JAMAICA HANSARD

Parliamentary Proceedings

of the

HONOURABLE HOUSE OF REPRESENTATIVES

Session 2015 – 2016 VOL. 41 No. 2

September 1, 2015 – December 8, 2015

JAMAICA HANSARD

PROCEEDINGS
of the
HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2015 – 2016 VOL. 41 No. 2

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- twenty-eight (28) Orders and Resolutions approved;
- thirty-seven (37) Ministerial Statements made;
- twenty-seven (27) questions answered;
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TUESDAY, September 1, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:27 p.m.

PRESENT

THE SPEAKER

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

MEMBERS OF THE CABINET

THE HONOURABLES:

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

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

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

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. 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

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

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
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. FITZ ARTHUR JACKSON, (PNP), St. Catherine, Southern
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
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
DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central

PRAYERS

Prayers were offered by Mr. Mikael Phillips.

The Deputy SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

Mr. PAULWELL: Mr. Speaker, I want to welcome back Members after the summer break. The Prime Minister will make a Statement shortly but we will move along until she is ready.

ANNOUNCEMENTS

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

- **Ministry Paper No. 117**
  Cabinet Agenda Issues dated July 20, 2015
- **Ministry Paper No. 118**
  Passport, Immigration and Citizenship Agency (PICA)
  Annual Report and Audited Financial Statements for the financial year April 1, 2008 to March 31, 2009
- **Ministry Paper No. 119**
  Department of Correctional Services Annual Report and Audited Financial Statements for the calendar year January 1, 2012 to December 31, 2012
- **Ministry Paper Nos. 120 and 121**
  Cabinet Agenda Issues dated June 15, 2015 and June 22, 2015
- **KCT Services Limited**
  Annual Report and Audited Financial Statements for the financial year 2014/2015

- **Port Authority of Jamaica (PAJ)**
  Annual Report and Audited Financial Statements for the financial year 2014/2015
- **Electoral Commission of Jamaica**
  Annual Reports and Audited Financial Statements for the financial years 2011/2012 and 2012/2013
- **Electoral Commission of Jamaica**
  Audited Financial Statements for the financial years ending March 31, 2007 to March 31, 2011
- **Universal Service Fund**
  Annual Report and Audited Financial Statements for the financial year 2013/2014
- **Fair Trading Commission**
  Annual Report and Audited Financial Statements for the financial years 2010/2011
- **National Water Commission**
  Annual Reports and Audited Financial Statements for the financial years 2010/2011, 2011/2012 & 2012/2013
- **Jamaica Bauxite Mining Limited**
  Annual Report and Audited Financial Statements for the financial year 2013/2014
- **Office of Disaster Preparedness and Emergency Management (ODPEM)**
  Annual Report and Audited Financial Statements for the financial year 2013/2014
- **Office of the Director of Public Prosecutions**
  Annual Reports for the financial years 2011/2012 and 2012/2013
- **General Legal Council**
  Annual Report for the financial year 2013/2014
- Capital Development Fund (Withdrawal) (No. 2) Order 2015 Under
  The Bauxite (Production Levy) Act
- The Public Gardens (Royal Botanic Gardens) (Parking Fees) Regulations, Resolution, 2015 Under
  The Public Gardens Regulation 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 the following Bills were passed in the Senate:

Bill entitled: "AN ACT to Repeal the Electric 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", and

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;

(These were passed on the 24th day of July, 2015)

Bill entitled: "AN ACT to Amend the Revenue Administration Act", passed on the 29th day of July; and

Bill entitled: "AN ACT to Consolidate and modernize the law relating to the public procurement of goods, works and services, and for related matters", passed on the 29th day of July, 2015 with sixteen (16) amendments as follows for which the Senate requires the concurrence of the House. The amendments have been printed and circulated.

Signed: Floyd E. Morris
President of the Senate"

Mr. PAULWELL: Mr. Speaker, on behalf of the Minister without Portfolio in the Ministry of Finance and Planning, I beg to move that the (Senate) amendments to the Bill shortly entitled, "The Public Procurement Act, 2015", be approved.

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

Put to the House and agreed to.

NOTICES OF MOTIONS GIVEN ORALLY

Mr. PAULWELL: Mr. Speaker, on behalf of the Minister of Finance, I beg to give notice that the next meeting of the House he will move the Bauxite (Production Levy) Act Capital Development Fund (Withdrawal) (No.2) Order, 2015.

Be It Resolved that the Capital Development Fund (Withdrawal) (No. 2) Order, 2015 under the Bauxite (Production Levy) Act, which was laid on the Table of the House on the 1st day of September, 2015, be approved.

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

Be It Resolved that this Honourable House call upon the Government to take into account proposals put forward by Members of Parliament regarding constituency matters in reviewing the Budget for the current fiscal year and forecasting the Estimates of Revenue and Expenditure for the year 2015/2016.

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

(MR. KARL GEORGE SAMUDA, (JLP), St. Andrew, North Central, entered and took his seat.)

(MR. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, 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.)

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

The Deputy SPEAKER: Minister, one second. He has not...

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

The Deputy SPEAKER: Minister Kellier.

Mr. KELLIER: Thank you, Mr. Speaker.

Mr. Speaker, I beg to give notice that at the next meeting of the House I will move the Public Gardens Regulations Act; "The Public Gardens (Royal Botanic Gardens) (Parking Fees) Regulations, Resolution, 2015".

Whereas by virtue of Section 11 of the Public Gardens Regulation Act, (hereinafter referred to as "the Act"), the Minister may make regulations for the purposes of the Act;

And Whereas regulations made under the Act shall be subject to affirmative resolution;

And Whereas on the 5th day of August, 2015, the Minister made the Public Gardens (Royal Botanic Gardens) (Parking Fees) Regulations, 2015;

And Whereas it is desirable that the Public Gardens (Royal Botanic Gardens) (Parking Fees) Regulations, 2015, be affirmed:

Now Therefore, Be it Resolved by this Honourable House of Representatives as follows:

1. This Resolution may be cited as the Public Gardens (Royal Botanic Gardens) (Parking Fees) Regulations, Resolution, 2015.
2. The Public Gardens (Royal Botanic Gardens) (Parking Fees) Regulations, 2015, which were laid on the Table of the House on the 1st day of September, 2015, are hereby affirmed.

