you to have both sets of figures. Perspective.

(Cross talk)

He never asked me about that, but I answered him in context. I give him in context.

(Laughter) (Cross talk)

Are you correct that murders have been occurring at rate of 3.3 a day? Yes, you are. Does the Minister recall a press briefing in which he said we're looking at that by 2017 we would at 12 per 100,000? I recall that article and I have explained on many occasions that I was speaking to that as an aspirational goal. I said that that is where we should be looking to get to. Until we reach that sort of level then we couldn't start to feel satisfied that we had made any progress in the fight against crime, right. So you know with those answers, Mr. Speaker. I thank all the Members for their genuine concern and their questions and I believe the final question is for the Leader of the Opposition.

Mr. HOLNESS: Thank you, Mr. Speaker.

Mr. Speaker, Ministers of Government have a general duty to ensure that they conduct public affairs with a level of decorum and standard of behaviour that is becoming of the Office. The Minister of National Security, in particular since he espouses a programme called "Unite for Change", must be very careful in his utterances. Mr. Speaker, the fight against crime is not just a reliance on policing strategies but it is also building the social fabric, and every statement that is so loaded as the statements made by the Minister of National Security, unravels that social fabric.

Miss HANNA: He apologized already.

(Inaudible comment by Mr. Bunting)

Mr. McKENZIE: So hear what di man a seh. Allow him fi speak no man.

(Cross talk by Mr. Silvera)

Mr. HOLNESS: Mr. Speaker, while we receive in Parliament the Statement from the Minister of National Security which acknowledges the error of his statement, Mr. Speaker, we must have a commitment that such statements will never be made again.

Mr. McKENZIE: Hear, hear!

(Applause)

(Heckling)

Mr. PARCHMENT: Satan business and all of dat foolishness over deh.

Mr. McKENZIE: We never call none a unuh over deh John Crow.

(Heckling)

Mr. HOLNESS: Mr. Speaker…

(The Speaker gavels)

Mr. HOLNESS: …the Minister of National Security dedicated a paragraph -

Mr. L. BUCHANAN: You mustn't cuss whey you eat, you know.

(Heckling)

Mr. HOLNESS: Mr. Speaker, the nation looks on at us in Parliament and wonders whether or not we are serious about their brothers and sisters - our brothers and sisters who are being killed. This is a defining moment for this Parliament.

Mr. Speaker, the Minister of National Security has dedicated a paragraph in his Statement to invite me to do some research as to whether or not there are other variables that impact on murder and crime, variables other than poverty. And I will agree with the Minister up front that clearly there are several variables, however poverty does have a very strong correlation to crime and to murder in particular, but, Mr. Speaker the variable that I emphasize is the variable of economic growth. You have raised several countries to make the point that, see, you have Trinidad, they are doing well, they are in a higher income bracket than we are or higher in the income bracket that we are and they have a murder problem. Well, Minister you would know that Trinidad's murder rate to date would be about 200, 220, thereabout, and they are half our population. Our murder rate, we are 624 up to Sunday with a 2.5 million population. So we are three times what they are doing in Trinidad.

Mr. BUNTING: Not on a per capita basis.

Mr. HOLNESS: On a per capita basis Trinidad - well, if you were to go per 100,000, Trinidad would be somewhere in the region of about 30 per 100,000, and Jamaica would be somewhere - you have it here, 44 per 100,000, and so, it's not exactly comparable.

Dr. CAMPBELL: It's not three times either.

Mr. HOLNESS: No, if you were to just take the absolute numbers.

(Cross talk by Dr. Campbell)

If you were to take the absolute numbers Trinidad's murder is -

Mr. CAMPBELL: It's not three times.

Mr. SHAW: Multiply three by –

Mr. BUNTING: It's not three times.

(Cross talks)

Mr. HOLNESS: Well, let's make the point, Minister. In absolute numbers we are three times the number of murders in Trinidad. Per 100,000 we are 44, Trinidad is somewhere in the region of about 31, per 100,000.

Mr. BUNTING: And Haiti?

Mr. HOLNESS: Well, I'm coming to Haiti, because it makes the point, Minister and I really hope that we pay close attention to this point that if you look at countries like Jamaica, Bahamas and Trinidad, and you look at the growth rates of those countries. So for the last 20 years the Bahamas would have approximately about 1.5 per cent average growth. Trinidad for the last 20 years or so would have approximately 1 per cent growth, and Jamaica for the last 20 years would be close to zero percentage growth. If you correlate that with the murders you will see that the country that has the lowest growth rate has a higher murder rate, and that point is reinforced by the very statistic that you

pointed out, that Haiti who is poorer than all the other countries but Haiti has a growth rate that is approximating 7 per cent.

Mr. SHAW: Yes.

Mr. HOLNESS: The important variable here, Minister, is whether or not the environment is growing and giving opportunities and that is the case in Jamaica. Our environment is not growing and giving opportunities thereby people have to resort to crime. So I just wanted to take the opportunity, Mr. Speaker, to address that issue.

(Inaudible comment by Mr. Bunting)

Mr. DALLEY: Poverty is not the root of it.

(Heckling)

Mr. HOLNESS: Mr. Speaker -

(Heckling)

Mr. DALLEY: He is contradicting himself.

(Heckling by Government Members)

(The Speaker gavels)

Mr. McKENZIE: Just allow him to speak no, man. Just allow him, no. When you did a jump up and a call we John Crow everything did have the whole freedom fi youself. Mek him talk, man.

(Heckling by Dr. Campbell)

Mr. HOLNESS: Mr. Speaker, there is a great -

(Heckling by Government Members)

Mr. D. SMITH: Take note of how they behave when the Leader is on his feet.

Mr. HOLNESS: Mr. Speaker…

Mr. D. SMITH: Take note.

Mr. HOLNESS: …there is great confusion about the poverty variable and I have seen the Minister's Statement that there is no real link between poverty and crime.

Mr. BUNTING: Direct. No direct link.

Mr. HOLNESS: Which is what I am saying, no great link, no direct link. But, Mr. Speaker, the error that we make is to believe that poverty only affects the poor. Poverty is a condition that affects the entire society. So it is not a condition of the poor and therefore, the variable of poverty has an extremely great impact on crime.

Mr. Speaker, I want to shift the conversation from the theory and debating the variables to some practical issues.

Mr. Speaker, the Minister asked for solutions. What can we do to address the issue of crime? And let me say that in starting where the Minister started in his Statement which is to knowledge the high levels of murders, the highest being in 2009 when we hit 1,680, at which point we were the government at the time. Moving from 2007 where we had a murder rate of 1,574. Of course, you will recall that in 1989 the murder rate was somewhere in the region of 439. So you are moving…

Mr. PRYCE: And every time you are in opposition crime rises.

Mr. SILVERA: Every time you are in opposition crime rise.

Mr. HOLNESS: Mr. Speaker…

Mr. McKENZIE: A wha 'appen to di two a unuh over deh? Eh? A wha 'appen to unuh?

(Heckling)

Eh? Eh Silvera? Wha 'appen to you?

(The Speaker gavels)

Name dem. They have no respect for the Leader of the Opposition. Name dem. They being too disruptive now.

(Heckling)

Mr. HOLNESS: So, Mr. Speaker –

(The Speaker gavels)

So by 2011 this Administration had reduced murders from the high of 1,680 to 1,125. The present Administration reduced it from the 1,125 to 1,097 but by 2013 murders increased again to 1,193, and then very favourably murders reduced in 2014 to 1,005. The entire nation rejoiced in that because finally we were seeing the possibility of the country getting to sub 1000 murder levels. Below 1000.

Mr. McKENZIE: It is still too high.

Mr. HOLNESS: Which is still, of course, too high but the possibility was there. It meant that the strategies that were put in place from 2009 were working.

Mr. McKENZIE: Hear, hear!

Mr. HOLNESS: Pushing down the murder rate.

(Applause by Mr. McKenzie)

Mr. CHARLES: Just like the economy.

Mr. HOLNESS: You would understand our great frustration then, Mr. Speaker, to see several new trends emerging in murders in particular, because even though the reports are that other crimes are reducing, murders in particular seem to be gaining new energy.

We notice, Mr. Speaker, murders of children.

Mr. McKENZIE: Yes.

Mr. HOLNESS: We notice murders of young girls involved with older men in illicit relationships. We notice as well quadruple murders, multiple murders and we notice the geographical distribution in murders changing in nature from being urban phenomenon to now being rural and suburban phenomenon. So, Mr. Speaker it begs the question and any opposition who is concerned about what is happening to their country would legitimately raise questions, what is happening to the murder rate in our country?

Opposition MEMBERS: Sure.

Mr. HOLNESS: Mr. Speaker, we will never resile from doing our job and protecting the interest of the people of this country.

(Applause by Mr. McKenzie)

So Mr. Speaker, I want the Minister to say to us whether or not the Jamaica Constabulary Force has engaged strategies for psychological profiling of crime. I raise this with you because we have done quite a bit of investment in crime scene and forensics. We have done quite a bit of investment in policing strategies but then there is the third level now, because what you are seeing in your murder statistics is that you have one firearm accounting for several murders. One figure I got that the police has one firearm that has accounted for 20 murders.

Mr. D. SMITH: Twenty-seven.

Mr. HOLNESS: Twenty-seven murders, and that you have arrested several persons for a quadruple murder, a double murder, but those same persons are being charged with other murders. Is it that there is a psychological profiling emerging of not just the deviance of people involved in crime, but is it that we are now cultivating hitmen, a culture of contract killing and people who are

psychologically disposed to committing these crimes? Are we evaluating the crimes to see whether or not they are creating a series? And so, what I would want to suggest to the Minister is, whether or not we are making that special investment to look at that third level of policing to inform our crime-fighting strategy. That's one.

The other thing, Mr. Speaker. The Member from North West St. James mentioned the issue of prosecution. The police can be blamed for many things, Mr. Speaker, but we have to give -

(Inaudible comment by Mr. Jackson)

Mr. HOLNESS: No don't, don't -

(Inaudible comment by Mr. McKenzie)

Mr. HOLNESS: Just relax. Mr. Speaker -

(Cross talk by Mr. McKenzie)

No, I just asked him a question a while ago. Mr. Speaker, the police can be blamed for a lot of things, but we have to give them credit that they have improved their investigative skills, that they are bringing more cases to the courts. The question is, what is our justice system doing? More attention needs to be paid in that regard.

(Applause by Mr. McKenzie)

And I want to endorse and support the call being made for a special court to prosecute crimes having to do with scamming and other high-end technology crimes, because what is happening is that the regular judiciary may not have the capacity and understanding to cope with these kinds of crimes, so we may very well have to set up a court system to do it. Mr. Speaker, the issue of resource movement and reallocation, I think we need to look at it very carefully, Mr. Speaker. I am very worried about St. James and Westmoreland; I am very worried about those two parishes and it could easily, Mr. Speaker, spread to Portland. And so suggestions that were made long ago, about particular license plates based by parish or area of residence, I think that is something we need to take a second look at so that we can track the movement of people across parish borders.

And Mr. Speaker again, I know it is something that we have discussed in this House, the use of technology, I am particularly impressed with what I have seen other countries have done with CCTV, it is a very powerful tool and here I would make the recommendation to the Government again.

May it please you, Mr. Speaker.

The SPEAKER: Mr. Bunting.

Mr. BUNTING: Mr. Speaker, I thank the Leader of the Opposition for responding so quickly to my invitation to make suggestions. And I will speak to the four (4) in order.

The first suggestion about taking the police training to the third level, I think you refer to it as and training them in physiological profiling. I would need to speak to the Commissioner to confirm how much of that type of training actually takes place. But what I do know is that they have for some time recognized that the criminal version of the Pareto Principle operates, in other words, about 20 per cent of the criminals commit about 80 per cent of the murders. In fact, we have been able to see that so far about 11 per cent of the murders, year-to-date, we can identify that either the victim or the

perpetrator is somebody already on bail for either murder or shooting, right, so, again that links back to the issue of the judicial system having to work in a complimentary fashion to the law enforcement side. But I will get that the particular specific information.

But I am sure I know you had a recent visit with the Commissioner and I am sure, he perhaps spoke with you about the quite sophisticated software which we have developed here in Jamaica to do with the gun and gang linking and that is what is confirming what had previously been antidotal or intuitive about the few murderers committing repeated murders and that has confirmed it now. And the gangs who are doing and how the gangs move. We obviously are not going to go into all the details of it here, because we want to keep the criminals guessing about what the capabilities of the police are. But I am sure you agree with me that good progress has been made in developing the investigative capacity of the JCF.

But I agree with you, it is always going to be a bottleneck no matter how good the cases are put together, if you cannot get them into the court system and through the Court in a reasonable period of time, they are going to be frustrated. In the media recently there was a case of someone in jail for an offence committed in 2006, multiple murders in 2006. In 2010, he was charged for ordering more murders while in custody, and in 2015, neither the 2006 cases nor the 2010 cases have yet come to trial, and he is changing lawyer again as another method to delay.

Now, that is 9 years on the first - this is a multiple murder, this is not just, you know a small domestic thing; this is a very serious offence. And for nine years we cannot yet start the trial process with the passage of time witnesses will have lost interest or perhaps have been killed, persons migrate, persons die, investigators retire and may not be available anymore to give evidence gets loss, the length, the passage of time that cases take to go through the system frustrates and greatly reduces the likelihood of successful prosecutions. And it is something that I know the Minister of Justice is pulling out his hair about. But remember that although he is the Minister of Justice he does not dictate to the Chief Justice or any of the Judges how they conduct business in their Court. But it is something that I think perhaps, if you feel strongly about it, we could ask the Minister of Justice to arrange a joint meeting with the Chief Justice and the other senior persons, the President of the Court of Appeal, and see if somehow, you know, some agreement can be found.

A number of measures are being put in place from a legislative point of view to - by the Minister of Justice - to reduce backlog in the system, cases that were not serious offenses if they are not tried within a certain period of time or if the prosecution is not ready to proceed in a certain period of time, you know, they would fall out of the system similar to what they do in Canada, *et cetera*. But the truth of the matter is, it will always be some suboptimal until we have proper case management and we move. There is some

impetus for productivity within the court system, within the justice system.

The resource allocation issue and you combine it, I think, with the suggestion of license, returning to license plates corresponding to parishes. That suggestion was raised, I think when the Joint Select Committee was looking at the Road Traffic Act, I was not on that Committee, so I will speak with both the Commissioner of Police and the Minister of Transport to see what is the feasibility and given that we have just passed a new major overhaul of the Road Traffic Act, how easy it would be to implement this system.

And finally the CCTV and we have, as you know, put CCTV systems in a number of towns: Mandeville, Ocho Rios, Montego Bay, some in May Pen, and I believe Spanish Town also has some. Part of what we are finding out though, is that with the displacement of people from the traditional hotspots or the downtown areas into what use to be considered rural areas; Cambridge, Maroon Town, you know, all those areas that would have - that the Member from East Central St. James, areas like Barrett Town which would have been considered very rural areas, are now where a lot of the criminals have been displaced to. So the CCTV really would take a tremendous amount of infrastructure to cover because it is not just a downtown, a core downtown area anymore where the crimes are being committed but widely distributed and widely dispersed across a vast area. So the resources to put those out, and to maintain them and to monitor them would be enormous. Ideally, if we could afford it, then we would want to expand it as much as possible.

So Mr. Speaker, I thank the Leader of the Opposition for those suggestions. I will, get back to him on each of them and hopefully we can move forward in his words; this can mark a - well let me paraphrase your words, this can be a watershed, a turning point in the approach of this Parliament to the challenging issue of violent crime. Thank you.

ANNOUNCEMENTS

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

- **Ministry Paper No. 109**
  Update on the Safe Schools Programme
- **Ministry Papers No. 110 & 111**
  Annual Reports of the Registrar General's Department for the financial years 2008/2009 and 2009/2010
- Special Report of the Joint Select Committee to Consider and Report to Parliament on the Reports of the Commissions of Parliament
- The Corruption Prevention Commission, The Integrity Commission and the Director of Public Prosecutions on its Deliberations on the Report of The Independent Commission of Investigations on the Fatal Shooting of Robert Hill and the Response of the Office of the Director of Public Prosecutions to this Report

- Draft Order on The Constitution (Rectification of Constituency Boundaries and Polling Divisions) Order, 2015 under The Constitution of Jamaica

BILLS BROUGHT FROM THE HONOURABLE SENATE

The following is a 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 10th day of July, 2015, the following Bills were passed in the Senate without amendments:

Bill entitled:

"AN ACT to postpone the holding of a General Election under the Kingston and St Andrew Cooperation Act, and for purposes connected therewith", and

Bill entitled:

"AN ACT to postpone the holding of a General Election under the Parish Council's Act and for purposes connected therewith".

Signed: Mr. Floyd E. Morris

President of the Senate"

REPORTS FROM COMMITTEES

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

The SPEAKER: Yes, my Deputy.

Mr. L. B. SMITH: I beg to lay on the Table of the House a copy of the Special Report of the Joint Select Committee to consider and report to Parliament on the Reports of the Commissions of Parliament and The Corruption Prevention Commission, The Integrity Commission and The Director of Public Prosecutions on its deliberations on the Report of the Independent Commission of Investigations on the fatal shooting of Robert Hill and the response of the Office of the Director of Public Prosecutions to this Report.

NOTICES OF MOTIONS GIVEN ORALLY

Mr. L.B. SMITH: Mr. Speaker, I crave your indulgence one more time.

I beg to give notice that at the next meeting of the House I will move:

Be it Resolved that the Special Report of the Joint Select Committee to Consider and Report to Parliament on the Reports of the Commissions of Parliament and the Corruption Prevention Commission, The Integrity Commission and the Director of Public Prosecutions on its deliberations on the Report of the Independent Commission of Investigations on the fatal shooting of Robert Hill and the response of the Office of the Director of Public Prosecutions to this Report, which was laid on the table of the House on the 14th day of July, 2015 be adopted.

The SPEAKER: House Leader.

Mr. PAULWELL: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move the Constitution of Jamaica Resolution to approve the Constitution

(Rectification of Constituency Boundaries and Polling Divisions) Draft Order, 2015.

Whereas as Section 67(1) of the Constitution of Jamaica, (hereinafter referred to as the Constitution) provides that Jamaica shall for the purpose of election of Members to the House of Representatives be divided into such number of constituencies be not less than 45 nor more than 65 as may from time to time be provided by Order made by the Governor-General;

And Whereas pursuant to Section 67(2) of the Constitution, the House of Representatives establish a Standing Committee of the House hereby referred to as the Standing Committee to *inter alia* in accordance with subsection (3) of that section keep under continuous review the number of constituencies into which Jamaica is to be divided;

And Whereas the Standing Committee review the number of constituencies into which Jamaica is to be divided and table this Report in the House of Representatives on the 16th day of June, 2015;

And Whereas the Report of the Standing Committee was approved by the House of Representatives on the 23rd day of June, 2015;

And Whereas pursuant to Section 67(8) of the Constitution, the Minister responsible for the conduct of elections laid the Constitution (Rectification of Constituency Boundaries and Polling Divisions) Draft Order, 2015, made by the Governor-General in order to give effect to the recommendations contained in the Report of the Standing Committee on the table of the House of Representatives on the 14th day of July, 2015;

Now Therefore Be it Resolved that this Honourable House approve the Constitution (Rectification of Constituency Boundaries and Polling Divisions) Draft Order, 2015, which was laid on the Table of the House on the 14th day of July, 2015.

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 the Motion.

The SPEAKER: Minister Bunting.

Mr. BUNTING: 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 Maritime Drug Trafficking (Suppression) (Amendment) Act, 2015".

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. McKENZIE: Mr. Speaker...

The SPEAKER: Yes, Mr. McKenzie...

Mr. McKENZIE: There are some questions, Mr. Speaker, that were tabled...

Mr. PAULWELL: One second... Mr. Speaker, the time being what it is, I move for the suspension of the Standing Orders to allow us to take Questions and Answers to Questions after the time permitted.

The SPEAKER: The question is for the suspension of the Standing Orders to allow us to take Question Time beyond this...

Put to the House and agreed to.

The SPEAKER: Mr. McKenzie.

Mr. McKENZIE: Thank you, Mr. Speaker.

I was saying, Mr. Speaker, that the Minister did, in fact, respond to the questions, House Leader - the questions that were tabled on the 12th so there is no further need... I am satisfied with the correspondence that was sent by the Minister, in regards to the questions.

The SPEAKER: So you withdrawing the questions?

Mr. McKENZIE: Right.

Dr. WHEATLEY: Mr. Speaker, will the Minister of Education answer the following questions standing in my name?

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Thank you, Mr. Speaker.

Mr. Speaker, the first question:

Question 1:

Is the Minister aware of the existence of the Central Repository for Education Materials, CREM?

Response:

The Minister is aware of the Central Repository for Education Materials.

Question 2:

Will the Minister state the purpose of CREM?

Response:

The purpose of the CREM was to provide a platform for the storage of all educational material to be accessible for all levels of the education system. This would allow for education materials to be stored in one place and would ensure easy access by the over 600,000 students and 25,000 teachers.

The CREM is one of the deliverables of the e-Learning Jamaica High School Project which provided computer software and other technology devices to all public secondary schools in Jamaica.

The equipment which was procured to establish the CREM at the Ministry of Education was not fully used as first intended, as the infrastructure of the buildings was not adequate.

Question 3:

Will the Minister advise as to where the CREM is currently located?

Response:

The physical hardware intended for the permanent repository that was installed at the Ministry of Education has now been relocated to e-Gov, Jamaica, for full commissioning and operation of the permanent CREM. An interim central repository is located on servers at the e-Learning Company, Jamaica Limited.

Question 4:

Will the Minister advise as to which ministry, department or agency is currently responsible for the management and operation of the CREM?

Response:

The Ministry of Science, Technology, Energy and Mining, through the e-Learning company is responsible for the CREM.

Question 5:

Will the Minister provide an update as to the operational status of CREM?

Response:

I have been advised by the e-Learning company that the interim repository located at the e-Learning, Jamaica office has been fully operational since 2008.

There are currently 32,525 registered users, and the repository will be transferred to the equipment now at e-Gov, Jamaica, by August 2015.

Question 6:

Will the Minister state the current value of the CREM, including hardware, software, and infrastructure?

Response:

I have been advised by the e-Learning company that the cost of the CREM equipment and system software is US$874,355.48.

Question 7:

Can the Minister advise whether or not the CREM is presently insured?

Response:

I have been advised by the e-Learning company that the CREM is insured.

Question 8:

Will the Minister state the amount of money spent to date on the creation of education materials to be housed on the CREM?

Response:

I have been advised by the e-Learning company that the value of learning materials acquired and developed is approximately J$311 Million.

Question 9:

Will the Minister advise whether or not there is an intention to bring the CREM on line?

Response:

The repository of all 400 videos,34,000 test questions, and 2,750 unique lessons developed have been placed online progressively, since 2008 through the interim repository and the website is www.elearnja.org.

E-Learning Jamaica will therefore, transfer content currently on its servers to the equipment, both to support the CREM when it is commissioned at e-Gov, Jamaica. The transfer is expected to be completed by August 31, 2015.

Question 10:

If the answer to Question 9 is in the affirmative, will the Minister provide a schedule and implementation timeline as to when this will occur?

Response:

As indicated in the answer to Question 9, the CREM has been online and will be fully transferred to the permanent location by August 3l, 2015.

If the answer to Question 9 is in the negative, will the Minister advise as to why?

Response:

There is no such plan at this time, which doesn't apply.

Question 11:

Will the Minister indicate whether the CREM will provide material for the Tablets in Schools initiative?

Response:

All materials developed and/or purchased are placed on the CREM and students and teachers have access, whether by Tablets or any other computer device.

a) If the answer to Question 11 is in the affirmative, will the Minister provide a schedule implementation timeline as to when this will happen?