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. PAULWELL: Mr. Speaker, Question 18, the Minister is available to answer questions.

The Deputy SPEAKER: Mr. Smith.

Mr. Derrick SMITH: Mr. Speaker, I would just like to ask the Minister of National Security to answer Question Number 18 standing in my name.

The Deputy SPEAKER: Minister

Mr. BUNTING: Thank you, Mr. Speaker. You have copies already, Mr. Smith, you got copies?

Mr. Derrick SMITH: Yes.

Mr. BUNTING: Okay.

Question 1:

Will the Minister outline the backlog in the processing of firearm licencing applications by the Firearm Licensing Authority, FLA, for the periods ending August 2012, August 2013, and August 2014 respectively.

Answer:

August 2014, 4,217 and I should indicate that this number represents a surge in applications when the public saw the increase responsiveness, transparent and responsiveness at the FLA. In August 2013, 1,946 and this number reflected the

initial clearing or clearing rather of the initial backlog. And August 2012, when the new - just about the time when the new board was appointed, there were 6,000 applications or the backlog of applications was number 6,000.

Question 2:

Will the Minister say what the backlog is in the processing of firearm licensing applications by the FLA as at 2015?

Answer:

As at June 30, 2015, there was no backlog. We had a total of 2,581 applications being processed as at that date. If we consider that we are now getting an average of about 500 new applications per month and the expected turnaround time is six to nine months, then it is possible to have six months times 500 applications per month, or about 3,000 or more in processing at any given time.

(DR. THE HON. PETER DAVID PHILLIPS, (PNP), St. Andrew, East Central, entered and took his seat.)

Question 3:

Will the Minister advise of the stipulated time period in the processing of firearm licence applications by the FLA within which an application is either denied or upheld?

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

Answer:

The stipulated time for processing is six months, however, given that the number of applications has doubled, even with process improvements, the processing is now taking 6 to 12 months.

Question 4:

Will the Minister confirm that there has been an investigation of the applications' department of the FLA?

Answer:

Yes.

Question 5:

Will the Minister indicate whether there has been any resignation of senior personnel subsequent to the investigation at the applications department of the FLA?

(HON. RICHARD EDWARD AZAN, (PNP), Clarendon, North Western, entered and took his seat.)

Answer:

Yes there was a recent resignation of the Director of Applications and Certification.

The Deputy SPEAKER: Yes. Mr. Smith.

Mr. Derrick SMITH: Minister, the FLA identified a reason for what has been described as a surge in application?

Mr. BUNTING: Yes, the - when the new Board was appointed in 2012, there was a backlog of about three years or 6,000 applications which at the time represented about three years worth of applications, and I believe that persons had become discouraged from the slow response that applications were

taking to be processed. Once that backlog was cleared and persons started to see a fairly rapid turnover relative to what it had been before more persons who were interested came forward and applied for licenses, particularly you would see that reflected in the 2013/2014 year.

Mr. Derrick SMITH: Minister, will you say that an equal surge in murders would have contributed in any way to the surge in applications for firearm?

Mr. BUNTING: You would be aware that 2014 was the lowest year for murders in about 13 years, so I don't think that would explain that increase in the 2013/2014 year. And in fact, in 2008/09 when you were Minister, a new administration was there, as you well know the murder figures were much higher and the applications were much lower.

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

Mr. Derrick SMITH: You know Minister, as a policy I stay away from personalizing these things, you know I, and I would like to ask you to go down that route, it is in your interest over time.

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

However, Minister, there seems to be a discrepancy with your 2013 figures *versus* what I have which I got out of annual reports. You have here 1,946 and my figures are 2,897. I would strongly recommend that you ask your people to do a check on that and to advise after what the final result of their double checking?

Mr. BUNTING: I think the annual report and all these figures come from the FLA; we have no independent way of generating them, but I think the figure in the annual report would have reflected the number of applications being processed at the time. Perhaps the FLA has attempted to distinguish between current processing and those that would be over six months and designated a backlog, but I will enquire and get a reconciliation of the figures.

The Deputy SPEAKER: Mr. Shaw.

Mr. SHAW: Thank you, Mr. Speaker.

Mr. Speaker, at the expiration of 21 days I will ask the Honourable Minister of Finance and Planning the following questions:

Question 1:

Would the Minister please state whether or not the Ministry of Finance and Planning has established an Energy Stabilization Fund from new fuel taxes imposed in April of this Year?

Question 2:

If the answer to Part 1 is in the affirmative, would the Minister please state whether or not the ministry has establish a Hedge Programme to protect consumers in the event of sharp increases in the price of oil?

Question 3:

If the answer to Part 2 is in the affirmative, would the Minister please

furnish all the details of the Hedge Programme which has been arranged including the financial entity with which it has been arranged?

Question 4:

Would the Minister please state what are the fees charged by the company to arrange Hedge?

Question 5:

Would the Minister please state the total additional earnings so far this year from the imposition of the additional 7 per cent tax on fuel?

Question 6:

Would the Minister please state how much of these funds have been allocated to the Energy Stabilization Fund?

The Deputy SPEAKER: Mr. Samuda.

Mr. SAMUDA: Mr. Speaker, I am sorry, I have a question.

Minister the head of the FLA, the operating manager, the CEO, is on secondment I understand, you are aware of that? Is there any plan to make him a permanent employee? Because he is certainly, in my experience, one of the most efficient public servants I have had to interact with. So what are your plans for him in the future?

Mr. BUNTING: The matter of the CEO recruitment and appointment is handled by the Board, but from recollection, the CEO's secondment goes, I think until about the end of November this year and I know the consideration for whether to extend his appointment or to seek a replacement I know that matter is now under active consideration by the FLA Board.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Mr. PAULWELL: Presentation of Bills without leave of the House.