Response:

The content currently on the CREM is accessible through a web browser, as well as the special app provided on the current Android tablets.

May it please you.

Dr. WHEATLEY: Thank you very much, Minister, for those detailed responses.

Minister, you said that the CREM is currently housed at e-Learning - the temporary CREM is currently at e-Learning and will be moved to e-Gov. Now Minister, if you looked at the Auditor General's Report, the recent Auditor General's Report, it speaks to the backup system, the inadequate or the unsatisfactory backup system at e-Learning at the temporary CREM, where we have spent so much of taxpayers' money to acquire the educational material, but the manner in which it is being stored exposes us, not only to loss of the educational material, because if you look at what the Auditor General's Report speaks to, that it is being stored on junk drive and devices of that nature, I am sure, Minister, that you will agree with me that the current situation of safeguarding and backing up of the information that is being stored on the CREM is unsatisfactory. Do you believe, Minister or are there any steps being taken to address this particular issue?

Rev. THWAITES: Thank you, Mr. Speaker.

I wish to avert the Member's attention to the section of my answer which indicated that the full transfer of what is now at e-Learning will go to e-Gov by the end of August this year, and I really can't speak to the inadequacies referred to. That would have to be referred to e-Learning. But insofar as they do exist - and I have no reason to doubt - the situation will be corrected by - well, very shortly. Thank you.

Dr. WHEATLEY: Minister, as it relates to educational material, it has been brought to my attention that a significant amount of money is being spent to acquire materials for the tablets, whether it be books or other educational material.

Now, Mr. Minister, as it relates to what is currently stored on the CREM, do you believe that there is a conflict as it relates to the material that is being put on the tablets under the Tablets in Schools initiative, relative to what is being stored? Because, we have expended quite a bit of money to develop educational materials for the CREM. And, we are seeing where, in fact, tender being sent out to acquire additional material which if you look at it you will see that there is a conflict, in terms of gaining licences to operate, or to use these books while the material - educational material - is housed on the CREM?

And Minister, also, before you - how many of the students that are currently

participating in the Tablets in Schools Programme - how many of these students are currently - or currently have access to the CREM?

Rev. THWAITES: Mr. Speaker, I am assured that whatever material is being sought for the Tablets in Schools programme is supplementary, not at all ignoring the 2,750 lessons for 11 of the subjects taught at grades 10 and 11 which are on the CREM. I have an inventory of them: English Language, Mathematics, Physics, Chemistry, Biology, Information Technology, Social Studies, Geography, Integrated Science, Building Construction. In addition, 34,000 test questions in relation to the named subjects, and 400 five-minute videos on these subjects.

And Mr. Speaker, I wish to assure the Member that we would not spend money to replicate these but rather incorporate them in the materials that are being used. I am grateful for his caution, and we will be clear in that regard.

As far as the numbers of persons who have access to this, I really don't know. I know that there are about 38,000 tablets that have been issued, but I cannot say how many students would have the devices - which are fairly ubiquitous - that they could have access to the CREM.

Dr. WHEATLEY: Minister, I am - I think you should look into the numbers, Minister, as it relates to the number of students that have been issued tablets participating in the Tablets in Schools initiative, and the level of access they have to - or, the current usage of the CREM that is currently being housed in e-Learning because, Minister, I have a difficulty in the fact that while we support the Tablets in Schools initiative - a very good initiative - that the students are not having access to the CREM, access to the educational material that we have spent over $100 Million of taxpayers' money to acquire.

And Minister, I am sure that you even spent some additional funds to relocate it from the Ministry of Education to e-Gov, so a significant amount of money has been expended to get the CREM up and running.

But, Minister, as it relates to the materials - educational materials that are being put on the tablets, under the Tablet in School Initiative, Minister, do you agree with me that it would be better if that money was spent to upgrade the educational material that is currently housed on the CREM, because, Minister, if a child should lose a tablet, the licence that is attached to that tablet, if that tablet is lost by that child or stolen, by some way or some means, that we would lose that tablet, not only that tablet but also the material that is stored via the licence, on that tablet.

I believe, Minister, and I am sure that you will agree with me that it is best that all educational materials are stored on the CREM, and that the students with their accounts, dial into the CREM, and have access - full access to the educational material.

Rev. THWAITES: Mr. Speaker, it is not a question of either or, it is a question of both and I think the Member needs to know that there is significant insurance coverage in the event of a loss of tablets and the experience so

far, has been that they have been reasonably well cared for. There have been very few losses to date, and they have all been collected, as you know. But there is no intention to demean what has been put on the CREM, and spent there. It is a question of supplementary element, and the subjects that are there now are, while wide in scope, are largely for the higher grades in the high schools when, of course, the use of technology for education must go through the entire spectrum from early childhood right through that period.

The SPEAKER: Thank you, Minister.

Mrs. Robinson.

Mrs. ROBINSON: Thank you, Mr. Speaker.

Mr. Speaker, at the expiration of 21 days I will ask the Minister of Tourism and Entertainment the following questions:

Question 1:

Would the Minister please state if the usual Summer Employment Programme, administered by the Tourism Product Development Company (TPDCo), is being carried out this year?

Question 2:

If the answer to Part 1 is in the affirmative, could he please state the allocation as per constituency?

The SPEAKER: Okay.

Mr. BUNTING: Mr. Speaker, there are two sets of questions which I'm due to answer today, and I'm - is it today?

(Inaudible comment by Mr. Smith)

Mr. BUNTING: But I'm ready to answer the sets of questions for the Opposition Spokesman.

Mr. SMITH: Are you answering them now?

Mr. BUNTING: Yes.

Mr. SMITH: What number?

The SPEAKER: Seventeen and eighteen.

Mr. BUNTING: Seventeen and eighteen?

Mr. SMITH: Mr. Speaker...

Mr. BUNTING: Sorry, 15 and...

The SPEAKER: They're not yet due though you know, Minister.

Mr. BUNTING: ...and 17.

Mr. SMITH: What number?

Mr. BUNTING: Fifteen and seventeen.

Mr. SMITH: Mr. Speaker, I'd like to ask the Minister to answer two questions on the Question Paper, Question Number 15 and 17 standing in my name. Boy it look like unoo don't talk to each other yuh nuh.

Mr. BUNTING: Mr. Speaker;

Question 1:

Will the Honourable Minister please state the establishment of the Jamaica Constabulary Force's fleet of vehicles?

Answer:

The total number of vehicles comprising the fleet stands at 2,030 plus 230 motor cycles.

Question 2:

Will the Minister give a breakdown as to the type and number of vehicles comprising the JCF's fleet at present?

Answer:

Mr. Speaker, the breakdown is provided in the Table.

Question 3:

Can the Minister present the age breakdown of the vehicles in the JCF's fleet?

Answer:

In that category that is called 'Modern', that's 0 to 5 years; there are 632 vehicles that fall into that category. The category called 'Aging', 6 to 10 years; there are 816 vehicles in that category. And the final category called 'Aged', which represents vehicles 11 years and over, is 582 vehicles in that category to total the 2,030.

Question 4:

Would the Minister say whether or not the existing fleet puts the JCF in a position to effectively discharge its mandate in crime management and responding to emergencies?

Answer:

There are challenges particularly with the age of the fleet and the wide variety of makes and models however, we are committed to making the best use of the available resources. In the last three years significant progress has been made in rationalizing the fleet.

So you would see from the Table that about 75% of the total number of vehicles are now concentrated in just three makes.

Question 5:

Will the Minister advise of any imminent plans to increase the JCF's fleet of vehicles, and if so:

a. state how many
b. advise as to when this will materialized

Answer:

Since the start of the year we have acquired

- 10 pickups
- 10 motorcars and
- 2 Rav 4s.

The process of procurement for the remainder of the 2015/2016 financial year is well advanced for the following;

- 45 motorcars
- 27 pickups
- 5 troop carriers
- 4 prisoner trucks
- 2 Hiace buses
- 1 thirty seater Coaster bus.

Mr. DALLEY: Four prisoner trucks? The Minister of Finance really good yuh nuh.

Mr. SMITH: Mr. Speaker, thank the Minister for answering these questions quite promptly.

Minister, what we have here is extremely alarming in that - alarming, frightening actually - based on the age of the vehicles that you're operating with *versus* what you intend to put into the system within the financial year. We're looking at approximately 100 vehicles for the financial year and you have 500 vehicles 11 years and over. My information is that some of them could be up to 20 years old and you have some 800 and odd vehicles over 10 years. And the fact that these vehicles have to theoretically operate - at least the vast majority of them - 24 hours a day, different handlers tell you that you

probably might be losing out by definitely at a major loss situation financially.

Mr. Speaker, to the Minister, you know, what we need is about 350 vehicles per year over a five year period to modernize the fleet. And I would've believe that by now some arrangement would've been made, even if you can't manage the 300, 350, but at least 200 vehicles per year. So this obviously will put the constabulary force various stations at great disadvantage and also the populace, people who need vehicles to respond to their calls.

In Northern St. Andrew that I know a lot about, it is very difficult to get a vehicle to respond to any emergency call in that part of the woods. In fact, I think I had to mention to you one particular station there, Red Hills, that didn't even have a vehicle in any working order. And we're told that a high percentage of what is here are in garages all over Jamaica, awaiting payments to put them back into the system. So we have another crisis here, as far as mobility in the Force is concerned, and you have outlined here, Minister, really is not a solution, it just highlights the problems that we have. And if you would like to tell us outside of the 100 that we're going to be getting between now and March, what else you have in place?

And just before you respond - vehicles, at one stage I thought that vehicles that were seized either through Customs or by whatever means, cleared by the Court, that they would be put into the JCF system. I don't know if this still exist and to what extent we're getting vehicles from that source.

Mr. BUNTING: I heard during the previous administration, I believe if the Member from West Portland were here he could assist, that some arrangement was being made in that regard, but I think it threaten to violate some proper governance rules and the rules of Customs, in terms of disposing of the vehicles, but as I understand it, that is no longer on the cards.

Mr. Speaker, there is no doubt that there needs to be a massive reinvestment in mobility for the police. The truth of the matter is that this has been the situation for a long time, but I know that the Opposition Spokesman on National Security with the passage of time, becomes more easily alarmed at concern of these issues that he was more capable of dealing without becoming alarm a few years ago.

On a more serious note though, Mr. Speaker, we have spent a lot of capital on the JDF, on the Coastguard, overhauling the helicopters, particularly the 4-12s. We've spent a lot of capital acquiring the protective mobility vehicles, we spent a lot of capital upgrading the AFIS and the telecom system and the 119. That's billions of dollars over the last few years. Next year the priority for the Ministry of National Security must be on the capital budget being largely addressed to the deficit in vehicles and in terms of weeding out, retiring some of the old aged element of the fleet and replacing them with new vehicles, which from an operating cost point of view, you know, makes a lot of sense. So that is where we are.

Truthfully, what I would like to explore, which I know that the - previously the police have not been opened to it, but many utility companies, for example, are now using leased fleets, where there is a third party that finances the vehicles, maintains them, maintains spares, maintains *et cetera,* and you just pay a monthly rate for use of these vehicles. I believe JPS does something like that. I know - I think some of the telecom providers now do a similar sort of thing. So these are some of the alternatives we could explore to avoid having to come up with, you know, the many billions of dollars that we need to bring us in a short time to where we need to be with the motor vehicle fleet.

The SPEAKER: Could you move to the next question now, Minister?

Mr. D. SMITH: Mr. Speaker, could the Minister answer the other question also standing in my name?

The SPEAKER: Seventeen.

Mr. SMITH: Seventeen.

Mr. BUNTING: Thank you.

Mr. Speaker, the...

Question 1:

Will the Minister advise of the guidelines underpinning the operations of the Bureau of Special Investigations (BSI) since the establishment of the Independent Commission of Investigation (INDECOM) in 2010?

Answer:

Since the establishment of INDECOM, the BSI was scaled down from a Branch to a Division and repositioned under the Inspectorate of Constabulary to:

1) Conduct Administrative Investigations parallel to INDECOM Investigations into incidents relating to the use of deadly force by the police;
2) Monitor the Administrative Review Proceedings. The Administrative Review is a departmental preliminary enquiry into incidents where the police use deadly force;
3) Conclude Investigation into incidents that occurred prior to the inception of INDECOM;
4) Investigate Jail Breaks and prisoner escapes islandwide;
5) Perform the role as the JCF interface with INDECOM as directed by the Inspector General by:
   - Ensuring JCF/INDEC protocols are adhered to;
   - Facilitating the custody and movements of exhibits
   - Coordinating requests from INDECOM for information or documentations from police formations; and
   - Facilitating and carrying out administrative procedures regarding the arrests of police personnel by INDECOM and their appearance before the courts.

Playing a support role in the vetting or security clearance of police personnel for promotion, transfer, re-enlistment and retirement; and

Conducting seminars islandwide to reinforce members' knowledge and adherence to the use of force policy.

Question 2:

Will the Minister say how many cases being investigated by the BSI were incomplete at the time of INDECOM's establishment.

Answer:

A total of 881 incomplete investigations were on hand at the establishment of INDECOM. Three hundred and eighty six files were subsequently handed over to INDECOM for completions, leaving a total of 495 files. One hundred and thirty four files were returned to the BSI by INDECOM to continue investigations.

Question 3:

Will the Minister advise as to how many of those cases have been cleared up/ concluded.

Answer:

Of the 629 cases, 299 cases have been completed and referred to the DPP for ruling.

Question 4:

Will the Minister indicate how many of those cases pursued by the BSI have been brought before the courts.

Answer:

Since the establishment of INDECOM BSI has completed 299 cases which have been referred to the DPP for ruling. Ruling is pending in 225 of these cases, one case has been brought before the Court.

Question 5:

Will the Minister advise as to how many of them have resulted in a conviction.

Answer:

The case referred to at 4 above is still pending. However, during the same period the BSI gain six convictions in relation to files brought before the Court prior to the establishment of INDECOM.

There's some more material here, but I don't know if it's necessary to burden the House with just reading through with...

Mr. WARMINGTON: No, no. Just answer the question directly. You don't have.... (Inaudible comment follows)

Mr. D. SMITH: Mr. Speaker: Will BSI ever finish their work at the rate of what is happening here? Is it likely in the next ten to fifteen years if these cases will ever go to Court? We're spending - we budget about $102 Million per year for what we have here and it looks to me that everything is at a snail's pace. Well, I hear a remark to ask the DPP. Well, if that is the case then Minister some protest needs to be directed at that Office because we're spending $102 Million a year or we budget $102 Million a year and when all of that is spent then it's piling up in the DPP's office based on your response here and will it ever get to court we don't know. It's beginning to look like a grand waste of time.

The SPEAKER: Thank you.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Mr. ARSCOTT: Mr. Speaker, I now to introduce and have read a first time a Bill

shortly entitled: "The Local Government (Unified Service and Employment) Act, 2015".

Bill shortly entitled:

"The Local Government (Unified Service and Employment) Act 2015",

read a first time.

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

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, I now 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 enable me to take the Motion notice of which was given earlier.

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, I now move that the Motion be approved.

The SPEAKER: Is that the wish of the House?

Put to the House and agreed to.

The SPEAKER: So be it.

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker, there is no further business to be conducted this afternoon. I therefore move for the adjournment of the House until next Tuesday, June 21, which would be the final sitting before we go on the summer break, yes.

(Inaudible comment by Mr. Warmington)

The SPEAKER: The question is that the House do adjourn until the 21st of July, 2015 at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: (Gavels) The House Stands adjourned.

The House accordingly adjourned at approximately 5:49 p.m.

TUESDAY, July 21, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:34 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

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

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

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

HON. DAMION ORANDY CRAWFORD, (PNP), St. Andrew, East Rural, Minister of State in the Ministry of Tourism and Entertainment

OTHER MEMBERS

MR. EDMUND CURTIS BARTLETT, CD, (JLP), St. James, 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

MR. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern

DR. DONALD KEITH DUNCAN, (PNP), Hanover, Eastern

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

MR. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western
MR. RAYMOND FRANKLYN PRYCE, (PNP), St. Elizabeth, North Eastern
MR. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central
MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary, Western
MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North 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 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, I would just like do say a few words on what transpired - should have transpired today.

We invited representatives from the Asia Development Bank to meet with us as parliamentarians today and to my utter amazement and embarrassment only Mr. Fitz Jackson, Dr. Dayton Campbell and the President of the Senate turned up. I have written to the Members already before about their lack of participation in activities and I - this is getting from bad to worse. I will have to arrange a meeting with the House Leader and Leader of Opposition Business for us to discuss this matter which is getting to be very serious.

STATEMENTS BY MINISTERS

Mr. PAULWELL: Mr. Speaker, I know that you are accustomed to welcome those who are visiting with us, and I want to, on your behalf, welcome all our visitors to the Parliament today.

(Applause)

The SPEAKER: Thank you.

Mr. PAULWELL: Mr. Speaker, the Minister of Education will do two statements at this time.

The SPEAKER: Minister Thwaites.

Rev. THWAITES: Thank you Mr. Speaker.

CLOSURE OF SCHOOL WITH SMALL POPULATION

Mr. Speaker, there are a few matters of some importance which I crave the concern of the House before we rise for the summer vacation, because they will influence many aspects of Members functioning and indeed public concern during the summer months.

(MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern, entered and took his seat.)

The first has to do with the closure of certain small schools. I am informing the House today by way of Ministry Paper of the decision by the Ministry of Education supported by Cabinet to close 18 schools with small populations ranging from a low of 16 students to a maximum of 68 students. The closure of these schools will take effect in September 2015, except there are certain changes, improvements in enrollment and is intended to achieve greater levels of efficiencies in the school system.

(HON. LISA RENÉ SHANTI HANNA, (PNP), St. Ann, South Eastern, entered and took her seat.)

Mr. Speaker, the island's birthrate has been declining, gradually. It is a good thing. If you notice, Mr. Speaker, the cohort for say GSAT is decreasing by about 2,000 students each year over the past several years and in addition to that fact, the migration of students of young people and families from the deep rural areas to the larger towns is demographic feature of grave significance, not only to the education system but I believe to public policy generally.

(HON. LUTHER BARTLEY MONTEITH BUCHANAN, Westmoreland, South Eastern, entered and took his seat.)

The institutions affected this year are among more than 200, of the 800 public primary schools offering that level of education and including all age and junior high schools. May I repeat that Mr. Speaker, we have just over 800 primary institutions over 200 of which are underutilized with enrollment of 100 students or less, and in all the cases, enrollment has declined steadily during a five year period. It is not just a one stop thing; it is a gradual reduction of student population over the years 2010 to 2014. In some communities the population has been generally declining with a smaller number of young people and many older persons as residents. This has negatively impacted the operational costs for these institutions. The average cost for a unit per capita of primary education is approximately 88,000 closely now to 90,000 and in many of these small schools it is costing up to twice as much and in some cases five times as much in order to offer the same service. But the fact is, if it were the same service, Mr. Speaker, it would be alright perhaps, but in all of the 18 schools targeted for closure they have performed below or certainly not above the national average. In the 2014 Grade 6 Achievement Test most have performed significantly below the average, the national average of 77.2 per cent in the Grade 4 Literacy Test in 2014.

This academic performance is despite the fact that the teacher pupil ratio is less than one in 20 in most of the schools, and in some the ratio is as low as one to seven, one teacher to seven students.

The decision to close a school is a difficult one and is made only after several options are considered to address un-viability. The option includes consolidating, underutilized schools, reconfiguring them into a multipurpose centre of learning in the community and various other options. And the process is never taken without full consultation including parents, the Jamaica Teacher's Association, churches, community leaders and political representatives. And the team from the Ministry of Education has been very responsive to all the concerns raised. However, in the final analysis we have to make a decision in the interest of student achievement and the efficient use of financial resources.

(MR. WILLIAM JAMES CHARLES HUTCHINSON, CD, (JLP), St. Elizabeth, North Western, entered and took his seat.)

Mr. Speaker, the Ministry of Education assures parents that where the relocation of students has resulted in transportation needs, we will contract transport operators to ensure their children can get to school and back home at no cost to them. (Applause)

And similarly, Mr. Speaker, where children are prejudice from having a meal at home, where many of them live close to the school that is being affected provision will be made for them to have a lunch at the school where they go to now. So we are ensuring that there is no prejudice to the students and in most cases they are being referred to schools that are within say five kilometres from the existing institution. And we hope to have an annual estimated savings of over $20 Million for this by comparison to a much lower cost for transportation.

No permanent staff at the school, at any school to be affected, is likely to lose their job, and the necessary consultations have been engaged for the relocation of teachers, and some have opted for early retirement. And in addition to that the Ministry is arranging and open to options regarding the closed facility in keeping with government regulations.

I wish to point out the excellent example of the Member for South Trelawny who, in the occasion of the Alps school in her constituency, has worked out with the community an agricultural interest that the school premises no longer to be used as an ineffective primary school will be used for agricultural training and similar pursuits. We are hoping to have this done in every instance. The schools to be affected are Bounden Hill School which is still open to well - Tower Hill Primary, Clifton Primary both in East Rural St. Andrew and we are still receiving proposals that may affect the Mount James All-Age School, the Black Hill All-Age School in Portland Western as the Belvedere Primary, the Pear Tree River Primary in St. Thomas Eastern, and Preston Hill and Rose Bank in St. Mary the Alps Primary School in Southern Trelawny and the Britonville, Clydesdale and Jeffreyville Primary School in St. Ann South Eastern and Western respectively, the Hillsbrook Primary School in Eastern Hanover, the Auchtembeddie Primary in Manchester North Western, the Hopeton

Primary in St. Elizabeth South Eastern and the Hartlands Primary in a constituency in St. Catherine, St. Catherine West South Central.

Mr. Speaker, the students from these schools have been transferred to others where they can access a richer and more diverse learning experience and in order to ensure a smooth transition on the ground, the Ministry of Education regional staff will be working closely with the receiving schools. And we encourage parents and school personnel to assist the students as they go through a period of change. We are confident that this can be a positive move for the children in attaining their education. And we express appreciation to all stakeholders who have cooperated and assisted during the process of consultation and decision making.

Mr. Speaker, I also promise last week to give some statistics on the issue of transfers of the Grade 6 Achievement the GSAT Awardees. And I am pleased to report that the data so far indicates that about three per cent of the cohort have applied for transfers from the schools to which they have been assigned. The Ministry has received a total of 11,043 requests for transfers, 822 have been accepted, with 568 of this granted based on proximity to schools.

The two main reasons given for transfer requests are: parents wishing to have their children placed in a school near to home, and financial difficulties to send the child to the school initially assigned.

Mr. Speaker, may I use this occasion to encourage colleagues, and the public in general, that when parents seek advice as to what preferences they should write down for their students in the upcoming Grade 5 into Grade 6, Mr. Speaker, please be mindful of the costs that are generated by certain choices. Many of these children receive schools that were on the list of preferences that they had indicated, but the parents have now come to say, I cannot afford to send my child there that distance every day, would you please reassign them. And in fact, this is consistent with the Ministry's policy to do two things; one, to be respectful of parental choices, but secondly, to ensure that there is proximity wherever possible between the place of residence and the place of secondary education. There is a real problem about children travelling long distances to and from school which affects attendance, places added burdens and vulnerabilities.

Some 30 per cent of the transfers requested were for reason: placing children at schools not in close proximity to home; another 30 per cent, financial difficulties of parents to send students to the schools placed, and perhaps 20 per cent of persons who simply were not satisfied with the placement, and a few other minor reasons.

Mr. Speaker, the Ministry continues to monitor whether or not students are being transferred solely for sports reasons. We encourage transfers for legitimate reasons, but when it is simply in order to make this or that team available, it is frowned upon. The student's academic interest and personal interest are foremost. So far, none of the schools have indicated that this is the case. We continue to monitor the situation.