Mr. Speaker, on behalf of the Minister of Finance and Planning, I beg to move to introduce and have read a first time, a Bill shortly entitled: The Bank of Jamaica (Amendment) Act, 2015.

Bill shortly entitled;

"The Bank of Jamaica (Amendment) Act, 2015",

read a first time.

Mr. PAULWELL: Mr. Speaker, on behalf of the Minister of Finance I beg to give notice of second reading of the Bill.

And Mr. Speaker, on behalf of the Minister of Local Government, I beg to move to introduce and have read a first time, a Bill shortly entitled, The Local Government Financing and Financial Management Act, 2015.

Bill shortly entitled;

"The Local Government Financing and Financial Management Act, 2015",

read a first time.

Mr. PAULWELL: Mr. Speaker, on behalf of the Minister, I beg to give notice of second reading of the Bill.

And Mr. Speaker, I move for the recommittal of item, Statements by Ministers.

The Deputy SPEAKER: The question is that there be a recommittal to allow the Prime Minister to make her presentation.

Motion put to the House and agreed to.

STATEMENTS BY MINISTERS
(Recommitted)

The Deputy SPEAKER: Prime Minister. (Applause)

JAMAICA'S PERFORMANCE IN BEIJING

The PRIME MINISTER: Thank you, Mr. Speaker.

Before I begin, I am sure all of us in this Honourable House on both sides would want to express our support and sympathies for the Government and people of Dominica. (Applause)

Mr. Speaker, from August 22 to 30, the entire world was dazzled by the glorious display of athletic brilliance, talent and dominance of a team of amazing young men and women who represent the very best, of brand Jamaica. (Applause)

All Jamaicans felt the mix of emotions including anxiety, hope and purposeful determination as our athletes lined up and competed in event after event. I am sure that every Member of this Honourable House on both sides of the isle will agree with me that our athletes in Beijing made us proud to be Jamaicans. (Applause)

On behalf of a grateful and supremely proud nation, I commend Jamaica's sportsmen and women for their dedication and outstanding representation of our nation and our people. The country's athletes across various sporting disciplines continue to give of their best; they embodied the hopes, dreams and aspirations of the nation and represent the very best of our culture and talents. (Applause)

All Jamaica's athletes who competed in the world championships distinguished themselves and contributed valiantly to the country's illustrious performance winning 12 medals with an all-time high of seven gold, two silver and three bronzes.

(Applause)

Their stellar achievements represent a clear reminder of the outcome and benefit of hard work, discipline, dedication, ambition, faith, and focus. I am so proud of this memorable performance of all Jamaica's young men and women during the entire championship.

In the journey for greater national development, the entire nation can take inspiration from the examples of hard work, discipline, teamwork and determination demonstrated yet again by Jamaica's athletes. (Applause)

At these games another legendary Jamaican cemented his place at the very pinnacle of sports and ranks among, if not above all other, all time greats in global sporting history. I speak of Dr. the Honourable, Saint Leo Bolt - Honourable Usain Saint Leo Bolt who continues to inspire Jamaica and the world with his legendary performance on the track. (Applause) I salute Usain as a national brand Ambassador extraordinaire, not only for taking the best of Jamaica to the world, but also, Mr. Speaker, for his superb representation of the best of athletics and sports in general. (Applause)

Our local hero of Sherwood Content, Trelawny is yet again the undisputed global champion and sporting icon of the world. (Applause)

Miss HANNA: Hear, hear!

The PRIME MINISTER: I congratulate our Women Sprint World Champion, 'Pocket Rocket' Shelly-Ann Fraser-Pryce... (Applause) …on her gold medal win in the 100 meters. Shelly-Ann continues to represent Jamaica with distinction and remains consistent in her representation of personal and national excellence. She continues to inspire the Jamaican nation and people. She is forever reminding us that we're capable of achieving greatness if we dream big and apply ourselves steadfastly to the accomplishment of our ambitions. I'm very pleased that both Shelly-Ann and Usain successfully and convincingly, defended their 100 meter titles in Beijing. (Applause)

Miss HANNA: Yes, yes!

The PRIME MINISTER: In fact, Mr. Speaker, the World Sprint Legend in fine style, also defended his 200 meters champion status. Usain has proven his standing as an all-time great who has established a class for himself in sprinting. No accolade is too great for this great Jamaican son.

(Applause)

A MEMBER: That's right!

The PRIME MINISTER: Mr. Speaker, we know that Jamaica's long term future in global athletics is secured when we witness the golden exploit of young Danielle Williams in the Women's 100 Meters Hurdles. (Applause) Oh how the hearts of all Jamaicans around the world were again lifted to unprecedented heights of joy by our male and female relay teams.

Mrs. NEITA-HEADLEY: That's right!

The PRIME MINISTER: You know, as I was watching I said to myself, whether you are on that side of the political aisle or support that side or this side, we were all cheering as one nation for the Jamaican team.

I congratulate both the women and men squads most sincerely for their absolutely brilliant gold and relay runs in the 4x100, and our women in the 4x400. (Applause) No praise is too great, Mr. Speaker, for the Women 4x400 meters Gold Medal Winning Relay Team, the members of which showed exceptional strength and determination. I'm also particularly proud of our dependable men 4x400 team who gave their all, as once again they did their national duty of representing Jamaica proudly and with total commitment. The relays require great discipline, hard work, consistency and teamwork...

Mr. PICKERSGILL: Teamwork!

The PRIME MINISTER: ...and our athletes have repeatedly delivered to prove once again our athletic supremacy in the world.

(Applause)

I also want to place on record my respectful salute and that of our entire nation to Elaine Thompson, who took silver in the 200 meters. (Applause) Hansle Parchment, for winning silver in the 110 meters hurdles. (Applause) Veronica Campbell-Brown, winner of the bronze medal in the Women's 200 Meters. (Applause) Shericka Williams

who earn bronze in the Women's 400 Meters at her first world champs outing. (Applause) And O'Dayne Richards...