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

Mr. Speaker, I offer some guidelines now for parents who, before the Parliament sits again, will have to be contemplating back-to-school expenses. In a Ministry Paper to be tabled today, I have outlined the guidelines for the purchase of textbooks for the 2015/2016 academic year.

Mr. Speaker, the Ministry of Education, as you know, provides textbooks annually for students in the primary and secondary schools. This year, the taxpayers of this country will contribute over $800 Million for the purchase of these books. They reflect the content of the revised primary curriculum, and the syllabi for the Caribbean Secondary Examination Certificate, the National Vocational Qualification of Jamaica, the Caribbean Vocational Qualification, and the City and Guilds Examinations.

You notice, Mr. Speaker the whole suite of examinations which will test our students in a variety of competencies, skills and subjects, appropriate in their variation for the job market, and for further tertiary education. We are broadening the horizon of qualification in Jamaica to meet the needs of the modern economy, to create in our students a disposition, and a capacity for lifelong learning.

With the exception of texts for literatures in English, the texts being provided by Government for content, discipline are sufficiently adequate to support and reinforce the learning experiences of the students.

We continue to monitor closely, the use of texts beyond the Government List to augment its provisions in light of the exorbitant amount that parents are expected to invest in textbooks, some of which are not often used. Based on a bulletin earlier this year - just recently - the following is indicated:

- At grade levels one to three, no more than two supplementary texts are required;
- for grades 4 to 6, one workbook each for science, social sciences, social studies, language arts and mathematics; and,
- for grade 7 to 9, no more than two supplementary texts, and on an average, three literature books, approximately one per term.

And Mr. Speaker, this is more than mere advice, this is instructions to the schools and to the teachers that books they require outside of these guidelines must be based on children's unique learning needs and must - the request must be submitted to the Ministry's Regional Offices for approval. (Applause)

Mr. Speaker, parents of course may also be required to make one-time purchases of dictionaries, atlases, Bibles, technical equipment. We have gone to the book stores, Mr. Speaker, with some detail, and we have arrived at an average cost for each grade level of these additional books. In Grade 1, the average cost for the extra books should be about $4,000, the same for Grade 2; for Grade

3, it is about $4,500, urban and rural; Grade 4 - $7,000; Grade 5 - $7,500; Grade 6, same figure, $7,500.When you get to high school it increases: Grade 7, additional material costing about $11,000 will be required, and it goes up to $12,368 at Grade 9.

Mr. Speaker, we are asking that parents be guided by these instructions and guidelines, and if they find themselves in situations where more is requested - additional - they are invited to contact the Ministry of Labour - excuse me - of Education at 922-1400-9 or www.moe.gov.jm, or any of the Ministry's Regional Offices.

We want our children to have the best possible reading material, Mr. Speaker, but we do not accept that the long two-page lists that are being handed out for pre-primary institutions as well as for other levels are necessary and we must avoid placing the backs - placing burdens on the backs of people which they cannot and need not undergo. (Applause)

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

Mr. Speaker, I will soon be through. I wanted to give this House an update on the improved Sanitation Programme, mandated by the Honourable Prime Minister. I referred to a Ministry Paper which will soon be tabled. I am sorry I don't have a written statement on this. I merely want to point out that the promise made for the abolition of the pit latrines is well on the way to completion.

(Applause)

We are coming from a little over 200, a couple of years ago schools so affected. We are now down to, last year, 130, and we wish to pay tribute to the partnerships with Food For The Poor, Jamaica National, and a number of Non-Governmental Organizations - the CHASE Fund, and the investment also of the taxpayers money, $70 Million during the 2015/2016 Budget. And last year - $97,500,000.

(MR. DARYL WESLEY PHILLIP VAZ, (JLP), Portland Western, entered and took his seat.)

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

The bottom line, Mr. Speaker is that by the end of 2015, we should be able to say that there is no longer the need to use a pit latrine in Jamaican educational institutions. And a list of the schools, and the levels of engagement - the levels of performance are right here. (Applause)

Mr. Speaker, I try your patience, but bear with me. Concerns have been raised, Mr. Speaker, unnecessarily so, about the Ministry of Education's inclusion of guidelines against bullying in the revised Safety and Security Manual for Schools. Some people have tried to wrongly interpret that this is a concession to the lesbian, gay and transsexual cohort, or movement in Jamaica. Nothing could be further from the truth.

The facts are that the guidelines address bullying by and against all persons. There are no special categories. (Applause) And in fact, the initiative to ensure that this bulletin and these guidelines were promulgated came from the Coalition for Healthy Families, a Christian group. And of course, there has been representation from the LGBT community, and why not? They are human persons with rights like everybody else in the society.

A MEMBER: Hear, hear!

Rev. THWAITES: The facts are that the guidelines address all bullying, and were informed by the findings of a survey conducted by the Child Development Agency this year. I am particularly disappointed that a teacher in this morning's Press who would have had the access to simply checked his facts, would have come to the conclusion that this was part of some effort to introduce a particular aspect about sexual orientation in our schools. That is not so.

The findings of the Child Development Agency have indicated that 65 per cent of our students - all students - straight students, gay students, students who don't know which way they are, have reported being bullied. So the Ministry of Education is aware that bullying is not confined to any group - special group of students, and the revised manual stipulates that school administrators should provide guidelines for creating awareness about bullying in schools, as well as identifying sanctions to be applied where there are breaches.

All reports of bullying must be documented and data kept on same, and steps must be taken to treat with both victims and offenders, where a case has been reported. And where the bullying involves matters of a criminal nature such as extortion, and any activity likely to be developed into a criminal activity, the School Resource Officer, or the local police must be notified forthwith for their attention.

Mr. Speaker, finally, this is the time when, before the Parliament sits again, the results of the CSEC and CAPE Examinations will be available. Mr. Speaker, every Member of Parliament is going to be approached by several of the students who will have done well enough in those exams to matriculate to tertiary institutions. This is a good thing, but it places a great burden upon us, upon families, and upon the society - caring society as a whole.

(MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern, entered and took his seat.)

(DR. WINSTON LLOYD GREEN, (PNP), St. Mary, South Eastern, entered and took his seat.)

I wish to report that I am instructed by the Students' Loan Bureau, which falls under the Ministry of Finance - but I think I have the Minister's approval to say this - the Students' Loan Bureau has over $4 Billion this year to extend the financing to those who matriculate for tertiary institutions, and who need financial assistance. (Applause)

It is their estimate that based on previous levels, this will meet reasonably expected

demand. But I wish to say two things: it is very important, Mr. Speaker, that students going for tertiary education be advised as to courses that they are going to take, in order to make sure that they are heading in a direction for self employment, or for gainful employment by someone else.

There is a good trend which I'll pass to my colleagues in the Opposition, indicated in a letter to the Chairman of the HEART/Trust NTA from the Students' Loan Bureau. But last year, almost 20 per cent of all of the applications for Student Loan - and remember, you know, Mr. Speaker, that some ninety-plus per cent of all those who apply to Students' Loan are assisted. The problem is sir, the one that was brought to my attention this morning, where a student has benefitted from the Students' Loan Bureau, been guaranteed by a relative - an act of charity and kindness - and that student has now gone abroad, change their phone number, and the pressure is on the guarantor. That is Alms House behaviour Mr. Speaker, and we have to stop that.

(Applause)

So Mr. Speaker, some 20 per cent of our students are now opting for tertiary education in technical programmes, such as Maritime Studies, Logistics Studies, Engineering, Information Technology, Hospitality, and Tourism Management and Architecture. This is a good trend. These are the areas, along with Science and Mathematics, where there is a likelihood of - enhanced likelihood of employment. We still have 34 per cent which are opting for programmes in Business Administration, Social Sciences, Theology - wonderful discipline, sir, but... Law and Arts and the Humanities.

(*Sotto voce* comments)

(The Speaker gavels)

Rev. THWAITES: Mr. Speaker, what we want to do is, at this stage to encourage our students to be mindful of the choices they make, and so far as possible, to choose subjects that are likely to allow them to have employment here or elsewhere.

Mr. PICKERSGILL: Hear, hear!

(HON. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western, Minister of Local Government and Community Development, entered and took his seat.)

Rev. THWAITES: And secondly, we want to indicate to students, we want to indicate to students that even if they do not have a guarantor they should apply to the Students Loan Bureau because that is going to be the clearing house for all students' assistance at the tertiary level hereon.

Mr. Speaker, we asked all of the - and commend all of the philanthropic institutions, the thrusts, the private sector groupings who assist with tertiary students to continue that assistance, so that Jamaica may soon move from its unenviable place of being the country in the Caribbean with the lowest tertiary education penetration. We're well in the way in a transformed education system to do this, and it requires everybody's cooperation to achieve same.

May it please you. (Applause)

(MR. MIKAEL ASHER PHILLIPS, (PNP), Manchester, North Western, entered and took his seat.)

The SPEAKER: Mr. Bartlett.

Mr. BARTLETT: Mr. Speaker...

Mr. ROBINSON: You are the Opposition Spokesman on education?

Mr. BARTLETT: Wait nuh man listen, I'm the Opposition Spokesman in the House.

Mr. ROBINSON: Everything.

Mr. BARTLETT: Everything and anything.

(Cross talk)

Mr. BARTLETT: Mr. Speaker, the Minister gave a very comprehensive account of the most recent initiatives taken by his Ministry in regards to a number of very important areas, areas that have been of concern to all of us. And I must say that he has thrown some valuable light on a number of the areas that we have had concerns about ourselves.

The issue, Mr. Speaker, of the rationalization of school locations to enable for greater efficiency in terms of the provision of quality education, I think is very carefully thought through. But I just wanted to ask the Minister, whether or not due consideration was taken for some of the more remote locations that we look at here, and the distance, in fact, from the nearest school of quality? Bearing in mind, bearing in mind that children travel, they commute to schools not necessarily that are close to them, but they commute to schools that their parents are of the view are better schools that give good results and better outturn. For example, some of the schools in the rural parts that are now experiencing very low attendance, some of 30 and 40 as the Minister spoke about, are in fact, positioned where they could get better attendance if we were able to improve the quality of tutelage and the infrastructure support that the school needs like the instructional materials that are required and the furnishings that are required and the facilities generally that are required.

I know, for example, of a few schools in my own area, that located where they are, they now have very low attendance simply because the facilities are not at the school. Because children have to travel miles into Montego Bay, for example, to go to a Corinaldi or a Catherine Hall or a Barracks Road, when indeed if we had improve the facilities in those little areas, the schools would've had the population that it requires and we would've been able to reduce that level of risk that our students are having to commute these long distances.

So I just wanted you to explain to us in fact whether those are the deep considerations and whether we had looked at how resourcing of these small schools are possible to prevent the wider problem of the distance of commuting and impact that that will have on the learning ability of the child.

The issue of placement, Mr. Speaker, I believe that we have talked this one almost *ad nausea*, because it is the biggest problem out there after every GSAT result comes out. And the problem seems to be, how do we enable students to go to schools that are closer to

where they live and make the parents and everybody feel comfortable that they will not be at a risk or disadvantage in terms of the quality of the education there, as to the schools that they want to go to? And that is the problem. And Mr. Speaker, perhaps we need to examine now, how for example, we're going to make communities be responsible for their schools.

I have a case in point which I wanted to bring. With the two large communities around the Rhyne Park and the Rose Hall Lilliput area and we have a high school called Spot Valley High School. Now Spot Valley draws from everywhere else it seems except these new important dormitory communities that have in excess of ten thousand people. And so the children who live in the areas around are going to Ruseas in Hanover, they're going all the way to Holland in Trelawny and Morris Knibb and yet the school which is right beside them that's not doing so badly, because even though it's a new high school it has had good results in CAPE and in CXC. But what is happening is that the placement from the Ministry of Education right is what we need to do.

So I think that we need to look at that and to ensure, Mr. Speaker, that it's not just an issue now, this I think is a very important area because half of the problem we have with our children who don't learn very well, is because by the time they get to school they're so tired and they've not had meals either before they get to the school. So we have to deal with that. Mr. Speaker, the issue of the cost of books, as you have indicated, I'm very happy and I think all of us are, that the Ministry is now taking a proactive position in relation to that, because parents come to you with booklist as long as the scroll from one start of the firmament to another. One called me this morning that she has $19,000 to pay for books. And I said no, but the Ministry provides these books, so why are you being given these long booklists with books the children don't use? Some of the children tell me that they use one chapter, one chapter for the year! Sometimes half of a chapter, but their parents have to buy these books and having costs, which they cannot afford. So I'm very happy to hear that.

But Speaker, Mr. Speaker, the Minister perhaps need now to address the issue of auxiliary fees, auxiliary fees. Because when a child in Grade 1 is paying $9,000 to go to a primary school, and when you asked, why are you paying $9,000 to go to this primary school? They say well, it's the auxiliary fees, and they're not registering them if they don't pay. So I think that the Ministry needs to take a very strong look at that to make sure that this school year - the start of this school year, our parents are not burdened with that huge auxiliary fees, but worse, that admittance is restricted where these fees are not paid.

Finally, I'm very happy about the Students Loan Bureau being solidly funded for this period. But, Mr. Speaker, I want to suggest to the Minister that the problems we're having with guarantors and the problems we're having with beneficiaries disappearing and not paying, we need to take a look at how we can bond them, how we can

put restrictions on them so that when they get the loan they're bonded to work in Jamaica or to work in the discipline in the areas that they have gotten the loans to study within Jamaica. Or, if they have to leave Jamaica at all, proper arrangements must be made ahead of their going. They must report to the Ministry or to the Students Loan itself, and if they don't then there's an issue before they leave the island at the airport.

This may sound draconian but, Mr. Speaker, Mr. Speaker, in today's world where technology allows us to have access to any and everything - and information now as we know, has been transferring from the centre to the periphery, everybody has the same set of information - is no longer difficult for us to know and to have the data on every single beneficiary from the Student Loan Programme. And it is not a problem anymore to be able to track them and to see where they're going. So I think we need to examine the matter of bonding, because part of the brain drain too that we experience in the country is that the commitment that we have when we get the resource support, is not there enough.

So I want you to consider those, Mr. Speaker, through you to the Minister. And just to conclude by saying that we are pleased with the attention that the Ministry is giving to these important and critical areas. (Applause)

The SPEAKER: Mr. McKenzie.

Mr. McKENZIE: Thank you, Mr. Speaker.

Minister, I just have a few questions for you and the questions, Minister, have some levels of concern. Last week when you spoke on the issue of the safe schools, I made the point about the number of students that was sent to Tivoli in my constituency, and the average achieved by most of those students leave much to be desired. And I raised the issue of support to ensure that the schools can operate in a manner that will allow those whose average is well below, to fall in line.

Minister, I'd just like you to, if you're in a position to say, what sort of funding will be provided for the schools this year, to get them ready in terms of repairs to be carried out to desk, *et cetera,* all the necessary things, to ensure that school opens on time?

But there's a particular problem at Tivoli, Mr. Minister, and I want to bring to your attention and seek your assistance. They have installed a state of the art reading lab that will assist the school in dealing with the almost 200 students that have been accepted in Tivoli that is averaging below 50. The Lab, Minister, has been completed from May at a cost of $3 Million. The School is not asking the Ministry to pay; the School is in a position to pay, but the Ministry, for some reasons, Minister, has not given them the go ahead to pay.

As a matter of fact I spoke with the contractor this morning, who has indicated that he intend to remove the equipment, Minister. And based on the high cost of operation and the fact that a number of schools have been closed, I am concerned, Minister, that sending this amount of student into Tivoli without equipping the school, will further contribute to the high level of problems that many of the schools are

experiencing. And I want to find out from you, Minister, what is set aside? And to ask for your intervention to ensure that the go-ahead is given to the school to pay this $3 Million so come September, these students will be exposed to quality learning. It is a state of the art facility, Minister that I believe the Ministry should support if, indeed, we intend to assist these students who fall way below the average.

Mr. HENRY: Mr. Speaker? Mr. Speaker?

(Inaudible comment by Mr. Robinson)

Mr. PICKERSGILL: Yuh nuh si your senior?

Mr. HENRY: Oh, sorry.

Mr. CHUCK: They put their seniors.

Mr. HENRY: No man, I'll yield to you.

(Laughter/Applause)

Mr. CHUCK: But you were in Parliament before him.

Mr. ROBINSON: It's okay.

(Inaudible comments)

Mr. HENRY: Mr. Minister, can I ask for a clarification on a number of issues here? Based on observation, the use of the workbook dominates the teaching and learning process. In many classrooms strong efforts are being made to curtail this practice. Does that curtailment list to the fact of one workbook each for Science, Social Studies, Language Arts and Mathematics? Is that the first step of implementation, and in which case will those workbooks relate to the curriculum? And how far has the curriculum reached in those areas, as that will relate to your ultimate cost of the book. Then, if it's based on the curriculum, your supplementary text is going to be tied to where is relevant, the curricula, and in all of these cases they would relate to books published, imprinted and marked, which have already got a price structure. I am not sure he can answer all of these in terms of it, but I'm trying to link it to be very clear. And then, therefore, in your average cost per grade level, if this an average, is it a capped average? Because out there the teachers are going to be - the public is going to be met with a list of books, it might be 4,110, so, I am trying to find out how capped is this, or whether there should be a percentage reasonable in relation to that, because there is not always an alternative but you can have an alternative.

One of greatest volume of purchasing by a child - I go now to parents may also be required to purchase dictionaries. Now dictionaries come from different publishers with different positions. If I may, Oxford Dictionary as against Nelson Dictionary, as against a compiled dictionary, all of this relates ultimately to costs, and the schools I'm seeing are not saying the relative to cost, they are saying, maybe a name, that's a name brand because books have a name brand. Publishers have an identity and that usually is related to it. For instance, there is thing called Student's Companion, it's almost on every school list. The price has never ever shifted anyway, in many ways. So, I would like a clarification.

And then atlases, that World Atlas or it's a specific atlas, I mean, it may not be important in some areas but Secondary, Junior, is all of that going to be specific? Because you could have a child they recommended a World Atlas which is more expensive when they really

need an atlas of Jamaica or the Caribbean, and that would also begin to reduce the cost of some of the issues, if planned with publishers and with the development.

If you can let me know those, I will be able to be more specific in terms of any other issue, but it is very important, because part of the confusion, from experience, relates to prices, by designating a price you could have an issue in terms of when they go to the bookstore to buy the book specifically, and we do have a sliding dollar too here overall. So that basically, if you would clarify those for me it would be important for my planning.

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: Thank you, Mr. Speaker.

Mr. Speaker, when the Constituency Development Fund was conceived I am absolutely certain that it was not intended to have a substantial portion of it allocated for the purpose of assisting students in schools. I see now where it has been formalized almost, by conventure that every Member of Parliament, on average, contributes some $5 Million per constituency, that leaves, really, between $10M and $11 Million, $4M, $5 Million, $10M and $11 Million to spend on other infrastructural developments within the constituency.

I think what ought properly to happen, is that the Ministry of Finance should allocate a pool of funds to be used either directly through the Ministry, or through the office of the Member of Parliament, to assist students since they are the source of first contact, assist needy students especially those who have gone through the high school process and have now entered university but can't go any further than perhaps the second year. I think we ought to really look at putting in a fund specifically dedicated to assisting students especially as I said, those in tertiary education that show signs of brilliance and will make a significance contribution to development of the country.

If that means that it will be reducing the CDF, because effectively without the - including the Education Grant the CDF is in reality reduced, as we have always thought of the CDF, and I think we should now look at perhaps, if the Minister of Finance can reallocate some funds to leave the $15 Million for infrastructure and in addition put a pool of $5 Million per constituency either in the Ministry of Education, through the Ministry of Finance, and if you wish, on the recommendation of the Member of Parliament working in conjunction with the Constituency Committee, including the church, civil society, the police, security and so on, if that system could be worked out. I think it would be much more tidy and much more realistic because what we are now is just, we are just - each Member of Parliament is just doing a thing, and there is simply nothing more painful, to any Member of Parliament, than to look into the eyes of a child doing engineering, civil engineering or mechanical engineering or medicine, and have to say to them, I can't help you. I don't have the money. I have appealed to the Minister of Education who has been grateful - I have been grateful to him for his assistance but that's just a one-off situation. It has to be institutionalized because

if we are going to build that human capital it has to be financed, and there is simply in addition to security nothing of greater priority than our children in school and the security of our people.

Thank you, Mr. Speaker.

The SPEAKER: Dr. Campbell.

Dr. CAMPBELL: Thank you, Mr. Speaker. Permission to speak from a seat other than mine.

Minister, I too am grateful for the comprehensive papers that are tabled today, but as you do know that I have a particular interest in the funding of tertiary level education and I just wanted to know a few things.

I fully support the idea to bond the students, as I had said in that motion a couple months ago, but I also want to know whether or not any attention has been paid to the idea of having a income contingent repayment plan? Because some of the persons who are not repaying it's because they can't repay at the level that they are being asked to at the particular point in time. So, something needs to be done to look at something that is income contingent so that it is not asking for them to pay 90 or 80 per cent of their salaries towards the repayment because clearly that will create some level of delinquency.

And in regards to locating persons, I'm wondering if the Student's Loan is using the social media spaces? Whether or not that is a part of what they do, the different social media platforms to identify some of these students? Because some of them might change their numbers but they are still posting on Facebook every day, on Instagram and on Twitter. So I am saying that we have to dovetail that into the search engine so that we can locate them, if they are activity in the social media spaces.

And finally. The move by the Government to put in place infant department in some of the schools, has reaped dividends in some of them, Minister, and I think that is something that some congratulation is in order for, because there are some of the smaller schools that because of the infant department feeding into those schools it has been able to grow the population in some of those schools, and I assume that some of those no longer will need to be closed because they are now more viable. So congratulations for that.

Thank you.

The SPEAKER: Mr. Parchment.

Mr. PARCHMENT: Thank you, Mr. Speaker.

I too want to join with the other Members to congratulate the Minister for his attention that he has been placing on certain key aspects of the education portfolio.

In my constituency I have a specific matter that I want to ask the Minister about. Hopeton School was closed, primary school, and we understand why it has to be closed because the population had fallen and the demographics does not indicate that it would increase anytime soon, and also Nain Primary School and Junior - Nain Primary and Junior School has been upgraded to a high school now and as a result come September won't be accepting Grade 1 students. So I have a particular challenge now, I have two schools that won't be accepting Grade 1 students. So

these Grade 1 students will have to travel farther distances for school.

In the community meetings that I have had with the parents to kind of smooth this over, the thing keep coming up, is the Ministry in a position through PATH or whatever means, to facilitate any form of support re transport to these farther distances? So, Minister, if you could answer in the affirmative in any way that would be great for me going back to St. Elizabeth this weekend.

Mr. Daryl VAZ: But you know already so just stop - you a bait up yuself.

The SPEAKER: Mr. Charles.

Mr. Daryl VAZ: You know long time. Di man tell you long time seh transport will be available.

Mr. CHARLES: Mr. Speaker, thank you.

Mr. Minister, Mr. Minister, I have two concerns. One, I would like you to advise us as to whether or not these schools that are being closed were not built around communities, projection of population? Whether or not they are being closed now because the population has moved, or the children have been transferred to other schools, and why? And I ask the question because at least one of the schools I know, people are passing that school because they believe that the teaching that their children going to get at that school is not up to standard, and whether or not it would not have been better for the Ministry to concentrate on redeveloping, or put teachers that can attract the children who are moving out the community to other schools, and get them back. What are you going to do with the schools? Probably you can turn them into some technical schools, but as I say, Governments build schools by new communities, projection of population, and so forth. So why would we have a school that only have 20 students when there are two or 300 students in the community going to other schools? Something needs to be looked at.

The next point I want to talk about, Minister is your manual.

The SPEAKER: Question.

Mr. CHARLES: I am worried about this manual that you are proposing that I think has been exploited by the press by exposing certain things. There are more disabled children in school than LGB. There are more disabled children being bullied and I want to represent them. I want to suggest to you that a manual should not identify children who are poor, disabled, are slow learners, or LGBs. If you say a manual to prevent bullying, because once you start to identify these kids you are going to cause more problem.