Miss HANNA: Yes, yes!

The PRIME MINISTER: ...who won Jamaica's first Shot Put Medal... (Applause) ...at the World Championships, the World Championships, Mr. Speaker, earning the bronze medal with a national record. (Applause)

Miss HANNA: Yes!

The PRIME MINISTER: I commend all the athletes who worked so hard and made the finals of their events, and those who did not, but represented their country with grace, dignity and pride.

I give God thanks that Jamaica continues to be blessed with the greatest athletics tradition in the world, supported by our supremely talented world-class athletes, great coaches and other support staff, committed and competent sporting administrators and a supportive public. The technical and administrative teams which support the athletes and Jamaica's schools and community-based athletics culture and programmes continue to be important support systems of our country's athletes.

I again want to recognize the achievements of Jamaica's sport administrators internationally. I again congratulate the General Secretary of Jamaica Athletics Administrative Association, the JAAA, Mr. Garth Gayle, on his election to the Technical Committee of the IAAF during the Federation's Congress now on the way in Beijing.

Mr. Speaker, we also congratulate former British Olympian Lord Sebastian Coe, a friend of Jamaica, on his election as President of the IAAF. (Applause)

Jamaica's outstanding performance at the World Champs followed other significant achievements by our sportsmen and women in other encounters, including but not limited to the National Paralympics Team for their brave and impressive performance at the recently concluded Parapan games in Canada. (Applause)

The remarkable achievement, Mr. Speaker, of our Special Olympians who earned 29 medals at the Special Olympics World Summer Games held in Los Angeles, California.

(Applause)

The Sunshine Girls for their spirited participation in Netball World Cup held recently in Australia.

Jamaica's Women Cricketers for their 2nd Place finish against Barbados at the Super 50 finals.

(Applause)

Miss HANNA: Hear, hear!

The PRIME MINISTER: Alia Atkinson's gold medal performance in the 50 Meters Breast Stroke at the recent Senior Swimming World Cup in Paris, France and her silver medal and national record achievement in the 50 Meters medal, as well as earning bronze in the 100 meters at the recent Senior World Championships in Russia (Applause) and the Reggae Boys for a strong performance in the CONCACAF Gold Cup Final in July. (Applause)

I know all Members of this Honourable House join me in extending best wishes to our young athletes who are about to take part in the 2015 Commonwealth Youth Games in Samoa from September 5 to 12.

Mr. Speaker, colleagues on both sides, may the example of our athletes continue to be a source of glorious, positive transformation in the life journey of our nation and our people. (Applause) And we thank the Almighty God for His blessings upon our athletes and upon our people of Jamaica.

Thank you. (Applause)

The Deputy SPEAKER: Mr. Holness.

Mr. HOLNESS: Thank you, Mr. Speaker.

I want to join with the Prime Minister, and I'm certain all Members of the House, in saying how proud we are of our athletes.

Mr. Speaker, from August the 22nd when the IAAF World Championship in Beijing started, to August 30th the very last day, many Jamaicans like myself would've made the extra effort to get up early to catch the races. And even though some of these races would be mere seconds, less than 10 seconds, the level of adrenaline, the exhilaration that would come from them, but more so at the end of it the pride that we feel as Jamaicans in those short seconds, it is immeasurable and invaluable. So I stand here, Mr. Speaker, in my capacity of Leader of the Opposition as a politician, but more so, as a very proud Jamaican. (Applause)

But Mr. Speaker, I also, like the Prime Minister, would like to acknowledge all the work that must have gone on behind the scenes.

A MEMBER: Hear, hear!

Mr. HOLNESS: Because what we see on the track is just the final rendition of months and years of hard work, blood, sweat and tears in bringing this to the perfection that we all now admire. So I want, Mr. Speaker, to acknowledge and praise the hard work of the athletes, their coaches, their support staff and indeed their families and their communities that would have supported them in this great endeavour.

Jamaica has done superbly. We finished second on the medal tables from 32 countries. Little Jamaica finishing second in the world of 32 countries who competed. That in itself, Mr. Speaker, is an achievement to be applauded. (Applause) Seven gold - seven gold medals, two silver medals and three bronze.

Mr. Speaker, what is even more special about the just concluded world Championships is that we're seeing the emergence of a younger generation of athletes coming to ensure our dominance in Track and Field and I feel heartened by that. I want to acknowledge, Mr. Speaker, O'Dayne Richards, earning our first ever medal in - I believe that was in shot - in the discus - in the discus, no, shot-put, in the shot-put. And Mr. Speaker, we also recognize and commend Danielle Williams.

Miss HANNA: Yes, (Inaudible)... St. Ann, South East.

Mr. HOLNESS: From your constituency?

Miss HANNA: Yes, South East and from my school, Queens.

Mr. HOLNESS: Very good, very good. I want to specially commend her.

Mr. SHAW: I hope that can help you now.

(Laughter) (Cross talk)

Mr. HOLNESS: She gave us, Mr. Speaker, a surprise medal in the 100 metres hurdles. But we also have to acknowledge Elaine Thompson and Shericka Jackson who also medalled. And Mr. Speaker, here I would like to give my special congratulations to our women athletes. They have always been the mainstay...

Miss HANNA: In everything, in everything.

Mr. HOLNESS: Well, I'm not going to dispute that, but especially in our athletes even when our men have not medalled or not performed we can always count on our women and I want to specially acknowledge them, Mr. Speaker. (Applause) I think the overall performance of the team could be described, Mr. Speaker, as 'wi likkle but wi tallawah'. That is the description of our performance.

Mr. Speaker, for those athletes who gave it their all but did not medal, we salute you. We see and we are grateful for your hard work and we celebrate you nonetheless and we rally around all our athletes, both in and out of competition win or lose. And Mr. Speaker, I would like to acknowledge the hard work and the constant presence and effort of Asafa Powell.

(Applause)

Miss DALEY: Hear, hear!

Mr. HOLNESS: And you know I observed VCB, Veronica Campbell-Brown, and she is a fighter and she has given her all and we must acknowledge her specially as well.

Mr. Speaker, Jamaica could not pay for the brand value that we have gained from having our athletes standing on the medal podium, from having our anthem played and our flag flying and for the numerous interview that they have conducted and every time the name Jamaica is called on the world stage someone who never knew about this small Caribbean island is now aware. That is brand value that we cannot pay for. That is brand positioning that we cannot pay for. I'm hoping, Mr. Speaker, that the authorities, the powers that be, the Government finds creative ways of leveraging this, of exploiting this and I'm immediately seeing ways in which the Tourist Board, for example, JAMPRO, for example, could start to take advantage...

The PRIME MINISTER: I've given them instructions already.

Mr. HOLNESS: I'm happy to know that you have Prime Minister and the nation I'm sure would want to hear.

Mr. CHUCK: That's why Wykeham was over there, right?

(Cross talk)

Mr. HOLNESS: Mr. Speaker, in the performance that we have seen and we honour them with our words in this House and I'm sure all Jamaica agrees and joins with us, but we have to now move one stop further and do something tangible to acknowledge, to honour, to memorialize the work and

contribution of our athletes, and I've heard several suggestions being made. This is not the place for me to make any suggestions, but I would suggest to the Prime Minister that the Opposition would be willing to sit, to discuss what would be appropriate ways of honouring in a permanent form...

The PRIME MINISTER: I intended to speak to you to give one person to... (Inaudible)

Mr. HOLNESS: Which is why Prime Minister I said it in the way I've said it which is that we are prepared to sit with you to discuss it, to come up with the appropriate ways of honouring our....

The PRIME MINISTER: I was going to...

Mr. HOLNESS: Yes, and as I said we are prepared and we really would want to see something tangible.

The PRIME MINISTER: I had informed the Cabinet yesterday to get in touch with...

Mr. HOLNESS: Good. So, Mr. Speaker, having said that and we are at one that we should do something appropriate and befitting of the work and of the honour that the athletes have brought to us. It is on that note, Mr. Speaker, that I end my presentation.

May it please you.

(Applause)

The Deputy SPEAKER: Mr. House Leader.

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, today we'll commence for the first time a debate on constituency matters. As we had agreed when we modified the Standing Orders, Mr. Speaker, we are facilitating this debate with the facility, as you will notice, of a multimedia facility that is now temporary but we intend to make it permanent so as to enable the Parliament to have presentations that are interesting, that can be multi-faceted. And, Mr. Speaker, very importantly we have said it before for a presentation to be immortal it needs not be eternal and that's why we are going to be observing the time that has been prescribed in the Standing Orders. So it will be fifteen minutes plus, plus five.

Mr. CHUCK: Fifteen!

Mr. PAULWELL: Plus five.

Mr. CHUCK: No, five. Twenty minutes…

Mr. PAULWELL: Fifteen plus five and there will be no extension.

Mr. Speaker, the Ministry of Finance is represented here in the Parliament by Mrs. De Souza, Elieth De Souza, who is Senior Director of the Public Expenditure Division in the Ministry. After these three weeks of debate we will not meet during the fourth week, because the Cabinet will be on retreat and we would be taking into account the issues that are raised here in this Constituency debate.

(Inaudible comment by Mr. Chuck)

Mr. PAULWELL: So Mr. Speaker, the Member from Eastern St. Andrew will commence the debate on the motion before us. (Applause)

The Deputy SPEAKER: Mr. Hylton. (Applause)

Miss HANNA: Yes!

Mr. André HYLTON: Thank you, Mr. Speaker, but before I do I now move for the suspension of the Standing Orders to enable me to take the notice of which I gave earlier.

The Deputy SPEAKER: The question is that there be a suspension of the Standing Orders to take the notice of motion which was given orally.

Put to the House and agreed to.

The Deputy SPEAKER: Mr. Hylton.

CONSTITUENCY DEBATE

Mr. André HYLTON: Thank you very much, Mr. Speaker.

Today Mr. Speaker, I'd like to join in congratulating our athletes for making us proud. Over 7 million individuals live in this world and to consider - 7 billion and to consider, Mr. Speaker that our athletes are the fastest among the 7 billion. And just to say, Mr. Speaker, we have the Racers Club and MVP in my constituency. (Applause) So both camps are trained in my constituency, Mr. Speaker, so we can claim part of the glory in Eastern St. Andrew.

Mr. Speaker, I rise today to participate in the constituency debate. Mr. Speaker, this motion was designed for Members of Parliament to bring to the fore issues affecting their constituencies, which may require immediate attention that can be accommodated in this year's budget, or to be considered in the upcoming budget.

As Chairman of the backbench on the Government side, I see this as an extremely innovative and important initiative which allows Members of Parliament a specific time to speak in the State of the Constituency debate to report on their stewardship and report on the issues that need attention in their constituencies. Also, this will give a better understanding of the work being carried out by the MPs as there is a perception by the wider public that Members of Parliament do not perform their adequately in their constituencies. Contrary to popular perception, the work of a Member of Parliament is an extremely challenging job which requires dedicated, hard working patriotic men and women. (Applause)

The time allotted as the House Leader said is fifteen minutes with one extension of five minutes. At this point I must commend the Prime Minister and our House Leader and the Government of Jamaica for this bold move in re-organizing how the debates are handled while giving MPs an opportunity to speak on their stewardship in their constituencies.

Mr. Speaker, I would like to take the first bite of this cherry. In contemplating this debate, Mr. Speaker, I must look at Eastern St. Andrew and the activities that have been taking place there. But first, Mr. Speaker, let me thank our Honourable Prime Minister, the Most Honourable Portia Simpson Miller, for her sterling stewardship and her support to me as Member of Parliament and by extension the people of Eastern St. Andrew.