(*Sotto voce* comment)

Mr. CHARLES: I am in favour of a manual that give teachers the right to keep and to control their students from bullying other students, but I tell you, Minister, I know for sure that disabled students are being bullied, right, poor students, even some students who are identified as on PATH, are being bullied by others. But I am wondering if the institution of education is not the way to go rather than setting out something now that's going to prosecute or cause children to feel imprisoned. Maybe we should carry some sort of education at that social level that - rather

than, as I say, identifying any particular group you are going to increase the bullying on them.

So sir, tell us about the schools here because I am worried that these schools have become emptied not because the population has reduced but because the school standard was of such that people have removed their children, and whether it would not have been a better way to lift the standard in school and bring back the children rather than paying to carry them now, and the Member from St. Elizabeth and myself who have children paying $300 and $400 a day to go to school, could very much be helped with some of that transportation cost.

Thank you, Mr. Speaker.

The SPEAKER: Mr. Vaz.

Mr. Daryl VAZ: Thank you very much, Mr. Speaker. Mister Minister, you and I have had long discussions on the issue of the closure of three schools in West Portland. There was a demonstration yesterday at the Black Hill School, and my understanding is that one of the issues given for the final decision of closure was the condition of the roof. That is now being argued that repairs were in fact done to the roof and I saw some photographs of that. When we last met, Minister I was under the impression that no repairs had been done, and I think that is causing some uncertainty in terms of the reason given for the closure of the school. So I would ask you to investigate that so we can give them a final decision in terms of the fact that that was one of the major reasons subsequent to them getting the enrollment up for the September term.

The other thing that we discussed, Minister, and I want to put it on the table and I think it goes not only for me as MP in Portland but for the rest of the MPs here is the fact that these schools that are being closed we have to find some other use for them so that it can benefit the communities that are being - that are giving up these schools. If we don't, Mister Minister, it simply means that they are going to vandalize and in two twos the buildings and the infrastructure is going to go to zero. And I believe that if it was that some of the funding that you are going to save by closing, especially in this financial year coming up, could be put back towards proper proposals from the community, sustainable proposals, I believe that it would go a far way in alleviating some of the anger and the feelings that are being carried as a result of these schools being closed.

As you know, some of them are 70, 60, 50 years old; grandparents went there, great grandparents, mothers and now children, but I believe, Mister Minister, is something that would have to be driven and it would have to be driven by your Ministry to identify and pull together the necessary community groups and Government agencies with coming up with the sustainable plan for these schools that are absolutely going to be closed based on the decision.

So I would urge you, Minister, that while you are obviously looking to cut the cost and being more cost effective in terms of the budget that you are given, that there must be a partnership, even if it includes something from the MPs through their CDF to be able to pull

together and come up with something that can replace the schools with something that can be positive to the community and, of course, create some jobs and employment and, of course, growth.

Thank you.

Rev. THWAITES: Mr. Speaker, thank you very much for the copious comments. May I assure the Member from West Portland that the search for alternative use of buildings is underway, will be prosecuted. And once again I refer to the creativity of the Member for South Trelawny who, in respect of the closure of the Alps Primary School, has crafted with her community and with others a very useful alternate use for those buildings and we seek the same and indeed welcome the participation of the Members of Parliament.

I'd like to thank the Member from West Portland particularly for his interest and cooperation with the Ministry of Education, and to say that it was because of his advocacy that that one was chosen, slated to be closed at Charlestown has in fact been removed from that list, and to say to others, I know the Member of Parliament for West Rural St. Andrew is very concerned. Where there is a chance of making the school viable where it now is not, then we are anxious to give second and third chances, but there comes a point where a decision has to be made so thank you for that, and I will clarify the decision on the Black Hill premises as soon as possible.

I'd like to inform Member from North Central Clarendon that although he didn't raise this, the Ministry of Education is open to request from schools which are likely to be short of water at the opening of the school term so that we can, through the cooperation of the Ministry of Water, Land and Environment, make sure that there is a supply. We have a danger though, Mr. Speaker, because if we bring the water too early it may be used by other people before the school children get there, so we need to organize it very, very tightly.

The Member is correct, you know Mr. Speaker that in some cases the decline of the school is not because population has moved although that has happened in most cases, but because people have a negative perception of the school. The difficulty is that teachers are tenured in a school, principals are permanently appointed after a year of provisional appointment and there is nothing we can do about it unless they are egregiously culpable of some terrible crime. And as a result...

(*Sotto voce* comment)

Rev. THWAITES: Well, it is interesting to hear this and thank you, because while we mean the very best for the stability of our teaching profession, I have to serve notice that we are coming with alterations to the code which are going to allow for a greater flexibility of teachers which can achieve exactly what you state, it is a pity when we have to - some institutions are undermined because of inadequate instruction, poor leadership and, Mr. Speaker, let it be said sometimes our schools are given a political character which don't help other people to want to go there at all and we must forego that temptation, all of us if we are - and as far as the safety manual is concerned, safety and

security manual, I assure you that the text will refer generically to bullying, and I agree with you that in fact those who are challenged in one way or another are far more numerous than any others and so we must avoid any particularization, I give you the assurance.

I also would like to tell you that the general education for human respect for anti-bullying is not restricted to a bulletin of sanctions but rather contain fulsomely in the Health and Family Life curriculum and in the valuable pathways which is an outline of ethical standards of values and attitudes for our children which is introduced in the schools now.

To the Member from South East St. Elizabeth, I'd like to assure him that a subsidy is available to all the Grade 1 students who are constrained to travel distances which they cannot afford, we give you that assurance, sir. And to the Member for North West St. Ann, in respect of the tertiary students it certainly is a proposition to put before the Students' Loan Bureau for income contingent repayments. That, of course, affects cash flow and the capacity to deal with other students, but I am glad to report, you know, Mr. Speaker, I am sure the Minister of Finance and the Public Service wouldn't mind me doing so, that the repayment levels at the Student Loan Bureau have improved considerably and that is why they will be able to be so ample this year and good things are happening in this regard.

(*Sotto voce* comment)

Rev. THWAITES: Indeed. And once you have a willingness to pay, they are prepared to make arrangements, suitable arrangements - they are equally conscious of economic conditions as well. I'd like to thank Member Campbell for his reference to infant schools and to encourage Members of Parliament to facilitate in the amalgamation of basic schools into infant schools. Infant schools don't carry fees; infant schools guarantee nutrition, breakfast and lunch for those who are in need coming September. (Applause) And what we have seen is that the Grade 1 profile is improving the more that we engage in the improvement of the early childhood cohort.

I referred last week and again to a study sponsored by the Edward Seaga Foundation, which has shown definitively how crucial an excellent early childhood experience is to performance both socially and educationally later on, we need to remember this always.

Mr. Speaker, the suggestion by the Member for North Central St. Andrew as for a special fund is one that I am certain the Students' Loan Bureau and the Minister of Finance and the Public Service would wish to consider. I would also like to remind him that in addition to the student loan funds certainly the University of the West Indies contributes some $800 Million a year to scholarships and bursaries; I believe the figure is $200 Million for the University of Technology. Medical students from Jamaica are given an automatic rebate of half of that $3.4 Million a year fee, still leaves a huge difference to be covered but is a tremendous assistance that is being made, ultimately at public expense, you know, Mr. Speaker, because it's the taxpayer who has to contribute so richly to the general...

(*Sotto voce* comment)

Rev. THWAITES: Yes. But there is - the bonding is absolutely essential, I agree with the Member from East Central St. James and others who have raised this and we don't want the money back for the bond, you know, what we want is the service. And Mr. Speaker, I am long enough in the tooth to remember when I was a University student going abroad, to leave this country I had to have income tax clearance, I never thought it a burden or an abridgment of one's human rights. If you owe money for your student loan or your baby father maintenance you must be able to show arrangements to pay it before you go elsewhere, we can't be responsible about those things any more nor are they draconian.

Mr. Speaker, I'd like to commend the Member for Central Clarendon in his private capacity for his sterling and continuing contribution towards the provision of material, educational material for our schools. The workbooks referred to do have direct relevance to curriculum and the price list that has been given is an indicative price list, it's not an absolute cap. In some cases it's going to be beyond that, in some cases we would hope it would be less than that but we are giving broad parameters. And indeed, Mr. Speaker, encouraging publishing houses as well as Jamaican authors to provide the workbooks, with all respect to them we must end the trothdom to the imperial publishers. We are bright enough to write our own books and to publish them and to sell them and to make profit and to provide social good.

To the Member for Western Kingston, may I promise you, sir that we still hear - in his absence you can carry the word that proper facilities for literacy coach and mathematics coach will be provided at that school. I am aware that the Permanent Secretary in the Ministry of Education has already signed off on that reading room payment and I trust that this will be remitted very soon to prevent any disruption there. May I say that there is a sum in excess of $60 Million that the Ministry has earmarked for early use for repairs and small additions that will be necessary before the opening of school.

I urge on the Member to assist in crafting a summer school which will allow his Grade 7 students, as should happen in every high school, to upgrade their literacy and numeracy before the term starts or when the term starts, this is vital. Do not start the curriculum as if the children are ready for it, there is no point going ahead with all the other subjects and the children cannot read and write properly, sir. This is a fundamental point that needs to be enjoined.

And secondly, I'd like to point out to him when he returns that the problems of Denham Town High School are concerning me where there are some nearly 300 empty spaces, because what we need to do is not to condemn that school or to call it down, what we need to do is to improve it and its conditions that in fact it can be used to its full capacity and bear dividends on its investment.

To the Member for East Central St. James, I accept the point and have previously

developed on the issue of remote schools. Where a school is very remote so that the students cannot conveniently be transported elsewhere we will hesitate to close it and see how we can develop it.

The issue of teacher quality is critical and the stability of teachers sometimes militates constituency that as you are aware but which will be dealt with. In the instance of others that I have mentioned that is happening, as far as the placement is concerned may I inform this Honourable House that some 75 per cent of all GSAT placements this year were according to the preference of the parents, but the remainder, the 25 or so per cent, 20 or 25 per cent were done in relation to proximity and we make a commitment spoken of last week for the investment in those schools nearer to homes where in fact children have shunned or parents have shunned but now must be made acceptable and there are some wonderful stories, the stories in May Pen as the Member for Central Clarendon knows of a school that had no pedigree and now is as strong as the strongest there part share the Minister of Transport and Works, yes.

The schools in the consistency of the Member for East St. Andrew who are doing as well as the name-brand pedigreed schools, the same in Central Kingston, sir. So this is our commitment not to pull down, not to call out but to lift up.

Mr. Speaker, with respect to books I would urge all of our Members to invite parents and themselves, check the Ministry Paper that I have tabled today for guidance on this and wherever possible to refer to the Tablets because the Tablets contain as many of the school books as we possibly can, although unfortunately the tariff for putting the text books on the Tablets is often as expensive as the printed text itself and that's an inhibitor.

As far as auxiliary fees are concerned, Mr. Speaker, let us be absolutely clear there is no fee that is permissible for a primary school, none at all. The primary school can ask for a contribution but it is not an auxiliary fee, it cannot be mandated and if there is an abuse of that it must be reported and corrected. This year the Government will be increasing the maintenance grant to primary schools and that should mean that there should be less temptation to exact fees.

At the secondary school level auxiliary fees are expected. They are enjoined to remain modest and they do not apply to PATH students. The Government contributes a sum towards auxiliary fees for PATH students from last year and we are continuing that this year. However, education is not free, Mr. Speaker, it's a matter of who pays for it, and we must encourage parents to make their priorities so that they can contribute as far as possible to their children's education.

The comments on the bonding of tertiary students have already been made. I wish to end with an announcement and it is that in respect of making sure that the Student's Loan Bureau is amply funded, especially in the areas of technical and vocational competences, I happen to know that the HEART Trust/NTA Board will this week consider a further investment in the Student's

Loan Bureau in order to ensure that more and more of our students from the lowest quintile of the population who wish to do the much needed and much desired technical and vocational subjects will have the opportunity to do so.

I thank all Members for their attention.

(Applause)

Mr. PAULWELL: Mr. Speaker, the Minister of Industry will now make a Statement. We just want to remind colleagues that the response time that the House has approved for the Opposition to speak on - to present on a Minister's Statement is actually three minutes, and we are hoping that we can abide by that.

Mr. D. SMITH: The Speaker forgot.

Mr. JACKSON: No, you.

The SPEAKER: Minister Hylton.

Mr. Anthony HYLTON: Thank you, Mr. Speaker.

Mr. Speaker, the tabling of the White Paper is the occasion - normally you just table the Paper, but I think given the importance of this White Paper on the Special Economic Zone that an exceptionally brief statement we believe is in order.

Mr. Speaker, the Ministry of Industry, Investment and Commerce is advanced in its preparation of the Special Economic Zone Policy Framework. Today I will lay before this Honourable House the White Paper on Special Economic Zones. The Ministry, Mr. Speaker, developed a policy paper on the SEZ regime which was approved by Cabinet on January 5, 2015. The SEZ Policy Framework was then tabled in this Honourable House on January 13, 2015 as a Green Paper. Subsequently, work continued to transition the Green Paper to a White Paper.

SEZ White Paper, Mr. Speaker, is therefore submitted against the backdrop of a very intense and inclusive consultation process. On July 6, 2015 Cabinet approved the tabling of the Special Economic Zone White Paper in the Houses of Parliament. Mr. Speaker, the adoption of the new SEZ regime will ensure that Jamaica is in conformity with the World Trade Organization, WTO Agreement on Subsidies and Countervailing Measures by December 2015.

A Special Economic Zone by definition is a geographically demarcated area that has different trade and business laws from the rest of the country. It is used to attract foreign direct investment, stimulate local investments, increase trade and create jobs. Jamaica's SEZ regime, Mr. Speaker, represents a customized economic strategy designed to enhance industry's competitiveness and positively impact growth.

Let me be clear, Mr. Speaker, the SEZs are not a panacea for economic growth in Jamaica but they do represent a tried and proven strategy that has been adopted by various countries to develop and diversify their economies. Importantly, our strategy will ensure there is no negative impact on the country's existing tax base.

Mr. Speaker, SEZs are used to pilot new policies and an important part of reforms of the wider economic environment. Some of the immediate areas of policy and strategic reforms include incentives, customs processes,

trade facilitation, business environment and public/private partnerships, just to name a few.

The formulation of this SEZ policy, Mr. Speaker, was led by a Steering Committee chaired by Mrs. Patricia Francis, Jamaica's own global expert on international trade. The Committee consisted of representatives from the public and private sector, trade unions, academia and multilateral financial institutions. The policy development process included various local and international stakeholders, consultations and validation workshops. These consultations, Mr. Speaker, ensured that best practices were adopted by identifying policy issues that have impeded the successes of SEZs in other jurisdictions and the making of policy recommendations that addressed these issues.

The policy recommendations, Mr. Speaker, included creating a comprehensive SEZ echo system that incorporated labour and skills development; micro, small and medium-sized enterprises through strong business linkages with the local economy; trade agreements enhancing trade facilitation; the role of the Jamaica Customs Agency and climate change litigation, while ensuring there was little or no negative impact on the local manufacturing business process outsourcing industry.

Mr. Speaker, in preparing our MSMEs to take advantage of the opportunities that the SEZs will provide, we have increased capacity building initiatives through programmes such as the mobile business clinics; facilitated increased competitiveness by strengthening the national policy infrastructure; created an enabling business environment for entrepreneurs through business-incubator programmes and increased access to appropriate finance opportunities through the Security Interest for Personal Property Act.

Critically, Mr. Speaker, this SEZ White Paper has addressed some of the factors essential to creating a logistic-centered economy. These include increased connectivity through improved use of technology; efficient transportation by ground, air-to-air, sea-to-air and air-to-sea, active participation in the global supply and value chains on the important role of the MSMEs.

Mr. Speaker, the vision of the policy is as I quote:

> "Special Economic Zones are economic powerhouses catalyzing growth and development of a highly competitive logistic centre in the Jamaican economy and guides the value proposition for the Special Economic Zone regime."

The SEZ regime, Mr. Speaker, is a major pillar in developing a logistic-centred economy that seeks to improve efficiency and effectiveness of our business environment. Some of the main expected outcomes of the policy include the development of a modern and integrated regulatory framework that embraces best practices in business and trade facilitation as well as the creation of sustainable business linkages between SEZs and the rest of the economy. These specifically require attracting key investments in on-site and off-site infrastructures, assets and services; improvement in the productive

capacity of MSMEs and facilitating employment through increased training and development of local talent, human capital formation, technology transfer, business innovation and entrepreneurship.

Mr. Speaker, the SEZs will become a platform to attract foreign and local direct investments as well as new and diverse industries. The eligibility criteria for companies to conduct operations within a SEZ will be supported by a comprehensive analysis of industries that are best suited for Jamaica; as such, industries that are high in the global value chain will be targeted. This will allow our local manufacturers which meet international standards to be linked to and included in the global supply chain of these targeted industries. Other expected benefits of this SEZ regime are additional economic activity from the promotion of increased exports of goods and services and the creation of employment opportunities.

Properly designed SEZ regimes, Mr. Speaker, with effective and efficient authorities have attracted an influx of investments. Indeed, SEZs can create high economic growth and reduce regional imbalances as the Government can develop them according to their economic, international and regional requirements. SEZs have also proven to increase the inflow of globally competitive technologies, processes and expertise from foreign participants which will create the environment for technology transfers into the local economy.

Mr. Speaker, it is well understood that the creation of internationally competitive and hassle free environment within the SEZs will not by itself create the business environment for success or positive input into the local economy. On that basis a focus on attracting the right investors for the development of world-class infrastructure in and around the SEZs is integral. Infrastructure development such as the Caymanas Special Economic Zone will benefit significantly from the implementation of a modern SEZ regime, which will position it as a port hinterland that will be attractive to major multilateral companies and other foreign and local direct investments. Without a modern SEZ regime the Caymanas Special Economic Zone is simply a real estate development. This, Mr. Speaker, would significantly restrict its economic impact.

Let me also take this opportunity to state that through the work of the Trade Facilitation Task Force there will be congruence with the SEZ regime focusing on the simplification of procedures and other bureaucratic import and export issues. Indeed, the signing of a Memorandum of Understanding by eight Government Ministers was a major step towards enhancing Jamaica's trade environment. The objectives for the Trade Facilitation Task Force include the implementation of the WTO Trade Facilitation Agreement and the improvement of Jamaica's cross border operation beyond trade facilitation agreement, and from which the implementation of a single trade electronic window will be a significant delivery. Additional areas of focus include, Mr. Speaker, further improving of a logistic

performance index, LPI, trading across borders and ease of doing business to provide the environment suitable for sustainable economic zones.

Mr. Speaker, the cost of electricity an important of energy to competiveness of the SEZs and the wider economy has been given significant attention during deliberations on the SEG regime. The high cost of energy has been a major constraint on Jamaica's economic performance for several years. Therefore, the need for a reliable and sustainable policy, sustainable supply of competitive reprised energy to the SEZs and the wider economy is the critical factor in a Jamaica's ability to compete in the global economy.

The supply of electricity to the SEZ will follow the provisions of Jamaica electricity regime namely, the All-island License and Electricity Act which was recently passed in the House of Representatives.

The GOJ intends to promote sustainable SEZs that will take advantage of low carbon green and clean model energy solutions. Indeed, sustainable SEZs are being promoted in the context of the electricity sectors development and growth framework that have supported renewable energy development as a wider country development strategy, which is also focused on creating as many backward linkages with the local economy.

Mr. Speaker, in order to effectively and efficiently implement the policy, an autonomous SEZ Authority will be established. The authority will operate based on the principles of ISO quality management standards and will be responsible for the administration of the laws and the regulations of the SEZ regime. The authority will also create a business facilitation service that will seek to reduce some bureaucracy and coordinate the functions in a single point.

SEZ authority, Mr. Speaker, along with the Free Zone council will be responsible for the transaction mechanisms to ensure the existing Free Zone operators are not disenfranchised. What then are the next steps?

Mr. Speaker, the SEZ Policy Steering Committee has now engaged its suitable consultant for legislative technical assistance and regulatory drafting of the SEZ law and the associated regulations.

The consultant, Mr. Speaker, is being funded under the World Bank Foundation for Competitiveness and Growth Project. The Project is already underway and is scheduled for six months with completion by October 2015. The consultant’s key deliverables are firstly, drafting instruction for the new primary legislation for SEZ regime, and secondly, drafting instructions for related SEZ regulations that will govern the operations of SEZs tailored to the specific circumstance of Jamaica and the overarching logistic-centered objectives of the Government.

Stakeholder consultation, Mr. Speaker, and validation workshops were held over a three week period to include representatives from the ministries, departments and agencies in government, academia, private sector and the association. Embassies, high commissions,

multinationals, legal officers from the ministries, departments and agencies and various utility companies.

The legislation and regulatory framework is schedule for tabling in the Houses of Parliament by November 2015. That is the extent of the provisions, Mr. Speaker.

And I thank you.

(Applause)

Mr. SAMUDA: Mr. Speaker, the Minister had brought the matter in the form of a Green Paper before, and this now is a White Paper which seeks to outline in some detail, more details, the provisions.

(*Sotto voce* comments by Dr. Davies)

Mr. SAMUDA: Well, it might well have been.

The fact is though, Mr. Minister, you persist in presenting your activities in easily the most convoluting language and presentation. The format is so convoluting. The idea is to communicate, you know, this is the House of Parliament, the House of Commons is its equivalent where ordinary people listen and understand what Ministers say. And really, I think you have left a number of your colleagues and others, no less informed. What I want to therefore, try to extract from you today is some basic, commonsense business fundamentals.

One, you make mention of the creation of a development and a facility without a regulatory framework which has environmental macroeconomic influences, is nothing more than a real estate development. Minister, the fact of the matter is that an SEZ is nothing more than a real estate development because when next you go to China go to Chen Zing and see what they have. The first one I attend I went I was with my colleague from another time, and we saw the development, the emergence of China as the factory of the world. I made the presentation in this House on it. It was indeed a real estate development with an idea whose time had come and has since developed into what we now know as SEZ. So the fact I want to get from you is, you have to provide facilities to house the SEZs, to the extent that you have any influence over it. So I want to find out, how far advanced are you in the construction of a facility at Naggo Head that has been some eight years in the making? Where are you now? You have discussed it in this House, you make a statement that it was advanced. Where are you with that project right now?

Two, how far advance are you with the divestment of the existing factories at the Montego Bay Freezone that were to have been divested and/or converted into facilities to house the BPO sector? How far advanced are you with that?

How far at all are you in respect of the development of that portion of the Caymans lands that you had adopted as a designated area for the construction of facilities to house activities relating to SEZs? What specific steps have been taken? What is the timeframe within which the committee announced by you headed by...

(*Sotto voce* comments by Mr. Robinson)

Mr. SAMUDA: When the Minister speaks I avoid reading, I listen to him because I so much from what he says, so I am able to

speak without reference to the White Paper, I believe that I am safer not reading it.

(*Sotto voce* comments by a Member)

Mr. SAMUDA: No, it is not an obsession; it is just that to read it would probably confuse me. So I just wanted you to be specific on those things, on those things for me Minister. But indeed, it is something that has to be done; we knew it before, notice had been given for it to be done.

But as you speak of additional financial facilities for the MSME Sector and perhaps later on when the Minister of Finance speaks on financial matters I might raise it, but you must be aware that one of the factors that mitigate against local investment, and will in the future especially in the zone will be the cost of money. So to say money is made available, you should also indicate if you can, what measures are being taken to ensure that those interest rates, the cost of the money and the attendant fees that are associated with those funds are addressed so that we can enjoy a better rate and give especially, young entrepreneurs an opportunity to get into business and do well?

The linkages of which you speak is something that has been engaged in for years and the need for collaboration inter-ministerial collaboration is crucial. In the context of your announced committee or council that you have said is managing the introduction of this facility. Could you indicate in your response, what measures are being taken to work through the Economy Development Council under the Prime Minister, and to what extent that process is operating efficiently. As we hear in these days about the need to have joined-up Government, that is the port through which most of this information ought properly to flow. Could you give me some indication now, for instance, of how often do you hold such meetings and what flows from those meetings, and what are the strategies that surrounds the policy-making aspect of your ministry coming out of those meetings and your interaction with other minister in various other ministries.

So if you could be kind enough to be as simple as possible for all to understand and if you respond to those specific areas that would give me an opportunity to perhaps ask you one or two other questions.

Mr. Anthony HYLTON: Mr. Speaker, in response I will say to my colleagues opposite that we simply continue to disagree that a real estate development - that SEZ is simply a real estate development. Well it is that plus much more, plus much more. The point is, the point I am making is that, to have developed although we are agreed you and I are agreed that the Caymans lands occupies a strategic location, we are not agreed that what you had in mind and what you left and passed to me in a folder constituted a strategic development, that was simply a real estate development without more. And so I say to you that in this SEZ documentation, a range of - a mix of policies, a range of measures that we believe will yield an effective platform for attracting local and international investment and it is much more than a real estate development.

(*Sotto voce* comments by a Member)

Mr. Anthony HYLTON: Well, it is tabled. Well, I gave them the five copies and I gave the Clerk to the Houses the five copies and I apologize, I submitted them to the Clerk. Madam Clerk, the five copies the statement that we gave anyway they were submitted I apologize you will get them.

With respect to the Naggo Head...

(*Sotto voce* comments by Members)

Mr. Anthony HYLTON: No, the Clerk...

(*Sotto voce* comments by Members)

Mr. Anthony HYLTON: They were given to him. With respect to Naggo Head, let me say that the work - significant work has been advanced, it has been the subject of discussion within our growth committee and we expect that this is a matter that will be before the Cabinet very shortly. I cannot give you the specific date, I know the work is very advanced and we will be before Cabinet very shortly. The - we never contemplated the divestment of properties in Montego Bay, we contemplated the conversion of those and those assets, a number of those assets have already been converted. We just opened one last year...

(*Sotto voce* comments Mr. Samuda)

Mr. Anthony HYLTON: And lease and sold? Well that is not the information I have, but I will check, that is not the information I have.

The Caymanas Economic Zone is the subject of an enterprise team and the enterprise team is the mechanism that is being used throughout this administration for a number of projects, and it consists of persons with the requisite skills, the mix of skills and at the levels that we believe can deliver the projects in the form and in the time that we - that is desirable.

The World Bank has concluded a pre-feasibility study on the Caymanas Economic Zone, which confirms the correctness of the strategy that we are utilizing, and indicates from that, the need for further detailed study. A Master Plan for the entire logistics hub is to be started. The short list of the successful bidders has been determined - about three of them - and very shortly we expect that by sometime around September, that they will begin the work on the Master Plan in general with specific reference to the Caymanas Economic Zone and the market - specific market studies will be front-loaded and will be done very shortly.

I share the view that interest rate is high. It is a constraining factor, but it is not, as you know - it is the outcome of the economic fundamentals and not an edict from the Government to set the interest rate. I believe, though, that the policies that are in place have had the interest rate trending downwards, and I believe it has much further to go. And so, we continue to stand by the macroeconomic policies that were in place, that are yielding a reduction in the interest rates which we believe will continue.

The linkages - well, speak for itself. The issue of Economic Development Council - the Economic Council does meet; it is not the major focus or the driver for policies affecting the Special Economic Zone. As I said, the Enterprise Team is the major planning tool and project tool to develop the project, and the

policies around the SEZs are the outcomes of a Multi-Agency – Multi-Ministerial Task Force.

Mr. SAMUDA: Mr. Minister...

Dr. PHILLIPS: Not again.

Mr. SAMUDA: No, no, just a little - just explanation, no, you made - you steered me to the Paper. And since you have been kind to steer me to the Paper, I just want a little explanation. You say here:

The eligible criteria for companies to conduct operations within an SEZ will be supported by a comprehensive analysis of industries that are best suited for Jamaica.

One would have thought though Minister that you would have already completed that analysis, and that you would have at the tip of your tongue, a list of such type of industries to share with you in the House. But what instead you have done is, you have taken all this time to come back to tell us that you will be doing further analysis. Is that what is intended?

Mr. Anthony HYLTON: Member, had you listened carefully you would have heard when I said a pre-feasibility study was concluded, and that pre-feasibility study indicates very clearly the areas - the broad areas that could be competitive, and from which Jamaica could benefit.

What is now being contemplated is that the Master Plan - in the Master Plan, there is an Industry Specific Study that will examine all of those, and to confirm for us in detail and on the basis of evidence, and data - not conjecture - on the basis of evidence and data, what those specific industry sets are.

Mr. SAMUDA: Minister, in fairness, I am going to tell you, in concluding this presentation. I would say that what you have done is a reasonable first effort. You haven't started yet. This House won't be satisfied until you bring details. And if you come the next time and you outline, in specific terms, who is doing what, where, and when, we will be all better able to react sensibly to it. At the moment, we have been treated here today to a broad outline of generalities that really amount to nothing more than that.

Thank you.

ANNOUNCEMENTS

The Clerk laid the following on the table of the House:

- **Ministry Paper No. 112**
  Closure of Small Schools
- **Ministry Paper No. 113**
  Grade Six Achievement Test (GSAT 2015)
- **Ministry Paper No. 114**
  Guidelines for Purchase of Textbooks
- **Ministry Paper No. 115**
  Update on the Sanitation Programme
- **Ministry Paper No. 116**
  Tabling of the White Paper on Special Economic Zones
- White Paper No. 3
  Special Economic Zones Policy for the Establishment of Special Economic Zones under the Jamaica Logistic Hub Initiative
- Petroleum Corporation of Jamaica Annual Report and Audited Financial

Statements for the financial year 2013/2014

- Scientific Research Council Annual Report and Audited Financial Statements for the financial year 2012/2013
- Tourism Product Development Company Limited Annual Reported and Audited Financial Statements for the financial year 2013/2014
- The Tax Collection (Arrears of Tax) (Prescribed Rate of Interest) Order, 2015, under The Tax Collection Act
- The Banking Services (Licence Fees) Regulations under The Banking Services Act
- The Banking Services (Hours of Opening) Regulations, 2015 under the Banking Services Act
- The Banking Services (Amalgamations and Transfers) (Banks and Merchant Banks) Regulations under The Banking Services Act
- The Banking Services (Deposit Taking Institutions) (Form of Application) Regulations under The Banking Services Act

BILLS BROUGHT FROM THE SENATE

The following is a 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 17th day of July, 2015, a Bill entitled: "AN ACT to Amend the Constitution of Jamaica to make provisions for the inclusion of a democratic system of Local Government for Jamaica in the Constitution; and for connected matters", was passed in the Senate without amendment.

I also have the honour to advise the Honourable House of Representatives that on the 17th day of July, 2014, a Bill entitled "AN ACT to Make new provision for the regulation of activities, practices, apparatuses and facilities, involving ionizing radiation and nuclear technology for the protection of people, property and the environment from the harmful effects of ionizing radiation, and for connected matters", was passed in the Senate with five (5) amendments, for which the Honourable Senate desires the concurrence of this Honourable House, and the amendments have been circulated,

Signed: Floyd A. Morris,

President of the Senate"

Mr. HYLTON: Mr. Speaker, I now move that the Senate Amendments to the Bill entitled:

"AN ACT to Make new provisions for the regulation of activities, practices, apparatuses and facilities involving ionizing radiation and nuclear technology for the protection of people, property, and the environment from the harmful effects

of ionizing radiation", and for connected matters be now considered and approved.
Put to the House and agreed to.

NOTICES OF MOTIONS GIVEN ORALLY

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 Tax Collection Act; Tax Collection (Arrears of Tax Prescribed Rate of Interest) Order, 2015" Resolution.

Whereas subsection (1) of Section 2(a) of the Tax Collection Act, hereinafter referred to as '*the Act',* provides that the Minister may by Order published in the *Gazette*, subject to affirmative resolution of the House of Representatives prescribe the interest rate payable in respect of arrears of tax for the first six months of each calendar year, and the second six months of each calendar year respectively;

And Whereas the Minister on the 21st day of July, 2015, made the Tax Collection (Arrears of Tax) (Prescribed Rate of Interest Order), 2015 in respect of the second six months of 2015;

And Whereas it is desirable that the Tax Collection (Arrears of Tax) (Prescribed Rate of Interest) Order, 2015, be affirmed;

Now Therefore, be it Resolved by this Honourable House as follows:

1. This Resolution may be cited as the Tax Collection (Arrears of Tax) (Prescribed Rate of Interest) Order, 2015 Resolution;
2. The Tax Collection (Arrears of Tax) (Prescribed Rate of Interest) Order, 2015, which was laid on the Table of the House on the 21st day of July, 2015, is hereby affirmed.

Mr. Speaker, I 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.

I further beg to give notice that at the next meeting of the House, I will move: The Banking Services (Hours of Opening) Regulations, 2015, Resolution,

Whereas subsection (1) of Section 131 of the Banking Services Act, hereinafter referred to as '*the Act'* provides that the Supervisory Committee may, with the approval of the Minister, make regulations for the purpose of giving effect to the provisions of the Act without prejudice to the generality of the foregoing, the Regulations may make provision in relation to the days on which, and the hours during which deposit-taking institutions shall be opened or closed;

And Whereas subsection (2) of the said Section 131 of the Act provides that Regulations made under subsection (1) shall be subject to affirmative resolution;

And Whereas the Supervisory Committee with the approval of the Minister responsible for Finance on the 21st day of July, 2015, made the Banking Services (Hours of Opening) Regulations 2015:

And Whereas it is desirable that the Banking Services (Hours of Opening) Regulations, 2015, be affirmed;

Now Therefore be it Resolved by this Honourable House as follows:

1) The Resolution may be cited as the Banking Services (Hours of Opening) Regulations, 2015, Resolution.
2) The Banking Services Hours of Opening Regulations 2015 which were laid on the Table of the House on the 21st day of July, 2015, be affirmed.

Mr. Speaker, I further beg to give notice that at the next meeting of the House, I will move: The Banking Services Act, Banking Services (Licenses Fees) Regulations, 2015, Resolution:

Whereas subsection (1) of Section 131 of the Banking Services Act hereinafter referred to as '*the Act'*, provides that the Supervisory Committee may, with the approval of the Minister, make regulations for the purpose of giving effect to the provisions of the Act and without prejudice to the generality of the foregoing, the Regulations may make provision in relation to licence fees;

And Whereas subsection (2) of the said Section 131 of the Act provides that regulations made under subsection (1) shall be subject to affirmative resolution;

And Whereas the Supervisory Committee with the approval of the Minister responsible for Finance on the 21st day of July, 2015, made the Banking Services (License Fees) Regulations, 2015;

And Whereas it is desirable that the Banking Services Licences Fees Regulations 2015 be affirmed:

Now Therefore be it Resolved by this Honourable House as follows:

1. The Resolution may be cited as the Banking Services (Licence Fees) Regulations, 2015, Resolution; the Banking Services (License Fees) Regulations, 2015, which were laid on the Table of the House on the 21st day of July, 2015, are affirmed.

I further beg to give notice, Mr. Speaker, that at the next meeting of the House, I will move: The Banking Services Act; Banking Services (Deposit-Taking Institutions) (Capital Adequacy) Regulations, 2015, Resolution:

Whereas subsection (1) of Section 131 of the Banking Services Act, hereinafter referred to as '*the Act'*, provides that the Supervisory Committee may, with the approval of the Minister, make regulations for the purpose of giving effect to the provisions of the Act, and without prejudice to the generality of the foregoing, the Regulations may make provision in relation to capital adequacy.

And Whereas subsection (2) of the said Section 131 of the Act provides that regulations under the Act shall be subject to affirmative resolution;

And Whereas the Supervisory Committee with the approval of the

Minister is responsible for Finance, on the 21st day of July 2015, made the banking services deposit taking institutions capital adequacy regulations 2015;

And Whereas it is desirable that the Banking Services Deposit-Taking Institutions Capital Adequacy Regulations be affirmed;

Now Therefore be it Resolved by this Honourable House as follows:

1) The resolution may be cited as The Banking Services (Deposit-Taking Institutions) (Capital Adequacy) Regulations 2015 Resolution;
2) The Banking Services Deposit Taking Institutions Capital Adequacy Regulations 2015, which were laid on the Table of the House on the 21st day of July 2015 are affirmed;

I further beg to give notice Mr. Speaker, that at the next meeting of the House I will move the Banking Services (Amalgamations and Transfers) (Banks and Merchant Banks) Regulations 2015 Resolution;

Whereas subsection 1 of Section 131 of the Banking Services Act (hereinafter referred to as "the Act") provides that the Supervisory Committee may, with the approval of the Minister, make regulations for the purpose of giving effect to the provisions of the Act and, without prejudice to the generality of the foregoing, the regulations may make provision in relation to Amalgamations and Transfers:

And Whereas subsection (2) of the said Section 131 of the Act provides that regulations made under subsection (1) shall be subject to affirmative resolution:

And Whereas the Supervisory Committee, with the approval of the Minister responsible for finance on the 21st day of July, 2015, made the Banking Services (Amalgamations and Transfers) (Banks and Merchant Banks) Regulations, 2015:

And Whereas it is desirable that the Banking Services (Amalgamations and Transfers) (Banks and Merchant Banks) Regulations, 2015, be affirmed:

Now, Therefore be it Resolved by this Honourable House as follows:-

1. This Resolution may be cited as the Banking Services (Amalgamations and Transfers) (Banks and Merchant Banks) Regulations, 2015, Resolution.
2. The Banking Services (Amalgamations and Transfers) (Banks and Merchant Banks) Regulations, 2015, which were laid on the Table of the House on the 21st day of July, 2015 are affirmed.

Mr. Speaker, I also beg to give notice that at the next meeting of the House I'll move to introduce and have read a first time, a Bill shortly entitled, "The Bank of Jamaica Amendment Act 2015"

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Mr. PAULWELL: Mr. Speaker, I now move to introduce and have read a first time a

Bill shortly entitled: "The Maritime Drug Trafficking (Suppression) (Amendment) Act, 2015";

Bill shortly entitled:

"The Maritime Drug Trafficking (Suppression) (Amendment) Act, 2015"

read a first time.

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

PUBLIC BUSINESS

Mr. PAULWELL: The Minister of Finance will commence with the Tax Collection and Custom Tariff Orders.

Dr. PHILLIPS: Mr. Speaker, first of all I beg to give notice - I beg to move suspension of the Standing Orders to enable me to take The Tax Collection (Arrears of Tax) (Prescribed Rate of Interest) Order 2015, 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 quite straightforward. The Tax Collection Miscellaneous Provisions Act, 2014 inserted a range of enforcement provisions in the Tax Collection Act inclusive of the provision for the naming of tax debtors *et cetera.*

This House may recall that among the provisions was an amendment moved to the Tax Collection Act to provide for the harmonization of the rate of interest levied on all arrears of tax across all tax types, with the exception of Asset Tax, Stamp Duty and Transfer Tax. The provision is aimed to allow an interest rate charge on the arrears of tax to keep pace with prevailing market rates.

Consequently, Section 2 (a) of the Tax Collection Miscellaneous Provisions Act empowers the Minister of Finance to prescribed rates at half yearly intervals of each calendar year by order subject to affirmative resolution of the House. The rates are to be published in the *Gazette* on January 31st and July 31st respectively each year, however where no new order is - where the new order is not published on time the old order remains effective until this is done.

The Order before the House today is in respect of the proposed rates which are to apply to the arrears from July to December 2015, and is the first Order to be promulgated under the Harmonization Provision. The rate that is proposed is 16.62681%, which is calculated based upon the six months Government of Jamaica Treasury Bill rate prevailing at the end of the last six months of the preceding year, plus a premium of 10%.

This premium, Mr. Speaker, of 10% is provided in order to ensure that the rate of interest is punitive and thus there is an incentive and an encouragement to the taxpayer to remit their taxes on time. The rate does not represent a departure from that which now - a significant departure from that which now exist under the different revenue statutes. The interest rate and arrears for GCT and SCT for example, is currently 18% and Income Tax 20% and Property Tax 15%. So in effect, in relation to those rates it should represent a

reduction, but it still maintains a premium of 10% over the prevailing T-Bill rate for the period.

This, Mr. Speaker, I think is straightforward and I so move to enable this to be gazetted as of July 31st.

The SPEAKER: Mr. Samuda.

(Cross talk)

Mr. SAMUDA: You think this is a free for all and nobody is to comment?

I have one simple comment, Mr. Speaker. The Minister of Finance has now introduced a measure to charge over 16% on arrears for taxes. What in fact he's signalling in reality is the adherence to a principle of high interest rate, high interest rates. We're in a globally competitive world and the method of trying to get out of our difficulties cannot be to sustain these high interest rates. So instead of the Government leading by example, there's no law, there's no provision that says he has to abide by the Treasury Bill Rate, you could've charge no interest at all, it's a collection matter.

But as I'm on the question of Income Tax, Mr. Speaker, you know, the collection of income tax we have all in this country been made to believe that Jamaica is doing very poorly on the collection of income tax. And how do we measure that success? How do we measure that success? We measure that success by comparing it with our international partners. And I took the time to look at it and what I found is that Jamaica is in fact not doing nearly as badly in the collection of taxes as we might think. What Jamaica is engaged in is the use to which they put those taxes now, as a percentage of GDP.

So when you go to international fora you don't talk about your little microeconomic situation, you make a comparison with the rest of the world, you're judged on the basis of how you stack up in the rest of the world. Jamaica is 121, 121 of 180 in terms of percentage tax collected of GDP - 121. That means that 120 out of 180 countries as a percentage of their GDP collect less tax than Jamaica. So this constant refrain and this rush to collect taxes must be looked at and revisited over and over. The question is, what are we using the tax money to do?

It is my view that measures that should be implanted relates more to containment and the expenditure of those taxes in a manner that will grow the economy than to simply continue to support areas within the economy that are inefficiently operated.

Mr. SHAW: Hear! Hear!

Mr. SAMUDA: Remember that figure, 120 nations out of 180...

Dr. PHILLIPS: Mr. Speaker, if the Member will yield.

Mr. SAMUDA: Sure.

Dr. PHILLIPS: I have no idea what he's quoting from, what he is alleging, what the data is supposed to suggest and quite frankly it has no bearing on the matter before us. If at some point the Member choses to have a debate about taxes, he can bring the appropriate resolution and we can move forward, but he's required by the Standing Orders if he's citing a document, to tell us

what the document is and what he's alleging.

The SPEAKER: Reasonable.

Mr. SAMUDA: I think that is reasonable, there's nothing wrong with it.

(Laughter)

Mr. SAMUDA: But I wonder if the Member has ever heard of the World Economic Fora? Or has he heard of the American Heritage Foundation? Have you heard of those? You haven't heard of those?

Dr. PHILLIPS: I don't know what you're talking about. What the relevance is?

Mr. SAMUDA: No, the relevance is, that you can't stand hearing that your constant refrain and the need to collect more and more taxes is like an appetite that cannot be satisfied.

The SPEAKER: Hold on, Mr. Samuda, I want to know...

Dr. PHILLIPS: Mr. Speaker, we need to know what he's quoting from, this grand exegesis carries us nowhere. Tell us what you're quoting and the specifics of the data, we're not asking for a grandstanding.

Mr. SAMUDA: Well perhaps he should phrase it another way, Mr. Speaker. Is the Minister challenging the veracity of what I'm saying?

The SPEAKER: Mr. Samuda!

(Cross talk)

Mr. SAMUDA: Is he challenging the veracity of what I am saying?

The SPEAKER: Mr. Samuda!

(Cross talk)

Mr. SAMUDA: Because if that is what he's doing I'm prepared to challenge him.

The SPEAKER: Mr. Samuda, you're quoting from a document and you did not...

Mr. SAMUDA: I just gave you the report.

(Cross talk)

The SPEAKER: You did not disclose...

Mr. SAMUDA: American Heritage Foundation, have you ever heard of it?

(Inaudible comment by Dr. Phillips)

Mr. SAMUDA: Have you ever heard of it?

Mr. DALLEY: Yes!

(Inaudible comment by Dr. Phillips)

Mr. SAMUDA: That's what I'm quoting from. (Cross talk)

Mr. SAMUDA: Let me help you.

Dr. PHILLIPS: Please.

Mr. SAMUDA: Go to Wikipedia and look at it.

MEMBERS: Ohh!

A MEMBER: Goh wey from yah

Mr. SAMUDA: No, hold on, I'm leading you to the shortest route. I'm leading you to the shortest route.

Dr. PHILLIPS: The Member, Mr. Speaker, is required to present the House with the details and the basis of his allegation on what he is saying. That's what he is required to do.

Opposition MEMBER: That's the Standing Orders.

Dr. PHILLIPS: That's the Standing Orders of the House.

The SPEAKER: Correct.

Dr. PHILLIPS: He is required to adhere to it and not carry us around some merry-go-round argument and thing.

(*Sotto voce* comment)

Mr. SAMUDA: Will the Clerk, will the Clerk, will the Clerk kindly take this to the Speaker for me, please?

(Cross talk by Dr. Phillips)

The SPEAKER: No, you can read from it. Just read it.

Mr. SAMUDA: No, no, you want it, a gwaan give you.

(Heckling)

The Minister of Finance is challenging the veracity of my Statement.

The SPEAKER: No, no, Mr. Samuda.

Mr. SAMUDA: I am challenging him to prove me wrong.

The SPEAKER: No, no, he is not challenging you.

Dr. PHILLIPS: That's not what the Standing Orders require.

The SPEAKER: He just wanted me to...

Mr. SAMUDA: ….'bout Standing Orders, the Standing Orders requires me to furnish you with the source of my information, I am so doing.

(Applause by Government Member)

Come here Clerk and take this to the Speaker.

(Applause by Government Member)

(*Sotto voce* comment)

You try challenge me, you can't...

Mr. SHAW: Oonu read the Standing Orders.

Mr. SAMUDA: You can't challenge me.

Dr. PHILLIPS: You must fulfill the Standing Orders.

Mr. SAMUDA: So, Mr. Speaker, what I'm saying, Mr. Speaker is that, we must - the Minister has brought a matter here that is 16 and .6 per cent interest.

Dr. PHILLIPS: Mr. Speaker, no! On a point of order, the Member is misrepresenting. The actual interest component of that is 6 per cent. The Treasury Bill rate, there is a punitive 10 per cent that is there to ensure that those who are in breach pay a penalty for missing the time. This is not - it's just an inaccuracy.

Mr. DALLEY: He knows.

Dr. PHILLIPS: And he knows it's an inaccuracy, because he is a wise man.

(Laughter)

Mr. JACKSON: No, no, no, no, no. You going overboard now. You going overboard.

(Heckling)

Mr. SAMUDA: Mr. Speaker, Mr. Speaker...

(Heckling)

Mr. Speaker, the point I am making is simply this. You don't need the punitive rate, you don't need the additional charge, you don't need it. Why I led with the relationship of our tax in relation to our GDP, is to indicate the extent to which the percentage of what we produce that is tax collected is exceeding 120 countries. We are in great shape in relation to the rest of the world. Our problem, Member from - I see you looking at me intently, as your mentor.

(Laughter) (Cross talk by Mr. Jackson)

Mr. SAMUDA: What is our problem is that we are not growing our economy. If we grow our economy then the percentage of tax in relation to the GDP would be much less. So as long as we continue to be as flat as we are, we will always be in a position where we are

viewed as being extremely well under the circumstances in terms of our tax in relation to GDP. That's all I am saying.