(Applause)

Secondly, I'd like to thank my Councillors: Miss Venecia Phillips, Mr. Carl Little and our Councillor Candidate, Miss

[Dollece] Campbell and the executive members of Eastern St. Andrew who continue the hard work in this struggling time, and some of them are in the gallery there today.

(Applause)

Mr. CHUCK: They say they haven't seen you in a - for a long time.

Mr. André HYLTON: Additionally, to Members of this Honourable House who continue to give me support and is always willing to assist when called upon. The wonderful people of Eastern St. Andrew who has placed their faith and trust in me this, Mr. Speaker, is my greatest motivation. Last but by no means least my family for their support and understanding throughout my entire life whether it be business or politics.

Mr. Speaker, Eastern St. Andrew is one of the most dynamic and diverse constituency across Jamaica. We have a mixture of all social classes and probably most intellectuals gathered anywhere in the Caribbean. In my tenure as MP for Eastern St. Andrew I have strived to build partnerships through teamwork initiatives which have resulted in growth and development in this constituency. Mr. Speaker, when I was elected in 2011 as Member of Parliament for Eastern St. Andrew, I discovered that there was an inadequate representation and deficit in infrastructural development throughout the constituency. But, Mr. Speaker, we went and started doing something about it. As a matter of fact, Mr. Speaker, we created our Mission Statement, and I would like to quote our Mission Statement for Eastern Andrew, Mr. Speaker and I quote:

> *"It is through transformational leadership to create homogeneous communities within Eastern St. Andrew, where quality education is accessible to all regardless of all socioeconomic background, abled or disabled; where persons feel safe to live and go about their daily lives in a clean aesthetically appealing environment while creating the opportunity for the constituents to realize their full potential".*

Mr. Speaker, I am pleased to announce that under my leadership in Eastern St. Andrew it is being transformed as we speak and I'm here to report to this Honourable House on our progress. We have achieved, Mr. Speaker, and I have made a brochure here, over 101 significant projects; (Applause) 101, Mr. Speaker, and they are listed. (Applause) Can't go through all of them today, Mr. Speaker, but I'll highlight a few, because I see the House Leader looking at us.

Mr. Speaker when I became Member of Parliament, one of the big projects that we did was the resurfacing of the Mona Roads. And Mr. Speaker, you must understand that Mona is the oldest housing scheme in Jamaica built under the leadership and vision of Norman Washington Manley, our premier at the time.

(Applause)

(Cross talk)

Yeah man, the first housing scheme in Jamaica. And Mr. Speaker, since 1958 the roads have not been rehabilitated the way we have done this. So, Mr. Speaker, we have done approximately almost 100% of the roads in Mona, one of the biggest projects undertaken in Eastern St. Andrew. (Applause)

Mr. Speaker, this is a promise made, promise kept, proven performance. (Applause)

Then Mr. Speaker, we moved over to the Mountain View area, and you can see the roads there nicely paved. I think my Member from East Rural here lives somewhere there.

But Mr. Speaker, we went over to a place called Wareika Hill off Mountain View. You have a community there called Spanish Town where, Mr. Speaker, there was no road. Our students, our children and our ladies going to church or school when rain falls had to put a bag around their shoes because of the mud. Now we through the JEEP Project, Mr. Speaker, we have designed a wonderful road for the people in that area and now people can wear their Sunday best when they are going to church. This is a promise made, promise kept, proven performance. (Applause)

Then, Mr. Speaker, I want to highlight, I want to highlight Bedward Crescent, Mr. Speaker, in August Town; August Town, Mr. Speaker, where there is a road for over 60 years, over 60 years was not repaired. And, Mr. Speaker, I made representation on behalf of the people and I can say April Way and Bedward Crescent is 'chris' now, Mr. Speaker, children and bicycles and cars and everyone can run up and down on that road. It's a brand new road totally rehabilitated, Mr. Speaker.

(*Sotto voce* remarks by Opposition Member)

Mr. André HYLTON: You want the new road - Bedward Crescent.

Then, Mr. Speaker, we move to Mona Commons where there were no paved roads. We went through Mr. Speaker and we did a wonderful pavement and you can see it - there you are; I hope the Member from West Kingston is looking. We have a beautiful road now being paved in Mona Commons and the children had their sports day on that road, Mr. Speaker.

Mr. Speaker, we also looked at the situation of sidewalks in the constituency. You know, Mr. Speaker, in my constituency we have a large population of persons with disabilities, so we have a lot of able and disabled persons. And, Mr. Speaker, we built through the JEEP Project - we built sidewalks all the way from Tavern via Cheshire Village, Sir John Golding Hospital, across Mona - well Mona Commons through Papine unto Gordon Town Road, so persons who are traversing in their wheelchairs can do so freely and safely on these sidewalks. This, Mr. Speaker, is promise made; promise kept, proven performance, Mr. Speaker. (Applause) And I can tell you many more sidewalks that we built but we don't have the time for that today.

Mr. SAMUDA: The constituents cannot see the picture. It's a waste of time.

Mr. André HYLTON: They can't. We have a way of showing them.

Mr. Speaker, we move now to another major project achieved in Eastern St. Andrew.

Mr. SHAW: You shouldn't do it.

Mr. L. BUCHANAN: *A nuh dat, yuh wan* Andrew beat him.

(The Speaker gavels)

Mr. André HYLTON: Mr. Speaker, in my first presentation to this Honourable House I brought to the attention of this House

the state of the Hope River. Two major challenges, Mr. Speaker, exist in Hope River. One, the bridge that was - well the bridge between Tavern and Kintyre was washed away and secondly, Mr. Speaker, the lack of river training due to the river changing course is two major challenges. We made representation, Mr. Speaker, for the bridge to be built. The Member from East Rural and I, MP Damion Crawford and Mr. Speaker, a brand new bridge was built. The people in the community never knew it was going to happen, but the bridge was built and now the people can cross it, Mr. Speaker. (Applause) Promise made, promise kept, proven performance.

A Government MEMBER: Everybody can cross it!

Mr. André HYLTON: Everybody can cross it.

But, Mr. Speaker, while this is so, while this is so, Mr. Speaker, while this is so there is a real issue that still exists. We have in this constituency houses that are on the edge of falling into the river. If we do not do something about this now, Mr. Speaker, we are going to have problems. I am saying to you, Mr. Speaker, we are calling on the Ministry of Works, through the Ministry of Finance, to have this being considered in the next budgetary year.

Mr. Speaker, we went down to - we then moved to Goldsmith Villa, Mr. Speaker, where after the last hurricane the walls of the gullies collapsed, houses were washed away. We have a gentleman there, Mr. Speaker, who is called 'Chubby', when he got up he saw half of his house that was gone and half was left. So you can imagine how 'Chubby' felt. I went to the Minister of Works - Transportation and Works and forthwith he responded and rebuilt the gully that leads down to the Hope River, and now the people in Goldsmith Villa can sleep in peace again. Promise made, promise kept, proven performance, Mr. Speaker. (Applause) Again I say there is a section of the gully near to the Hope River that needs to be now addressed and I am asking the Minister to look into this as well.

Education, Mr. Speaker, almost 3,000 persons got scholarships and grants over the last three years and just last week we had a ceremony at UTECH where almost 700 persons, Mr. Speaker, bright young people from Eastern St. Andrew received scholarships and grants. I said I would have focused on education, Mr. Speaker, I did. It is a promise made, a promise kept and proven performance. (Applause)

Mr. Speaker, I now wish to turn to the university town which we have spoken of for a long time. And Mr. Speaker, a lot of work has been done but more needs to be done. I know I have Dr. Carol Archer here today from UTECH, Built Department at UTECH, who has been working assiduously with the other stakeholders in creating this university town. The Minister of Local Government and their team, along with the KSAC, are on board in creating the framework for this university town.

But recently, and thanks to the TEF, we received some funding, Mr. Speaker, which

will facilitate the designs and consultation for this university town. Therefore, Mr. Speaker, I am saying we must continue the work of creating a Papine or a university town that children can come and have a great time while studying. By the way, I forget to keep up with my powerpoint presentation. Here we have, Mr. Speaker, an artisan's copy - impression of what the Papine Square will look like.

The Deputy SPEAKER: (Gavels) The Speaker's time has expired.

Mr. JACKSON: Mr. Speaker, I ask that the speaker's time be extended by five minutes.

The Deputy SPEAKER: The question is that the speaker's time be extended by five minutes so that he can complete his presentation.

Put to the House and agreed to.

The Deputy SPEAKER: Mr. Hylton.

Mr. André HYLTON: Thank you very much, Mr. Speaker.

Again, Mr. Speaker, I also wish to commend the University of the West Indies who are participating in the development of this university town. So we have a huge group of stakeholders who are involved with this university town.

Finally, Mr. Speaker, I wish to speak about the cultural tourism opportunities in Eastern St. Andrew.

Mr. SAMUDA: Forget the idea. You have said enough. Sit down now, André.

Mr. André HYLTON: Mr. Speaker, our constituency of Eastern St. Andrew...

Mr. SAMUDA: Using taxpayers' money for political agenda.

A Government MEMBER: Low *di* young boy *nuh* man, low *di* young boy.

Mr. André HYLTON: ...is poised to make use...

(The Deputy Speaker gavels)

...to make use, Mr. Speaker, of the cultural tourism potential.

(*Sotto voce* remarks by Mr. Samuda)

Mr. André HYLTON: Mr. Speaker….

Mr. L. BUCHANAN: I saw you operating like a clown.

The Deputy SPEAKER: Mr. Samuda and Mr. Buchanan.

Mr. André HYLTON: Mr. Speaker - I know Mr. Samuda wants to - he is my good friend and he wants to hear what I am saying.

Mr. Speaker, we have just completed in my constituency - we just received in my constituency a gift from the Chinese of $300 Million of a Chinese Garden. This, Mr. Speaker, is a wonderful opportunity, place for residents to enjoy but also to visitors as well.

Mr. Speaker, last presentation I called upon the Minister of Tourism and I asked him to visit our constituency and to see what the potential of community and cultural tourism was like in my constituency. We toured the Hope Gardens, Papine; we toured August Town, Bedward Cemetery, Bedward Temple, the Bedward healing stream. And, Mr. Speaker, we have partnered with a large group of stakeholders consisted of the CDC, the police, university town, the Ministry of Youth and Culture, the Ministry of Tourism and, Mr. Speaker, out of that partnership we had a one-month celebration of the birthday of August Town.

Mr. Speaker, we must understand that August Town was named August Town in 1838 in commemoration of Emancipation Day. Out of that visit also, Mr. Speaker, TEF funded some signs, historic signs, five signs which speak to the August Town and the various historic places in August Town. Out of that, Mr. Speaker, on Emancipation morning our Minister of Youth and Culture, her first act of the day, Mr. Speaker, was to come and visit the Bedward Temple; was accompanied by our Minister of Tourism, Minister of Justice among other intellectuals. And Mr. Speaker, we had a lovely ceremony recognizing Bedward but also unveiling the sign that spoke to the historic value of the place, both Bedward and August Town.

So Mr. Speaker, I see this as a wonderful tourism opportunity. When the tourists leave Devon House they go to Bob Marley Museum, then they go to the Chinese Gardens, then they visit UWI, then they come down to August Town where we can - my friend from Spanish Town there will understand - feel the culture of the August Town people, Mr. Speaker. We can show them the Bedward Temple...

Mr. SHAW: You can forget that!

Mr. André HYLTON: Yes, we can take them to the Bedward healing stream; we can take them to Sizzla's Studio; we can take them to the museum that is being built and show them how wonderful the Jamaican people are. And this to me is an opportunity, Mr. Speaker, of cultural tourism in Eastern St. Andrew.