Now, in order to help those entities that might have fallen behind, you don't need to attach a punitive rate when already, Mr. Speaker, your prime lending rate in Jamaica is 26, only 25 countries out of 183 have a prime interest rate as high as ours.

Mr. CHARLES: What?

Mr. SILVERA: What him talking about, Pearnel?

Mr. CHARLES: What?

Government MEMBER: Pearnel, you not in the ganja business?

Mr. SAMUDA: Prime interest rate in Jamaica is prohibitive to encourage economic growth.

Mr. DALLEY: Pearnel did start a bank one time, you know.

Mr. SAMUDA: We are paying too much; we are being charged too much interest.

Mr. CHARLES: We are overtaxed.

Mr. SAMUDA: So in the circumstances the Minister with the - on the basis of his GDP to tax collected, can more than forgo the punitive charge for those who are late. Can more than do that, in the interest of trying to give those who have fallen on hard times a chance to recover without being penalized. I'm not going to take it simply as just something because he bring it and it's something that we agree on, I don't agree with it, I don't agree with it and I will never agree with any interest in this country that continues to hover at the level of 17.3 per cent at 2014, where out of 183 countries, out of 183 countries we are 26 highest primary interest rate in the world. Something has gone wrong and that is where we must begin to address our minds. How do we creatively? If you don't want to impose regulations, and the time is coming when you going have to impose regulations. You are going to have to contain bank charges, you going to have to contain interest rates, because you are running away.

In Canada you can get interest rate on mortgage and on domestic consumer purchases of 3 per cent.

Mr. CHUCK: And less.

Mr. SAMUDA: And less. In Jamaica you caan get - the least you can get at the commercial banks for car loans, not even manufacturing, car loans, is 9.5 per cent. You are out of the ballpark and we are in a competitive world environment. It's not a laughing matter and it's not a joke matter, this is not something that you bring it in a one page and say, well let it through because that's how it is and we can't do better. I am saying as Member of Parliament for North Central, we can do better.

Opposition MEMBER: Hear! Hear!

Mr. SAMUDA: And we must do better, and the Government is responsible for seeing to it that the banks are contained on their voracious appetite, voracious appetite for earning interest and making profits at a time when people are suffering to find the next meal, and they continue to make these mass sums of profits at high interest rates, and the Minister comes and he is excusing it away by saying the Treasury Bill rate is 6.6 and we only adding on 10 per cent, don't add on

nothing, because you are encouraging and you are exacerbating the problem, and it's time you start being sensitive to the issues of interest rate in this country and do something positively about it.

(Applause by Opposition Members)

Dr. PHILLIPS: Mr. Speaker, I must confess a tremendous, tremendous disappointment because I really expected better from the Member opposite.

Mr. SAMUDA: I expected better from you.

Dr. PHILLIPS: No, you must keep quiet now.

Mr. SAMUDA: You going get worse.

Dr. PHILLIPS: You must keep quiet now.

Mr. SAMUDA: But you don't have to be offensive.

Dr. PHILLIPS: I'm not being offensive but you must keep quiet now.

Mr. SAMUDA: I don't assault...

Dr. PHILLIPS: You are assaulting me.

(The Speaker gavels)

(Inaudible comment by Mr. Samuda)

Dr. PHILLIPS: Mr. Speaker, first point I would like to make.

Mr. SAMUDA: The fact that you made a mistake don't mean I am assaulting you.

Dr. PHILLIPS: The first point I would like...

Mr. SAMUDA: If you wrong you wrong.

Dr. PHILLIPS: The first point I would like to make...

Mr. SAMUDA: I don't understand where this come from.

Dr. PHILLIPS: The first point I would like to make is that the Member has...

(Cross talk by Mr. Dalley and Mr. Samuda)

The SPEAKER: Mr. Samuda, I think you have vented enough.

Dr. PHILLIPS: Mr. Samuda, I suspect he does not...

The SPEAKER: The Minister is on his feet.

Dr. PHILLIPS: I suspect he does not want me to say anything.

Mr. SAMUDA: Mr. Speaker, I didn't offend him.

The SPEAKER: The Minister is on his feet.

Mr. SAMUDA: I wasn't personal about anything.

The SPEAKER: Only one person speaks at a time.

Mr. SAMUDA: Gwen talk 'bout I must listen now.

Dr. PHILLIPS: Yes.

Government MEMBER: Yes.

Mr. SAMUDA: But there is nothing to learn by listening to him.

Government MEMBER: Well listen nonetheless then.

Mr. SAMUDA: He must listen to what I have said, he would be well advised to do so.

Dr. PHILLIPS: Mr. Speaker, it's a simple matter, you know. The rules of debate in this House require that one person speaks at a time. I am speaking, he spoke, I allowed him.

Opposition MEMBER: But you stood up.

Dr. PHILLIPS: I rose on a point of order.

(Cross talk by Opposition Member)

I rose on a point of order and now I am speaking, and he should listen. If he is going to adhere to the rules of the House.

The first thing, Mr. Speaker, he says - he carries us - I asked him what he is quoting from. I asked him what he is quoting from. He carries us around American Enterprise Institute, Heritage Fund. This says, this document says Wikipedia, the free encyclopedia.

(Laughter by Government Members)

I don't know what was the relevance of the earlier references.

Mr. SAMUDA: Are you challenging it? Challenge it?

Dr. PHILLIPS: Then, Mr. - I am - Mr. Speaker...

Mr. SAMUDA: Are you challenging it?

Dr. PHILLIPS: ...I go, I go further, I have not yet finished. Wait a minute.

Mr. SAMUDA: Are you challenging it? Challenge it.

Dr. PHILLIPS: Mr. Speaker, but wait because you don't understand what you were reading.

(Laughter by Government Members)

It goes further. It says, this article lists countries alphabetically...

(Laughter by Government Members)

...with total tax revenue - not a reference to income tax - total tax revenue as a percentage of gross domestic product for the listed the countries.

Government MEMBER: You heard him?

Dr. PHILLIPS: Now, let's look at some examples. Barbados 32.6 per cent. There is Afghanistan which is A, top of the list, 6.4 per cent, ahead but then Afghanistan, and it is typical in all the literature on these matters, Mr. Speaker, that countries are grouped in relation to whether they are LDCs, middle income countries or high income countries. So, you have Afghanistan 6.4 per cent, as I would mention. Just picking some at random. The Bahamas 18.7 per cent; Barbados 32 per cent; Jamaica 27 per cent. You have Burkina Faso 11.5; Bulgaria 34; Canada 32. So - Cuba 44; Czech Republic 36; Cote d'Ivoire, low income country, 15.4, and others. This doesn't tell us anything about the relationship...

Mr. SAMUDA: Mr. Speaker, on a matter.

Dr. PHILLIPS: This doesn't tell us anything about anything.

Mr. SAMUDA: On a point of order may I address, may I address...

Government MEMBER: Point of order.

Mr. SAMUDA: May I ask the Minister in as polite a tone as I can, to yield?

(Laughter)

Mr. Speaker, he is quite right. The document I sent you is in alphabetical order, but my mind doesn't work that way because what I did was extrapolated, put it in an excel and did it in order of percentage. So I reworked it in order of percentage per country. So when he reads at random, alphabetically, it's an entirely different thing if you sent in terms of the most efficient to the worst, and then you are able to make the assessment whether you are 26th or you are 50th or whatever you are. So if you wish me to help

you I will give you my list which I reworked. So, you see Member from North East St. Elizabeth...

Mr. PRYCE: Yes, mentor.

Mr. SAMUDA: ...from to time you have to...

Dr. PHILLIPS: Is that the point of order, Mr. Speaker?

The SPEAKER: No, it is not really a point or order, it's a clarification.

Mr. SAMUDA: ...from time to time you have to give a little lecture and a little assistance. Don't be carried away by the office, look at the content.

Dr. PHILLIPS: It's a point of, it's a point of what?

The SPEAKER: It's a clarification he was...

Dr. PHILLIPS: Mr. Speaker, we asked a simple question, what is he quoting?

Mr. SAMUDA: You have it in your hand.

Dr. PHILLIPS: As required by...

Mr. SAMUDA: You have it in your hand.

Dr. PHILLIPS: He gives us what he says he is quoting from. This is not listed in any ordinal ranking. It never was and there is no document with no ordinal ranking. He says it is in his head, he has extrapolated. It is, it is the kind of a samfy.

Mr. SAMUDA: On a point of order.

Dr. PHILLIPS: ...approach to debate which we should not permit.

Mr. SAMUDA: ...on a point of order, Mr. Speaker, on a point of order...

The SPEAKER: Yes, sir.

Mr. SAMUDA: ...not in my head, I use my head to rework the computer programme to satisfy the requirements in terms of the way in which it's presented. Same data, different format. If he doesn't understand how to use the data in that way, I can't help him.

Dr. PHILLIPS: He is going down a maze without any encouragement from me. He is required to provide the House not with his analysis; if he wants he can bring it. We asked him for the data, he said he provided it and he thought that we couldn't read it. But now, Mr. Speaker, having made the point that what he said is absolutely irrelevant to the matter at hand, let's deal with what is the matter at hand.

What the matter at hand simply is this. The law requires that a rate, a punitive penalty rate...

(Cross talk by Mr. Samuda)

...the law requires that a penalty rate be applied, and it is to be gazetted. The rate is gazetted and it is to be made public and subject to affirmative resolution. It has no bearing whatever on the interest rates charged by a bank or anything else. We have chosen to do a calculation about it.

If he wants to make a speech about interest rates he can find any platform to do it but it doesn't have to confuse the issues that are before us. Mr. Speaker, I move that this resolution be passed.

The SPEAKER: Those in favour of the resolution.

Put to the House and agreed to.

(*Sotto voce* comment)

Dr. PHILLIPS: Well, that is a worry that you should be concerned about.

(*Sotto voce* comment)

Dr. PHILLIPS: I am so pleased.

(Cross talk)

Dr. PHILLIPS: Mr. Speaker, in relation to - young man please come here, please give him back this Wikipedia document for me. No, you should take it back, it will have more use to you.

(*Sotto voce* comment)

Dr. PHILLIPS: But you know what, I would advise you to use your head….

The SPEAKER: Minister Phillips you are on your feet.

Dr. PHILLIPS: Put the X beside the...

(*Sotto voce* comment)

Dr. PHILLIPS: Yes, that is true; we are turning now to horses.

(*Sotto voce* comment by a Member)

Dr. PHILLIPS: Mr. Speaker, the matter before us is the Customs Tariff Revision Amendment Resolution. This allows for the reduction of the rate of duty on horses. Pursuant to Section 5 of the Customs Act this Honourable House is empowered to impose import duties and to revoke, reduce, increase or alter such duties to provide for the importation of any goods without payment thereon. Customs Tariff Revision (Amendment) Resolution, 2015 before the House proposes to amend the First Schedule of the Customs Tariff to reduce the rate of duty on horses from 40 per cent to 5 per cent.

A MEMBER: What!

Dr. PHILLIPS: Mr. Speaker, you may recall that earlier in March this year in respect of the revenue measures presented and as listed at Item 8 on Ministry Paper Number 34/15, the House was asked to approve a reduction in the customs duty rate for horses.

In order to - impetus for this reduction was two-fold. The discontinuation of discretionary waivers on importation of horses which the House was informed was part of the revenue measures. And secondly, to facilitate further investment in the horse racing industry by reducing the cost of replenishing the stock of thoroughbred horses viewed particularly in the context of the proposals for the horse racing industry, proposals to divest Cayman as Track Limited and our view that the industry represents an important part of the overall economic makeup of the country.

Mr. Speaker, this resolution seeks to give effect to that and I so move.

Mr. SMITH: Mr. Speaker, I think we can take note of the reduction in the customs rate in relation to the importation of thoroughbred. But Mr. Speaker, if I am interpreting the mood of the industry accurately, I believe that it hardly make any difference. Why I say that is because the matter of the GCT is the one that has been the main deterrent all along, so whereas it's a minor step in the right direction, it is not as it seems on the surface. In fact, I think the industry was expecting no duty at all, zero...

A MEMBER: As was the case before.

Mr. SMITH: ...as was the case before. Thank you very much breeder.

A MEMBER: You are welcome breeder.

Mr. SMITH: That was the case before as promised by a then former Prime Minister for a particular period and we are hoping that the - now that that period was up and it reverted to this 40 per cent, that what the Minister was

bringing here today, Mr. Speaker, would be to go back to what was really acceptable then and what we are looking forward now.

If you are looking to divest, seriously divest the racing industry, Mr. Speaker, surely you would want to at this stage to encourage mass importation of horses, not only to improve the blood-stock but also to fill races, also to make it attractive to any likely investor in the near future. So I go back to where I started, a minor first step and I don't know who advise the Minister but the industry overall or the majority of serious investors in the industry would be disappointed whereas the Minister think that he has done us a great favour but Minister think again.

Thank you, Mr. Speaker.

Dr. PHILLIPS: Mr. Speaker, we are always willing to think further but for the moment what we are seeking to do is to have this resolution passed for the reduction of the duty rate which I gather everyone is in favour of, whether is a first step, a second step or maybe there are other steps, I so move Mr. Speaker.

The SPEAKER: Those in favour of the Motion.

Put to the Members and agreed to.

The SPEAKER: Motion carried.

Dr. PHILLIPS: Mr. Speaker, I move now to item 14 on the Order Paper which is the Amendment to the Revenue Administration Act. This Honourable House is being asked to consider and approve amendments to the Revenue Administration Act in respect of the introduction of an international tax compliance regime. These amendments contemplate the advent of new international standards and instruments and give effect to greater transparency of information for tax purposes.

FATCA, the Foreign Account Tax Compliance Act of the United States represents one such instrument and the agreement to give effect to this which was signed by the Government of Jamaica and the United States authorities in May 2014 have to be incorporated our domestic legislation.

Mr. Speaker, as an aside, I think one of the positive developments at the recent United Nations Conference for the Fund Financing for Development is that the so-called Addis Ababa Action Plan to be ratified subsequently by the United Nations carries with it the first seeds of a global tax compliance regime, recognizing that in today's globalized world all states have an interest in preventing what you might call tax arbitrage, that is to say people seeking to plan their cross border commercial and investment activities such that there is limited or no liability to pay taxes anywhere.

If small states are not to be disadvantaged then it means that some global regime will have to be developed. In the interim states, various states have moved including ourselves to work out bilaterally arrangements to facilitate tax compliance arrangements within and between the signatories to various agreements. In Jamaica's case we currently have some 11 double taxation agreements and 9 tax information exchange agreements and one multilateral double taxation agreement within CARICOM and with our CARICOM

partners. Pursuant to section 82 of the Income Tax Act the Minister of Finance is empowered to authorize the negotiations of such agreements.

We have signed an agreement on a reciprocal basis with the United States under the Foreign Accounts Tax Compliance Act and we did this in May 2014 with the United States with whom we also have a Tax Information Exchange Agreement. The main distinction between the FATCA Agreement and the Tax Information Exchange Agreement is that whereas the Tax Information Exchange Agreement with the United States which was signed in 1986 provides for the exchange of tax information upon request, and I emphasize upon request and is directed towards particular resident taxpayers of either state, the FATCA agreement provides a framework for automatic exchange of financial account information to be used in tax compliance on the noncompliance of which results in a penalty for what is defined in the law as American persons, meaning citizens of the United States or persons authorized to be permanently resident in the United States or who earn a substantial part of their income from and within the United States.

The Double Taxation Agreement and the Tax Information Exchange Agreements provide the legal framework for avoiding double taxation and for the exchange of information. The process of incorporating them into domestic law is by way of ratification by Cabinet and signing by the competent authority in Jamaica which in this instance is the Minister of Finance and finally gazetted. The FATCA framework however requires that specific legislation be implemented in the contracting states to give legal effect to the agreement.

The interest of the - in order to facilitate FATCA compliance and avoid penalties that would attach to our financial institutions for failure to submit information on FATCA accounts we have signed an agreement because the immediate threat to our financial institutions for any failure to provide information on U.S. source payments would be that a withholding tax of 30 per cent would be applied to all monies paid out of the United States to domestic financial institutions. And so, Mr. Speaker, in order to prevent this potential disruption to our own financial system and to set a basis for a reciprocal agreement, what is being done today is to introduce these amendments to the Revenue Administration Act which facilitates the agreement that was negotiated between Jamaica and the United States.

As I said, the United States enacted provisions in 2010 commonly known as FATCA, which introduced a system of reporting for foreign financial institutions in respect of their financial accounts held by US taxpayers or US persons. This is intended to combat offshore tax evasion by US taxpayers. The Jamaica - the model agreement between us was signed in May. Our financial institutions will be required to report specified financial account information on US persons who hold financial accounts with local financial institutions and these institutions would be required to transfer this information to the Competent Authority which is the Tax

Administration Jamaica Limited who will then be required to submit the information to the United States IRS. I want to emphasize that this applies to US citizens, US persons as defined in the Act, including permanent residents or others with substantial US-based income earnings.

This information - the amendments to the Revenue Administration Act has as its core objective the operation of revenue administration. The scope of the Revenue Administration Act includes reference to Jamaica Customs as an arm of revenue administration and is applied universally to all tax types. The Act contains provisions which enhance the powers of Tax Administration Jamaica, particularly those of the Commissioner General in respect of carrying out certain duties in respect of tax compliance. Traditionally the Act has been used for the administration of domestic tax. However, because of the international mobility of income and the need for global administrative co-operation to combat harmful tax practices, it is being proposed that this Act and the amendments represent the best vehicle for in which to advance our interest in international tax compliance.

The amendments are built on the following considerations:

1. the establishment of the legislative framework in the principal Act for international tax compliance measures;
2. the inclusion of the actual agreement to include all agreements, whether it is with the United States or with other countries as may arise subsequently as regulations to the Act.

And it is noted that as it relates to FATCA the reporting requirements under this Agreement come into effect in the year 2015 on August 17, which will be deemed to be the date by which the reporting financial institution shall transmit the relevant financial information to the Competent Authority. However, for all subsequent years, Mr. Speaker, the reporting date for the Competent Authority will be May 31 of each year.

The main features of the Act short title and construction, which is the amendment. The Act may be cited as the Revenue Administration (Amendment) Act, 2015 and shall be read and construed as one with the Revenue Administration Act hereinafter referred to as the principal Act.

Section 2 amends Section 17(h) of the principal Act. This amendment allows for the exchange of information for tax purposes in conformity with international agreements, conventions and arrangements of which the Model A inter-governmental agreement between the Government of Jamaica and the Government of the United States to improve international tax compliance and to implement the Foreign Accounts Tax Compliance Agreement is one such agreement.

The provision retains, I should point out, the obligation to secrecy and confidentiality in respect of any information obtained by any person in relation to this Act and that that obligation to secrecy obtains even after the person has ceased to be employed in any agency of the Government of Jamaica. It also

provides the amendments in Section 17(h) consistency with the Banking Services Act and the disclosure and exchange of information under this Act is permitted under the Banking Services Act.

Section 3 of the Act inserts a new Part V (d) in the principal Act which provides certain definitions in the interpretation of the Part, Competent Authority is defined in the Act and it makes provisions for the promulgation of regulations in the Act to give effect to international agreements, conventions and arrangements entered into by the Government of Jamaica in the FATCA Act. It also provides, Mr. Speaker, for the Minister to implement and enforce measures to effect compliance with the terms of the international agreements, conventions and agreements, and also provides for penalties to be applied for failure to comply with the regulations, and that is to be treated as a charge to income tax and will, therefore, be administered in the same way as an income tax amendment.

The amendment - Section 4 amends Section 19 of the principal Act. This amendment allows for the imposition by way of regulations of penalties of up to $2 Million or 12 months imprisonment for any breach of the provisions made under the regulations.

Section 5 of the principal Act is amended by inserting, 'next' after Section 19 the following: "First Schedule and Second Schedule", which the First Schedule outlines the list of the applicable international agreements, conventions and arrangements which are to be implemented by way of domestic legislation in the Revenue Administration Act. The first such agreement listed therefore is the FATCA Agreement.

The Second Schedule implements the provisions of the FATCA Agreement into domestic law and outlines the obligations of financial institutions with respect to the Competent Authority, Tax Administration of Jamaica as well as the powers of Tax Administration of Jamaica to enforce compliance. The definitions in this section are consistent with the definitions of the terms used in the FATCA legislation and it is seen in Section 19 in the Second Schedule, which outlines in detail all the definitional issues that are outlined in that Schedule and the provisions thereto.

Clause 4 outlines the details of the financial information that the financial institution is required to report to the Competent Authority and sets out the deadline for that report. As the exchange of information is automatic the financial institution is required to annually report this information to the Tax Administration of Jamaica on or before May 31 of the year following the calendar year to which the report relates. In respect of the calendar year 2014 only the first year of reporting - August 17, 2015 will be deemed to be the deadline for which the financial institution is to send the relevant financial information to Tax Administration of Jamaica, the Competent Authority. Where the financial institution has an established practice of valuing accounts referred to in paragraph 5 (a) or (c) of the Second Schedule other than at the end of the financial year, the financial institution may adopt that valuation for

purposes of reporting and is done every 12 months.

Mr. Speaker, I think since the House has had sight of the gazetted Agreements and the Schedule that - as is included in this Bill, I move that the Bill be read a second time.

During Committee, Mr. Speaker, it is proposed to move first of all an amendment to paragraph (1) of the proposed First Schedule to delete all the words appearing after the words, 'general notice' and substitute therefor the words, No. 19(a), "on the first day of May 2014."

I want to indicate also, Mr. Speaker, in view of the Schedule of the Senate meeting that I am proposing to move an amendment that the date for implementation be August 31 rather than August 17.

I move second reading, Mr. Speaker.

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: Mr. Speaker, just a quick reference to the international financial services which commenced a few years ago when I had the opportunity of bringing the matter here to the House. It has been delayed for an extended period. It should have been done before. But I know there were some problems with the drafting of the legislation, Chief Parliamentary Counsel, I think, came in with some challenges and it has not yet been brought back to the House for completion. But implicit in the legislation was the concern by, for sure, elements in Europe and in North America, as to whether or not it was possible that Jamaica was establishing a tax haven. And this piece of legislation here will put us in good stead and will serve to indicate, as was indicated then, but reinforce the point that Jamaica has no interest in providing any haven for any person contemplating trying to get passed the tax net and using our facilities that we provide here as a shield.

And so I think that it is a good thing that has happened and something that is absolutely necessary if we are to maintain - I wouldn't even say establish, because it is well established, if we are to maintain our reputation as a country that is willing to comply with international regulations and requirements, especially in relation to taxes.

Thank you, Mr. Speaker.

Dr. PHILLIPS: Mr. Speaker, I want to thank the Member opposite. That is the kind of intervention that I have come to associate with him. There was a bit of an aberration. I don't know if it was in anyway associated with the recently passed legislation in the House. I doubt it. But seriously I expect a raft of Bills to come later this financial year in relation to that particular international financial centre idea which I know you spent a lot of time in trying to advance and it is true - and I think it is worth mentioning that in all the attention that has been brought to bear in the Caribbean about the issue of tax evasion and financial institutions, this has not been levelled at Jamaica, and I think it is to the credit of administrations on both sides that this is so. (Applause)

The truth is that this, as you say, assists but it is also true that ultimately if small countries are not to be subject to the unequal negotiations of agreements in relation to taxation and double taxation and tax

compliance agreements, then an appropriate forum would need to be found that makes this more multilateral than strictly bilateral. (Applause) But we have sought to include in - we have sought and succeeded in including in our agreement provisions for reciprocity and we fully expect the United States' authorities to deal with us on the basis of equal sharing of information in respect of people who have tax liabilities in Jamaica, and we expect that to be worked out.

Mr. Speaker, with those remarks I move for 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 Revenue (Administration) Act",

read 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 just to indicate that in the reference in page 9 in clause in the Second Schedule where it speaks to August 17, in Section 4 (3) that that reference should be changed to August 31, and also on page 14, page 14, in the Second Schedule Section 9 (3) again the reference there should be to August 31. And then, when we come to Clause 5 there is an amendment that is provided for.

The CHAIRMAN: The amendments are in Clause 5.

Dr. PHILLIPS: Amendments in Clause 5.

Clauses 1, 2, 3 and 4 put to the Committee and agreed to.

The CHAIRMAN: I put Clause 5.

Dr. PHILLIPS: In Clause 5, in paragraph 1 of the proposed First Schedule, delete all the words appearing after the words, "*general notice"* and substitute therefor the words, *"Number 19 (a) on the 1st day of May 2014".* Delete all the words after 19(a)(3) - sorry, and substitute therefore the words, "*Number 19 (a) (3) on the 1st day of May..."* is it 2014 or 2015? 2014.

Amendment put to the Committee and agreed to.

The CHAIRMAN: We have another amendment?

Dr. PHILLIPS: There is no other amendment except those that I had indicated that in paragraph....

The CHAIRMAN: On page 14.

Dr. PHILLIPS: Yes, on page 9 and page 14. In Clause 5, in paragraph 4(3) and paragraph 9(3) of the proposed Second Schedule delete the word, "*and numerals August 17",* whereever they appear and substitute therefor in each case, "*the words and numerals August 31".*

Amendment put to the Committee and agreed to.

Dr. PHILLIPS: And then put the First Schedule.

Clause 5 as amended put to the Committee and agreed to.

The Title and the Enacting clauses 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.

Motion 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 for 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 Revenue (Administration) Act,

read a third time and passed.

Mr. PAULWELL: Mr. Speaker, I move for recommittal of items, Announcements and Notices of Motions Given Orally.

The SPEAKER: The question is for the recommittal of items, Announcements and Notices of Motions Given Orally.

Motion put to the House and agreed to.

ANNOUNCEMENTS AND NOTICES OF MOTIONS GIVEN ORALLY
(Recommitted)

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

- The Banking Services (Establishment of Branches) Regulations, 2015 under The Banking Services Act
- The Banking Services (Deposit Taking Institutions) (Licence Application) Rules, 2015 under The Banking Services Act
- The Banking Services (Deposit Taking Institutions) (Capital Adequacy) Regulations, 2015 under The Banking Services Act
- And withdrawn is The Banking Services (Deposit Taking Institutions) Form of application regulations under The Banking Services Act

Mr. KELLIER: 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 Local Government (Financing and Financial Management) Act", 2015.

Mr. PAULWELL: Mr. Speaker, we revert to Public Business. The Attorney General will deal with item 7.

THE EVIDENCE AMENDMENT ACT, 2015

The SPEAKER: Mr. Atkinson.

Mr. ATKINSON: May it please you, Mr. Speaker.

The matter before the House for consideration is a Bill entitled the Evidence (Amendment) Act, of 2015. The Bill seeks to amend the Evidence Act by introducing significant reforms and by - and also consequentially to amend the Coroners Act.

By virtue of the Bill, Mr. Speaker, provisions have been inserted to allow for the admission by agreement between parties of documents without the maker of the document

being called to give evidence in relation thereto. What this means is that the parties will agree that in non-controversial areas evidence will be admitted without formally having to go to extra mile to actually proved proof of it.

The Bill introduces new provisions treating with the admission of agreed facts and also the admissibility of documents; and allows for the competence and corroboration of evidence from child witnesses.

Mr. Speaker, very often issues - facts which are not in issue, are required to be proven in a trial when neither party is taking issue, in fact, both parties would be more than willing to agree to them. For instance, in the case of a homicide case, whether murder or manslaughter as to what was the cause of death is often not an issue, but trials sometimes have to be delayed for pathologist to come with postmortem report to prove that in one instance I can recall that a motor vehicle travelling at 80 miles per hour that hit a 80 year old lady was the cause of her death. And that allowed for the trial to be adjourned some four occasions to get the pathologist who was providing evidence in some other Courts all over the region to come to testify. Consequently parties and witnesses had to travel from Kingston to Lucea in one case I can recall on four unnecessary occasions. Now with this Bill, both parties would agree to the contents of a postmortem report as to what the cause of death and thereby obviate that sort of time delay.

Mr. Speaker, the Act also will deal with issues concerning computer-generated evidence. Over the last two decades, since 1990, Mr. Speaker, in which computer technology has rapidly advanced, but nonetheless, the basis on which such evidence was admitted was static. And so, in fact, evidence needed to be provided ahead of time before the evidence could be admitted that the computer was in working order *et cetera*. We all know that computers self-diagnose and when they are not working the computer itself will make that quite obvious.

These are matters, Mr. Speaker, that are not controversial to either the traditional parties to criminal matters, the defense bar or the Director or Public Prosecutions, and in fact, they were consulted in the formulation of this, legislation.

It is anticipated, Mr. Speaker that the collection of amendments to the law of evidence which have long been called for by not just the attorneys who have to deal here, but also the judiciary, will help to improve the inefficiency of the justice system and will reduce delays that often affect the trial processes in our Court.

Since I don't believe the provision of this amendment will provoke much controversy, I will turn directly to the Bill and summarize each clause.

Clause 1, basically, Mr. Speaker, is the short title of the Bill as the Evidence (Amendment) Act of 2015.

Clause 2 amends the heading in the Act to accommodate the amendments which are not made by the provisions of the Bill. Clause 2 also defines certain key terms used in the Bill, namely: civil proceedings, criminal

proceedings, what is a document, who is a party and what is a special measure. And the definition of '*document'* is amended to reflect a simplified definition which recognizes modem technology. So, whereas in former times a document is usually something produced on paper, it goes on to include documents which are electronic.

Clause 3, Mr. Speaker, inserts a new Section 31CA which provides for the admission of any document without calling the maker of the document on the written or oral agreement of the parties. In other words, if the fact of the document is not in issue - formally, one would have to call the person who actually made the document to come and testily that they did so, and that this was, in fact, the document they made. Now, both parties can agree that this in fact was a document created by this particular person, and this would prevent the necessity to call that person. If any one of the two parties, obviously, were taking issue with it, then one would have to resort to calling the maker.

There is also a new Section 31CB which is inserted, treating with the admissibility of expert reports. The section provides that expert reports may be admitted in criminal proceedings without the expert being called to give evidence.

In former times, Mr. Speaker, say in offences under the Dangerous Drugs Act, an expert would have to be called to show that the exhibit in Court is, in fact, the substance for which the law proscribes. But, both parties can agree that the two and-a-half ounces in Court, does in fact reflect what is commonly known as ganja, without calling an expert. If, of course, issue is taken, again, the witness will be called. However, a simple - a report from the witness would actually be admitted in Court, and in those circumstances, the party tendering the report would have to give the other side 30 days notice of their intention, so they can indicate whether they are raising objections to it, or they would be accepting the report on its face.

The onerous requirements of the admission of computer-generated evidence which stated in Section 31G of the Act are repealed by Clause 3 of the Bill and a new regime is inserted. The new Section 31G allows the party seeking to admit computer generated evidence to submit a certificate indicating that there are no reasonable grounds for believing that the statements generated by the computer are inaccurate, and that the computer was operating properly at all material times.

The certificate must be signed by someone occupying a responsible position in relation to the operation of the computer, and the certificate raises what is called a rebuttable presumption which may be disproved by the opposing party. This section also inserts a definition for '*computer'* which currently is not defined in the Act.

Clause 4, Mr. Speaker, inserts a new Part in the Act, dealing with the evidence of child witnesses. This Part focuses on the competence of a child witness to give evidence, and the requirement of corroboration of the evidence of a child. In former times, it was stated categorically, that

children under a certain age could not give sworn evidence, and their evidence would have to be corroborated before it was accepted.

The proposed new Section 31M defines a child as a person under the age of 14 years, and the word, '*court'* is defined to include a coroner's inquest.

The proposed new Section 3IN, Mr. Speaker treats with the issue of competence. It provides that a child is competent to give evidence in either civil or criminal proceedings, if it appears to the Court that the child possesses sufficient intelligence to justify the reception of the evidence, and to understand the duty to speak the truth.

A jury, in those cases that involve jury trials, should not be present during any of the proceedings conducted to determine whether the child is competent. Where the Court seeks to question the child in order to make such a determination, the other parties to the proceedings must be present. The Court may also permit a social worker, or any other person to be present during the questioning.

In the recognition of the vulnerability of child witnesses, this provision allows the Court to conduct the questioning of the child, using a special measure such as by Livelink Technology. So, where the child is particularly vulnerable, and is likely to be intimidated by the circumstances of a Court, the child could be placed in a more comfortable circumstances, and actually answer the questions by way of electronic Livelink Technology.

The Court may also use evidence from a child psychiatrist, a probation officer, or other person, when making a determination of competence.

The new proposed Section 3IP treats with unsworn evidence given by a child, that is, evidence given without the administering of an oath. Where it is determined, Mr. Speaker, that a child is competent to give evidence, the child must give evidence without taking an oath. This evidence must be treated as if the evidence was, in fact, given under oath, and no conviction, verdict, or findings in the proceedings would be taken as being unsafe, for the sole reason that the evidence of a child was given without the administering of the oath.

It is noted that the provision also dictates that a child who willfully gives false evidence will be guilty of an offence, and must be dealt with in accordance with Section 76 of the Child Care and Protection Act.

Mr. Speaker, at common law the evidence of child witnesses must be corroborated, that is that body of law that is not recorded in any statutory provision, or Act of Parliament. However, the proposed new Section 31Q abolishes that common law approach, and provides that corroboration of a child witness is not necessary for a conviction or determination by the Court.

However, this section provides that the Trial Jury may warn the Jury to exercise the caution in determining whether to accept uncorroborated evidence of the child, and the weight to be given to the uncorroborated evidence. And by law the Judge - where the Judge is also Judge of the facts as well, that is to say, no jury, the Judge has to remind

himself or herself on the record, of the caution that they take in determining to accept the child's evidence.

Clause 5 of the Bill deletes Section 50 of the Act. That section requires that a medical report must be accompanied by a sworn statement by the medical practitioner who signed the certificate or the report in order for it to be admitted in evidence without the medical practitioner called to give evidence.

What used to happen, Mr. Speaker, is that in cases like, say, a wounding case, very often the prosecution would tender a certificate from the doctor that the skin was broken in the particular area where the wound was inflicted, and that certificate, on the other side, would have an affidavit - an oath from the doctor certifying that this was in fact so. However, that is no longer required - that is the sworn affidavit. However, the person seeking to tender a medical report must give notice - three days notice to the other party of his or her intention to do so. This section would no longer be relevant in light of the insertion, or the proposed new 31CB which treats with the admissible of expert reports.

Clause 6, Mr. Speaker, repeals Section 51 of the Act which indicates that at any stage of the proceedings, a party to the proceedings, the Court, or the coroner, may require the attendance of the medical practitioner at the proceedings to give sworn evidence. And this happens on occasion, if the nature of the wound could be instructive, and add more to the finding of culpability than the mere fact of a wound, for instance, as to the amount of force that would have been used as to what - if there is issue taken as to the weapon that cause the injury *et cetera* - one side would simply inform the Court that the doctor - the medical practitioner would be a necessary witness and ought to be called, and the Court, in those circumstances, would accommodate that request.

Clause 7 of the Bill treats with a consequential amendment of other enactment, for instance, Section 20 of the Child Care and Protection Act is to be deleted. That is the section that provides where a child under the age of 14 years give evidence without taking an oath. The accused cannot be convicted unless the evidence is corroborated. This conflicts with the proposed new Section 31Q, and is therefore being deleted.

The Coroner's Act, Mr. Speaker, is also being amended to ensure that the definition stated in the Evidence Act correspond with those in the Coroners Act. In fact, the Coroner's Act controls what I call coroner's inquests which are judicial hearings similar to what takes place in a Resident Magistrates' Court, determining whether the cause of death is what - in sudden deaths, whether the - what is the cause of death, whether it's by criminal activity or otherwise, or by accident.

And what the amendment in the Coroner's Act requiring the attendance of a medical practitioner treating with the admission of statements by agreement, and computer-generated evidence are deleted having regard to new provisions.

Also, Mr. Speaker, the Criminal Justice Administration Act is amended to make provision for the designation of attorney at

law of record, to appear on behalf of the accused in certain proceedings.

Very often, and particularly in cases where accused persons are in custody, Court rooms are held up, waiting on their appearance in Court in circumstances where the proceeding before the Court are mentioned, or some innocuous appearance. It might be just for the Court to ascertain whether the cases are ready for trial and to set a trial date - and you can't even do that, because the accused man is in custody, and the one vehicle that traverses the whole Corporate Area, carrying prisoners to all Courts, is late to arrive at his farthest point.

But what this allows is for the accused lawyer - his attorney to appear on his behalf where it is not necessary for the accused and does not advance the hearing in any way for the accused to be present.

This authority may be granted in relation to any part of the criminal proceedings, save and except where there is a plea of guilty to be made, where sentence is to be pronounced, where oral evidence is to be taken, where jurors are selected, or where a summation is being made, and a verdict is being delivered. In those proceedings, Mr. Speaker, the accused must always be present.

And the designation of presence may be revoked at any stage by the accused person. And, certain forms have been prescribed for the designation of an attorney, and for the revocation of the attorney designation.

Mr. Speaker, I now commend the Bill to this Honourable House for comment and or debate, the terms of which I would submit, have been long overdue. This idea that every detail has to be formally proved by a witness taking an oath when it is not an issue in Court - I've seen even in other jurisdictions even in a trial, a witness - parties may stipulate that evidence is not necessary if a - the prosecution normally has to prove that the accused was the person who was present at say, a crime. But if the defense really is yes, I was present, but I acted in self-defense, Counsel may say, "look here, look here, he was there, identification is not an issue, what we're saying is what took place was either (a) an accident or was an act of self-defense".

So it is necessary to reduce a lot of our trials; and a lot of cases have been postponed. For instance, Mr. Speaker, for simple things like someone coming to identify a body at a postmortem, the relative of the deceased person has to go through a trauma to stand up in the witness box to say the mutilated body that he saw was that of her son is no longer necessary unless the person wants it to look so. And so I would commend the Bill to this Honourable House.

May it please you.

The SPEAKER: Mr. Chuck.

Mr. CHUCK: Mr. Speaker, the amendment of the Evidence Act before us is really a straightforward amendment...

Mr. PICKERSGILL: Hear! Hear!

Mr. CHUCK: ...and indeed, accords with common sense.

Mr. PICKERSGILL: Hear! Hear!

Mr. CHUCK: Indeed, Mr. Speaker, the Attorney General has pointed out that many of these provisions are provisions which have

been adopted in other jurisdictions and in all fairness, should've been adopted here long ago. Indeed, Mr. Speaker, what this Bill proposes to do is to ensure that non-contested issues in a court can be accepted without the use of judicial time.

The Attorney General has given some examples, Mr. Speaker, but there are many other examples which can be given. For instance, a lot of time is spent trying to prove, in a murder case, that the man is dead or the victim is actually dead, when indeed, you know, sometimes you have to bring persons to come to court to prove that there was a death certificate or the man was seen being buried, when indeed, Mr. Speaker, just the evidence or documentary evidence from the doctor or from the relative can be agreed on between the parties that indeed, there is a deceased person for which the man is being charged for.

And as the Attorney General has pointed out, Mr. Speaker, there are many cases in fact, which have been held up for repeated number of times because the pathologist who has to depone and whose evidence is there in court, but the pathologist has to come to depone the very evidence which is available to both parties and which is not contested. In those circumstances, Mr. Speaker, it is clear that this amendment to the Evidence Act will significantly save some judicial time, and in those circumstances, Mr. Speaker, one can only support those amendments.

A very interesting amendment, Mr. Speaker, is where the Attorney can represent the accused without the accused being present in court. Now oftentimes, Mr. Speaker, when a matter is up for mention, not a trial, for mention, you have dozens of accused persons coming to court and you have to call them and shouting. You go to RM Courts, Mr. Speaker, and you hear the persons shouting down the road, asking for the accused person, because if the accused person is not present his bail could be revoked or the matter may not be dealt with.

So, Mr. Speaker, if this amendment allows an accused to say I represent X, but X is not present today but he is available...

Mr. PICKERSGILL: The lawyer.

Mr. CHUCK: The lawyer, sorry the lawyer, to make that presentation, then it would save a lot of court time again, Mr. Speaker, because the Attorney could say when the case is mentioned, I represent X, he's not present today, but at the trial he will be available. So all of these instances, Mr. Speaker, are amendments which could - which are supported and I hope very soon that they are put into effect.

Mr. Speaker, there can be no doubt that when you look at some of the evidence being presented in Court, that perhaps a third, maybe as much as half of it, could actually be agreed on between the parties and therefore, the other half or two-thirds are the real issues that are contested, and that is what, Mr. Speaker, should take up judicial time.

In respect, Mr. Speaker, of children witnesses, it is a fact that once a child under the age of 14 understand right from wrong and can give evidence, the only concern is whether the Tribunal of Fact should be warned, and there can be no doubt that it is recommended

that the Tribunal of Fact, whether a Judge sitting alone or a trial by jury, that they should be warned that the child is of tender age and therefore they must be careful about utilizing the evidence. But I agree, Mr. Speaker, and it can be supported, there's no reason for a child under 14 to be sworn. And this is what this amendment has sought to make.

Mr. Speaker, my only concern is that we need to go further, because Attorney General, yes computer-generated evidence will be accepted, but I would say, Attorney General, we need to amend the Evidence Act even more so that other electronically-generated evidence can be accepted. And I mean by this, Mr. Speaker, where for instance, you have a video - now at the moment there's no basis to accept a video, but, Mr. Speaker, you may well have a situation where a video - and there are many householders and many stores that have video cameras now that capture what is taking place, and it may well capture the accused person. And that video, Mr. Speaker, is very difficult to just use it on its own; you have to get the maker of the video, you have to demonstrate all sort of protection that the video was working properly, that it was set up at a certain time, *et cetera.*

I say, Attorney General, we need to get into the information age so that electronically generated evidence such as videos, cameras, Mr. Speaker, that take pictures say, of a motorist breaking a traffic light, can we use that in Jamaica, it is used in other jurisdictions, there should be no reason why in Jamaica if you have a camera of a motorist breaking a traffic light, then that picture should be utilized, especially if he can demonstrate that in fact, at the relevant time the light is red and the motorist is going through the red light, so that that bit of evidence can be utilized.

With that sort of electronic use, Mr. Speaker, there's no doubt that it could be a deterrence to persons using the roadway. And even prospective or potential criminals who go into criminal activity, if they know that electronic cameras may be present and these electronic cameras or cameras can actually take pictures and videos of what they're doing - when you look, Mr. Speaker of the Boston bomber, if it wasn't for these electronic cameras, that case could not be resolved, but these cameras were well positioned on that Boston City to be able to capture the pictures in order to find these real killers who caused - exploded these bombs with that Boston Marathon runners. And I say, Mr. Speaker, I can only hope that more of these cameras will be utilized and that the Court will be able to utilize some of these video evidence.

Mr. Speaker, this amendment goes someway to improving, at least to reduce the prolonged and inordinate delays in the Courts. But Mr. Speaker, let me emphasize that the Courts in Jamaica today are failing in delivering justice on time. And it is important, Mr. Speaker, that we look at ways to improve the court system so that persons who go to Courts - and Mr. Speaker, there are hundreds of Jamaican citizens who go to the Courts every day and they leave absolutely frustrated because they have to keep going on for several days before, whether they are witnesses or

accused persons, they find that they keep returning to courts and the simple problem of delays and repetition of mentioned cases and trial dates.

Mr. Speaker, it's clear to me that judicial time needs to be used much better. At the moment judicial time is limited, but the limited time that we have in the Courts is not well used, and the only way, Mr. Speaker, that we can ensure that it is properly used, we have to have the Courts being managed better.

Mr. Speaker, about twenty-odd years ago we proposed Court Administrators, and these Court Administrators now exist in the Courts, but they're not being used in the way that we anticipated. We have now, Mr. Speaker, in the Courts what is known as Case Management Conferences. But, Mr. Speaker, what you need are case management during the ordinary day so that cases really start on time and that they're completed when they're supposed to be tried.

You know, Mr. Speaker, in virtually any event you have what are known as event planners. Any event that is to be properly executed you have event planners and these event planners/coordinators ensure that the events are properly executed. Mr. Speaker, we need these sorts of managers and event planners in the Courts, because, Mr. Speaker, if you set five cases to be tried for the week you're lucky sometimes if you get one tried. And I say what is needed are case managers who can perform the role of event planners to make sure that if you have five cases to be tried for the day or for the week, that they're tried on time rather than being put off repeatedly and frustrating the witnesses and citizens of this country.

So, Attorney General, we support the amendments but we need to go even further and very quickly. Make sure we have more amendments to reduce the delays and more innovations for the cases to be tried on time, and so we can deliver justice to the ordinary citizens of our country. (Applause)

Mr. D. SMITH: Mr. Speaker, there's a major concern affecting hundreds of thousands of Jamaicans at this time, which I'm of the view, is quite germane to this Bill, and I'm talking about expert evidence by way of forensic experts.

Mr. Speaker, talking about postmortem, to be precise, right now there's a crisis out there because whatever seems not to be working, the process is increasingly slow, almost grinding to a halt.

I have had complaints from all over Jamaica, most recently from Western Jamaica, where persons are now waiting up to six weeks to get post-mortem done on their relatives, deceased relatives. Now, I am also told that there are only two forensic pathologists in Jamaica at this time and I think the Acting Minister of National Security should take special interest in what I am saying, seeing that it falls within his remit right now. So, something needs to be done because what has happened is that relatives from abroad, they come here expecting that within reasonable time the post-mortem would be done and they would make the appropriate funeral. It's not done; some persons are complaining that they are losing their jobs

because they can't afford to go and to come back. Right?

There is also a suggestion that the slowing down process, Mr. Speaker, is a method of inducing corruption. What I mean by that? People get desperate and offer varying sums to get their post-mortem done. It is a crisis. I am not creating an alarm, you can check it out, and this is something that I think the Ministry of National Security should take very seriously so as to accelerate the process to minimize the concern primarily to the poor people in this country.

Thank you, Mr. Speaker.

Mr. ATKINSON: Mr. Speaker, I thank my colleagues for their comments. I can assure the Members that we are aware of the shortage of pathologists, however, one of the biggest contributing factor to the delay in post-mortem is that the pathologist is at courts all over the island, five days a week when they should be performing postmortem. That takes away a lot of their time because they have to travel from parish to parish to wait and to testify in court. This new amendment will make them more available, the few that we have, to perform more, pathologists. But your comments are well taken and I am sure the Minister of National Security will take note of that.

So, Mr. Speaker, with that in mind I would 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 Evidence 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: Mr. Atkinson, any amendments?

Mr. ATKINSON: There are no amendments.

The CHAIRMAN: I put Clause 1.

Put to the Committee and agreed to.

I put Clause 2.

Put to the Committee and agreed to.

I put Clause 3.

Put to the Committee and agreed to.

I put Clause 4.

Put to the Committee and agreed to.

I put Clause 5.

Put to the Committee and agreed to.

I put Clause 6.

Put to the Committee and agreed to.

I put Clause 7.

Put to the Committee and agreed to.

I put the Schedule.

Put to the Committee and agreed to.

I put the Title and the Enacting Clause.

Put to the Committee and agreed to.

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.

Mr. ATKINSON: Mr. Speaker, I now 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 the Evidence Act"

read a third time and passed.

Mr. PAULWELL: Mr. Speaker, I now turn to Government Business item 10 on the Order Paper. A Bill entitled: "AN ACT to Repeal and Replace the Cyber Crimes Act".

Mr. Speaker and Members of this Honourable House, you will recall that the Cyber Crimes Act which was promulgated in March 2010, made provision for its review by a Joint Select Committee of the Houses of Parliament after the expiration of two years from the date of commencement, consequently, Mr. Speaker, a Joint Select Committee comprising Members of both Houses, and both the Government and the Opposition was convened to consider and to report on the operation of the Act.

The Joint Select Committee conducted its review over the period January to September 2013, and to aid in its consideration the Committee invited individuals and interested groups to make submissions regarding same, and, Mr. Speaker, a total of seven groups and two individuals made submissions. The Committee submitted its report to Houses of Parliament October 2013 and that Report was adopted by this Honourable House in October 2013 and by the Senate in January 2014. So this is a long vintage.

Mr. Speaker, I want to thank my colleague Member of Parliament for South East St. Andrew, Minister of State, for the tremendous work that he has done especially in chairing the Joint Select Committee, and we want to commend him. (Applause by Government Members) And also other Members of the Committee for the time that they took to ensure that we did a comprehensive review.

I am pleased, Mr. Speaker, to pilot this Bill not only because of its importance but also because it is the product of our consultative and bipartisan engagement which underscores the commitment of both the Government and the Opposition to resolving the issues which affect and concern us all.

Mr. Speaker, the rapid advancement of technology has led to an increase in the use of various technological tools and devices to commit sophisticated criminal activities. On many instances the technology is being used to commit old crimes and in some instances new crimes have been created. As such, Mr. Speaker, the Bill seeks to, among other things, provide criminal sanctions for computer specific offences such as unauthorized modification of a computer programme, or data, and unauthorized access to any programme or data held in a computer.

Mr. Speaker, although the Bill seeks to repeal and replace the 2010 Act, the House is asked to know that the Bill retains most of the provisions of the current 2010 Act.

Consequently today, in this Debate, I will only direct the House's attention to the sections to which amendments are being proposed and the new clauses which are being introduced. So I will go through clause by clause just those new sections that are affected.

So we are amending Section 2 which is the Interpretation section. The amendment to Section 2 of this Act seeks to, among others things, amend the definition of "damage" to include references to subsection (4)(4), the new subsection (8)(2) and (9)(3), and the renumbered subsection (10)(2). We are also repositioning the term "key" which was located in subsection (17)(18) of the Act, to this section and expand the term to include authentication or authorization token by metric identifier and jester.

We are also amending the definition of output to include the word, "auditory". Output in relation to a computer, data, or programme now means a statement or representation, whether in written, printed, pictorial, graphical, auditory or other form.

An amendment is made to subsection (3)(3) to remove the words, "subject to subsection (4)", as there was no such subsection.

In considering penalties under the Act the view was expressed that same should, among other things, reflect the seriousness with which cyber crimes are being treated, consequently, Mr. Speaker, almost all the penalties in the current Act have been increased.

The level of the penalties proposed was informed by the Law Reform (Fraudulent Transactions)(Special Provisions) Act, otherwise called the Lotto Scam Act, as the activities under that Act and the Cyber Crimes Act tend to use similar technology to carry out the offence. Additionally, the precursor Chemicals Act was considered as it contains provisions for repeat offenders.

Amendments have been made to subsection (3)(3) to increase the penalty on summary conviction before a RM, as well as an indictment before a Circuit Court.

In the case of a first offence, Mr. Speaker, the Resident Magistrate may propose a fine not exceeding $3 Million, up from $2 Million, and a term of imprisonment not exceeding three years up form two. If any damage is caused a fine not exceeding $4 Million, up from $3 Million or imprisonment for a term not exceeding four, up from three years.

Mr. Speaker, provision has been included to address repeat offenders. Where a second or subsequent offence has been committed, whether or not any damage is caused, the Magistrate may impose a fine not exceeding $5 Million or a term of imprisonment not exceeding five years, or both such fine and imprisonment.

Upon conviction or indictment before a circuit court, the penalties are as follows:

For first offence a fine or imprisonment for a term not exceeding seven years, up from five. If damage is caused as a result of the commission of the offence a fine or imprisonment for a term not exceeding ten years, or both such fine and imprisonment. In the case of a second or a subsequent offence, Mr. Speaker, regardless of whether or not any damage is caused a fine or imprisonment for a

term not exceeding 15 years, or both such fine and imprisonment.

The amendment to Section 4 of the Act seeks to delete the word, "*not*" from paragraph (a) of subsection (1). This subsection previously provided that:

> "A person commits an offence if that person accesses any programme or data held in a computer with intent to commit any offence punishable by imprisonment for a term not exceeding one year."

Mr. Speaker, the original intention was to cover all criminal offences which attract a penalty of imprisonment for a term exceeding one year. The presence of the word, "*not*" therefore restricted the prosecution's ability to prosecute serious offences that are punishable by a term greater than one year and limited prosecution to very minor offences. So additionally the penalties have been adjusted.

At the RM level in the case of a first offence to a fine not exceeding $4 Million, up from $2M, or imprisonment for a term not exceeding four years, again up from two years. If any damage is caused in such a case the fine has been increased to, not exceeding $5 Million up from $3M, and a term of imprisonment of up to five years, up from three years. In the case of a second or a subsequent offence to a fine not exceeding $5 Million or imprisonment with a term not exceeding five years or to both such fine and imprisonment.

Mr. Speaker, with respect to the circuit court, in the case of a first offence a fine or imprisonment for a term not exceeding seven years up from five years in the current law and if any damage is caused a fine or imprisonment for a term not exceeding ten years up from seven years in the current law. And in the case of a second or subsequent offence a fine of imprisonment for a term not exceeding 15 years or both such fine and imprisonment.

Mr. Speaker, the amendments made to Sections 5, 6 and 7 seek to increase the penalty related to the offences of unauthorized modification of a computer programme or data, also unauthorized interception of a computer function or service and unauthorized be instruction of the operation of a computer. As the proposed increase to the pen amounts in both the RM Court and the Circuit Court are the same as the increase I previously mentioned with respect to subsection 3, (3) they will not be repeated.

Mr. Speaker, fraud remains one of the most popular crimes on the internet as the technology enables a person to use automation and software tools to mask their identity. Computer-related forgery is also popular. There is the growing phenomenon of fishing where offenders send out emails that imitate those emanating from legitimate financial institutions used by the addressees. The emails usually require the addressee to disclose certain secret information which is often used to commit other offences such as fraud and larceny. They are designed in such a way that makes it almost impossible for the addressees to identify it as fake. This clause therefore seeks to create an offence where a person fraudulently with intent to procure an advantage for himself or another person:

1. causes loss of property to another person by any input, alteration, deletion, or suppression of data, or
2. interference with any function of a computer, or accesses any computer and inputs, alters deletes or suppresses any original data with intention of the data after such input, alteration, *et cetera* is considered or acted upon as if that data were the original data.

The penalties attached to the offence are as follows:

- On summary conviction before the RM in the case of a first offence a fine not exceeding $4 Million or imprisonment for a term not exceeding four years or to both such fine and imprisonment,
- If any damage is caused as a result of the commission of the offence, a fine not exceeding $5 Million or imprisonment for a term not exceeding five years or both such fine and imprisonment.
- Or in the case of a second or subsequent offence, regardless of whether or not any damage is caused, a fine not exceeding $5 Million or imprisonment for a term not exceeding five years or both such fine and imprisonment.
- On conviction, Mr. Speaker, on indictment before a circuit court in the case of a first offence, a fine or imprisonment for a term not exceeding ten years.
- If any damage is caused, a fine or imprisonment for a term not exceeding 15 years or to both such fine and imprisonment.
- And in the case of a second or subsequent offence a fine or imprisonment for a term not exceeding 20 years or both such fine and imprisonment.

Mr. Speaker, during the review of the articles we recommend that provision be included:

> criminalizing harassment through electronic means; this includes the sending of threatening emails or coming in contact in chat rooms with a victim.

Consequently, Clause 9 creates an offence in instances where a person uses a computer to send to another person in the form of a message or otherwise that is obscene, constitutes a threat or is menacing in nature and intends to cause or is reckless as to whether transmission of it causes annoyance, inconvenience, distress or anxiety to the person or any other person receiving same.

The offence also exists whether or not the data is received by the person the offender intended to send the data to. A person who commits this offence would be liable under conviction before a RM and a circuit court to similar fines and terms of imprisonment as those previously indicated for the new section A.

Mr. Speaker, the amendment proposed by Clause 10 of the Bill, which was previously Section 8, seeks to delete from paragraph B of subclause 1 the term, "access code or

password" as it was not defined in the section or anywhere else in the Act and it now replace same with the more expansive term key which as previously indicated has been relocated from the current subsection 17, 18 to Clause 2 of the Bill.

The penalties associated with this offence are similar in both the RM and circuit court to the penalties discussed in relation to Clauses 8 and 9 and as such I won't go over them again.

The amendments to Section 11 seek to increase the penalty attached to the commission of offence under Section 3 to 10 where the computer in respect of which an offence is committed is a protected computer. A protected computer is a computer which at the time of the commission of the offence the offender knows or ought reasonably to know is necessary for or use directly in connection with, for example the security, defence or international relations of Jamaica or provision of services directly related to communications, infrastructure, banking and financial services, public utilities, public transportation or essential public infrastructure.

So in this regard Mr. Speaker, the term of imprisonment has been increased from 10 years to 25 years. Additionally, subsection 11 (3) has been amended to provide that the Minister may, by order publish in the *Gazette* amend subsection 11 (2) that is definition of protected computers so as to add, vary or exclude any use. However any such addition, Mr. Speaker, variation or exclusion is subject to affirmative resolution instead of the usual negative resolution. Mr. Speaker, the amendments to Section 12 previously Section 10 proposes to not only make it an offence to incite attempt, aid or abet the commission of an offence under the Act but to conspire with another person to commit the substantive offence. The applicable penalty will be the same penalty as applies to the substantive offence, therefore the present penalty of $2 Million or a fine not exceeding two years on summary conviction and a fine for five years on indictment in the circuit court, that those have been removed.

Mr. Speaker, it is considered prudent to include in the Act new provisions concerning persons with disclosed details of investigations that are being undertaken in relation to an offence under the Act. As such action could seriously hinder investigations. Consequently provisions akin to those contained in the Proceeds of Crime Act have been included in the Act. In this regard a person who discloses information that is likely to prejudice an investigation or falsifies, conceals, destroys or otherwise disposes of or causes or permits the falsification, concealment, destruction or a disposal of documents or that are relevant to an investigation will be guilty of an offence except in certain limited circumstances and these include whether the person does not know or have reasonable grounds to believe that the disclosure is likely to prejudice the investigation or the disclosure is made in the exercise of a function under the Act or in compliance with a requirement imposed under or by virtue of the Act, or the person does not know or suspect that the documents are relevant to the investigation.

At present, Section 11 of the Act provides that where a body corporate commits an offence under the Act and the court is satisfied that a director, manager, secretary or other similar officer of that body corporate (a) connived in the commission of the offence or (b) failed to exercise due diligence to prevent the commission of the offence, such director, manager, secretary or other similar officers shall be liable on conviction on indictment before a circuit court to a fine or imprisonment for a term not exceeding five years or to both. It is believed however that the penalties for the director, manager, secretary or other similar officer of the body corporate who connived in the commission of the offence should not be the same as the officer who failed to exercise due diligence to prevent the commission of the offence. Consequently, separate provisions have been created to deal with each circumstance and a distinction made between the sentencing.

The amendments to the section provides that if the director, manager, secretary or other similar officer of a body corporate connived in the commission of the offence that officer shall be liable to be proceeded against and punished in the same manner as the body corporate itself. The penalty attendant to the failure of an officer (inaudible) exercise due diligence to prevent the commission of the offence is as follows: in the RM court a fine not exceeding $2 Million or imprisonment for a term not exceeding two years or to both, and in the circuit court a fine or imprisonment for a term not exceeding six years or to both.

Subsection 1 of Section 15 previously section 12 has been amended to insert the words, "in the same proceedings" after the words, "the court may." Also subsection 2 has been amended to delete the word, "remedy" and to replace same with the words, "any other cause of action." At present, Mr. Speaker, Section 13 (1) (a) of the Act defines computer material to include, among other things, any other computer or any part thereof if (a) data from computer A is available to computer B.

On review it was identified that the letters in subsection 13, (1)A, 3(a) should be reversed. The current formulation reverses the role of the respective computers. However the intention was to capture computer material which is on networked computers. So where there is a computer A and another computer B and data from computer B is available to computer A and the data is stored on computer B a Preservation or Production Order can be issued. Computer B may be outside of Jamaica but as long as computer A can access the data the Orders made under Part 3 can be executed. Consequently, Mr. Speaker, the section, now Section 16 (1) (a), 3 (a) has been amended to insert after the words, "computer B" the words, "or data from computer B is available to computer A."

Section 14 of the Act now Section 17 addresses the preservation of and a constable's ability to issue a notice with respect to the preservation of same, subsection 14 (2) currently provides that the notice referred to in subsection 1 shall be in writing and shall

specify (a) the computer or any storage medium to which it applies, (b) the data to which it applies and (c) the period for which the data is required to be preserved for a period not exceeding 30 days.

Paragraphs A and B on the face of it require a level of knowledge and specificity which an investigator may not have except, for example, the subject's name and the name of the institution which may hold relevant on the subject. As such the amendment to subsection 2 seeks to delete paragraphs A to C and replace with language that would now require the notice to one, specify the name of the person in possession or control of the computer or storage medium or the address where the computer or storage medium is located, two, the period for which the data is required to be preserved being a period not exceeding 60 days and three, the requirements to be complied with for the preservation of the data.

Additionally, a new subsection 3 has been included which provides a definition for address which includes a location, an email address, telephone number or other number or designation used for the purpose of identifying a computer or electronic communication system. The penalty for failure without reasonable excuse to comply with a requirement imposed on by preservation notice or to make a statement that the person knows to be false or misleading in a material particular or recklessly makes a statement that is false or misleading in a material particular is upon conviction before an RM a fine not exceeding $3 Million or imprisonment for a term not exceeding three years or to both and upon conviction before a circuit court a fine or imprisonment for a term not exceeding seven years or both such fine and imprisonment.

Subclause 19(2) Mr. Speaker previously subclause 16(2) allows a person who immediately before the execution of a warrant to search and seize had possession or control of seized in the execution of a warrant to request a copy of the data from the constable to execute the warrant - from the constable who executed the warrant. The constable is then required to, as soon as is reasonably practicable, comply with the request if the conditions under subsection 3 are satisfied.

Mr. Speaker, a new section has been included in the Act that allows for the forfeiture of computer material which is the subject matter of the offence in the event that the person is convicted of the said offence and the Court is satisfied that the person owns the computer material used in the commission of offence, or the owner of the computer material permitted it to be used in the commission of the offence, or the circumstances or otherwise such that it is just to do so. Alternatively, the Court may make the relevant forfeiture order if it is satisfied that the computer material has been abandoned or the circumstances in which the computer material was seized give reasonable cause to suspect that it was being used or has been used for committing an offence under the Act and it is otherwise just to do so.

Mr. Speaker, it noted that similar forfeiture provisions exist in other legislations such as the Dangerous Drugs Act, the

Trafficking Persons Act and the Terrorism Prevention Act.

Clause 21 of the Bill has been amended to ensure internal consistence to delete a few definitions as well as to increase the penalty under the section. In this regard, the words, 'or control' have been inserted after the term, 'possession' wherever they appear.

Mr. Speaker, the current Section 19(2) of the Act allows the Minister to make regulations which provides for penalties on summary conviction or on indictment which are in excess of the penalties specified in Section 29(b) of the Interpretation Act. This, however, has been amended to limit the Minister's power in respect of penalties to a maximum of $1 Million on summary conviction or conviction on indictment for contravention of the regulations.

Additionally, Clause 24 has been amended to allow the Minister by order, subject to affirmative resolution and published in the Gazette to amend any monetary penalty imposed by the Act, or the maximum monetary penalty specified in regulations made pursuant to section 23 (2) of the Act.

In light of the dynamic nature of cybercrimes, Mr. Speaker, with a view to ensuring that the Act is kept under constant review, the current Section 21 regarding the review of the Act by a Joint Select Committee of Parliament has been retained. However, the time at which the Act is to be reviewed has been increased from two years to three years from the date of commencement of the Act. And Clause 26 of the Bill seeks to repeal the current Bill - the current law, the Cybercrimes Act of 2010.

And finally Mr. Speaker, the Bill amends the Act by inserting a new Section 27 which provides that the validity of any proceedings taken or any order enforced under the Cybercrimes Act 2010, immediately before the date of commencement of this Act shall not be affected by virtue of the appeal of the 2010 Act. Any such proceedings shall be continued and determined, and any such order shall continue enforce for such duration as if such appeal have not been made.

May it please you, Mr. Speaker.

Mr. Speaker, I am urging colleagues well, the Opposition this matter has been before a Joint Select Committee. The Committee Report in 2013 was accepted. There should be no contention. I urge that we complete the matter today before we go off on recess.

Mr. JACKSON: To do otherwise would be irresponsible.

The SPEAKER: Mr. Smith.

Mr. SMITH: Mr. Speaker, it was not my understanding, when I spoke to the House Leader yesterday that we would complete this today. It was my understanding that we would commence the debate and the Opposition would reply at some later time. It was never my understanding, and based on my understanding I passed this information on to our speaker on this portfolio. So the Opposition is not of the mind to respond to this Bill this afternoon - this evening actually.

Mr. PAULWELL: Mr. Speaker, there must be some serious misunderstanding. We

know that we are going off on a break and it makes no sense for us to delay passing this very important - we have been criticized by the Member for not passing and updating these provisions. And for us to wait until September, Mr. Speaker, I think it is really quite unreasonable. And especially in light of where we are at with this matter, I am urging that we proceed.

The SPEAKER: Dr. Wheatley, is there anything controversial or...

Mr. JACKSON: He never file any minority report.

Dr. WHEATLEY: Mr. Speaker, there are some issues that I want to raise, but I was not informed... Permission to speak from a seat other than my own?

The SPEAKER: You may proceed.

Dr. WHEATLEY: I was not informed. I was given the impression that I would get the opportunity to speak on the matter at a later date.

Mr. HENRY: Mr. Speaker, let me also add that I was not informed that we would be. It was my clear understanding that the debate would be opened this evening and would continue. And I am still within the precincts of the House...

Mr. PAULWELL: Mr. Speaker, I really believe that it is an unreasonable position. But I will allow for the time and I will, therefore move for the suspension of the debate until we resume in September.

The SPEAKER: So be it.

Mr. PAULWELL: Mr. Speaker, I move of the recommittal of item Notices of Motions given Orally.

The SPEAKER: The question is for the recommittal of item, Notices of Motions given Orally.

Motion 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 that at the next meeting of the House, he will move the Banking Services Act, the Banking Services (Deposit Taking Institution) (Licenses Application) Rules 2015, Resolution.

Whereas subsection (1) of Section 132 of the Banking Services Act, hereinafter referred to as the Act provides that the Supervisory Committee may make regulations for the purpose of giving effect to the provisions of the Act and without prejudices to the generality of the foregoing the regulations made may make provision in relation to the forms for applications and notices and any such matters as may be specified under this Act.

And Whereas subsection (3) of the said Section 132 of the Act provides that regulations made under subsection (1) shall be subject to affirmative resolution.

And Whereas the Supervisory Committee on the 21st day of July 2015, may the Banking Services, (Deposit Taking Institutions) (License Application) Rule, 2015

And Whereas it is desireable that the Banking Services (Deposit Taking Institution) (License Application) Rules 2015, be affirmed.

Now Therefore be it Resolved by this Honourable House as follows:

1. This resolution may be cited as The Banking Services (Deposit Taking Institution) (License Application) Rules 2015 Resolution,
2. The Banking Services (Deposit Taking Institutions) (Licenses Application) 2015, which were laid on the Table of the House on the 21st day of July 2015, are affirmed.

Also, Mr. Speaker, the Banking Services Act, the Banking Services (Establishment of Branches) Regulations 2015 Resolution.

Whereas subsection (1) of Section 1 of the Banking Services Act herein referred to as 'the Act' provides that the Supervisory Committee may with the approval of the Minister make regulations for the purpose of giving effect to the provisional Act and without prejudice to the generality of the foregoing. The regulations may make provision in relation to the establishment of branches or representative office.

And Whereas subsection (2) of Section 131 of the Act provides that regulations made under subsection (1) shall be subject to affirmative resolution;

And Whereas the Supervisory Committee with the approval of the Minister responsible for finance from the 21st day of July 2015 made the Banking Services (Establishment of Branches) Regulations, 2015

And Whereas it is desirable that the Banking Services (Establishment of Branches) Regulation, 2015 be affirmed;

Now Therefore Be it Resolved by this Honourable House, as follows;

1. This resolution may be cited as the Banking Services (Establishment of Branches) Regulations, 2015 Resolution;
2. The Banking Services (Establishment of Branches) Regulation, 2015 which were laid on the table of the House on the 21st day of July 2015, are affirmed.

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker, it is not intended for us to do any further business today. I wish to note that the House will take a short recess. We will announce when we will resume. It might be that we come back a little earlier than we are accustomed to. Mr. Speaker, you will be pleased to know that we intend to break all the records this year in terms of the number of Bills that we passed minus the last one, we would come completed 19 Bills in 5 months of the House which unprecedented.

(Applause)

We were aiming for 20, but we will do that in September. So we acknowledge the serious work that the Parliament has been doing and we will do even more work when we resume as we will announce.

We, therefore, are moving for the adjournment of the Parliament for a date to be fixed.

The SPEAKER: Mr. Smith.

Mr. SMITH: Mr. Speaker, just before I sort of respond to the House Leader, if you will permit me, Mr. Speaker, because I heard a comment coming from the Member from St. Catherine South which was not complementary and I just want to clear the air.

In the agenda for the House of Representatives Tuesday, July 21, which was circulated, there are listed issues to be taken today, and under Bills it says here, the Attorney General item 7, An Act to Amend the Evidence Act through all its concluding stages.

It says here, the Minister of Finance and Planning an Act to Amend the Revenue Administration Act through all its concluding stages. And it says here, the Minister of Science, Technology, Energy and Mining to open, highlighted the debate on the An Act to Repeal and Replace the Cybercrimes Act. I want to make this perfectly clear that what I understood is in this document, Mr. Speaker.

Having said that, sir, I would like to say that it is my view that this is a very appropriate time to take the summer break, on four fronts;

a) One, most of us in the corporate area have a serious problem with water and I think the Water Minister is very much here comfortable, of course.
b) And secondly, Mr. Speaker, the temperature that we are experiencing daily is unusually high, the Climate Change Minister is right here, comfortable.
c) Thirdly, Mr. Speaker, based on what is highlighted by the House Leader regarding the amount of Bills that have been passed we just didn't do that by ourselves, the administrative staff of the House would have been very much involved, so they would obliviously be under pressure when circumstances are grossly inadequate.

So it is very timely to give them a break at this time. But equally important, Mr. Speaker, why I say it is a good time to take a break. Listening to frontline speakers of the Government side in the House over the last couple of weeks, things that they have been saying which has been reported on television suggest to me that they are suffering from something. You have never heard this coming from them.

(*Sotto voce* comments by Mr. Jackson:

Mr. SMITH: They seem to have all sort of internal problems and they have problems with the Opposition and the problems with everything and everyone.

So, Mr. Speaker, I concur on behalf of the Opposition. It is a good time to take a break, so we can all cool out and come back after the

break very refresh to do a lot more business on behalf of the Government and the people of Jamaica.

Thank you, Mr. Speaker.

The SPEAKER: The question is that the House do adjourn for a date to be set?

Motion put to the house and agreed to.

The SPEAKER: (Gavels) House stands adjourned.

The Honourable House of Representative accordingly adjourned its sitting at 7:04 p.m. for a date to be fixed.