Mr. Speaker, I have to wrap up. I can go on and go on, Mr. Speaker. We have done many other projects: tablets in schools; constructing multipurpose courts; fencing of Jarrett Lane Community Centre and many more, Mr. Speaker. I am here to tell you, Mr. Speaker, that Eastern St. Andrew has locked on to Vision 2030 and they want to be a part of it. Mr. Speaker, these and many others are promises made, promises kept, proven performance by a Member of Parliament who is committed to the constituency of Eastern St. Andrew and Jamaica at large.

Thank you very much, Mr. Speaker. (Applause)

(*Sotto voce* remarks by Mr. Daryl Vaz)

The Deputy SPEAKER: Before Mr. Shaw commences, I just want to remind this Honourable House that the purpose of this Constituency Debate is to give Members of Parliament the opportunity to indicate their achievements and to look at some of the national issues. What I would urge is that we do not descend into grandstanding or politicking.

Mr. SHAW: Propaganda!

(Cross talk) (The Speaker gavels)

The Deputy SPEAKER: Mr. Shaw.

Mr. SHAW: Thank you, Mr. Speaker.

(*Sotto voce* comments by Members)

Mr. SHAW: Okay, keep quiet now.

Mr. Speaker, I stand as a Member of Parliament in this Honourable House in my 22nd year as Member of Parliament for North East Manchester. (Applause) And I want to thank not just my workers and Councilors, but the people of North East Manchester everyone, labourites, comrades, everybody for their loyal support to me over the years.

I want to say, Mr. Speaker, that while I would like to talk a lot about my achievements, I want to spend more time on the problems because the achievements are one thing but there are problems that we have to cope with as a Member of Parliament alone; I alone cannot deal with them. I am glad that the Ministry of Finance is represented here and that they are taking notes very carefully.

And Mr. Speaker, let me state what the first major problem that we have in the constituency at this time is, is the problem of garbage collection, Mr. Speaker.

Over the past 6 months, the state of garbage collection in the constituency has been nothing short, Mr. Speaker, of totally disgraceful and totally atrocious.

Mr. Speaker, if you visit my constituency now, you will see that there are at least somewhere between 25 and 30 garbage collections points, skips that are full and overflowing in the constituency. When we are asked, Mr. Speaker, when we ask the Southern Parks and Markets what is happening with garbage collection, we are told, Mr. Speaker, that there are not enough trucks. I made a complaint that there were only two trucks operating in the parish of Manchester. An officer from Southern Parks and Markets made a statement that there were 15 trucks assigned to the three parishes in the region, and the fact is, Mr. Speaker, that in North East Manchester the state of the garbage is now - is a danger to public health, because the truth is, the 15 trucks might be there, but they are in various state of disrepair. So Manchester right now as I am told, has only two trucks functioning and another two trucks are shared between Manchester and Clarendon, and shared between Manchester and St. Elizabeth. It is an intolerable state of affairs, Mr. Speaker, and I am calling on the Auditor General to do an audit on the Southern Parks and Markets through the National Solid Waste Management Authority to find out exactly what is taking place with garbage collections.

Equally, Mr. Speaker, street lights, since this Government has been in power for the past almost four years, we have not received one additional street light in the constituency, but at the same time, Mr. Speaker, property taxes have been increased by 165 per cent, and property taxes are to be used for garbage collections, and street lightening. What has happened since then? The Manchester Parish Council used to collect $300 Million in property taxes; they now collect $800 Million a year in property taxes... (Applause) ...and yet garbage collection is down and street lightening is down, it is a total absolute and utter disgrace, Mr. Speaker. The more the citizens are paying for services is the less they are receiving from the Parish Council. It is a total absolute and utter disgrace. How can we have such a steep rise in property taxes and such a precipitous fall in the services that are being provided, where a danger to public health lurks, leptospirosis cannot be far away because the rats are all over the place because the garbage is not being collected? Crime is up in the parish of Manchester, crime is up in the parish of Manchester. We need street lights in our communities to help to protect our people. (Applause)

Mr. Speaker, when it comes to water, I want to know what has happened to the National Water Commission because the National Water Commission, Mr. Speaker, must have gone to sleep. There is a project that was started four years ago where we were to get water from the new system down at Two Meetings River down at Alston. Up to now, Mr. Speaker, I can't see a drop of water coming to the constituency from that source.

What I can say, Mr. Speaker, is thank God that 20 years ago when I was first selected as Member of Parliament, I found fourteen (14) abandoned catchment tanks in my constituency and I repaired every one of them, Mr. Speaker, and today, today every time we get some rainfall in North East Manchester, I look to the skies and I say thank God, di catchment tank dem a full up wid water because if it wasn't for di catchment tank, dog would a nyam wi suppa because I caan depend on the National Water Commission.

Mr. Speaker, I must say to you, Mr. Speaker, that in terms of roads in my constituency, we have done pretty well with roads. Pretty well with road, and the work that has been done, of course, has been done over the many years as Member of Parliament. But over the past four years, Mr. Speaker, over the past four (4) years we have been able, Mr. Speaker...

(*Sotto voce* comments by Members)

Mr. SHAW: You know, you are an annoyance and you should shut your mouth and listen sometimes. (Laughter)

Mr. Speaker, there is a concern that I have with respect to roads, and every Member of Parliament must share this concern, because we get a little JEEP money to fix a road, we get some assistance from the Jamaica Social Investment Fund to fix a road, but Mr. Speaker, here is the problem, here is the problem. You fix the road, but no money is being provided to maintain the roads, no money is being provided to clean the verges, to clean the culverts, to clean the drains and so the roads end up in disrepair because if the water cannot run off the road then the water is going to run in the road and mash-up the road.

And what is the purpose, Mr. Speaker, when we say we have JEEP money, we say we get work from the Jamaica Social Investment Fund to repair roads and once the capital work is done there is no money to do follow-up work, to weed the road even, Mr. Speaker, even once a year, the money is not there, the sums that we get as Members of Parliament for the Constituency Development Fund it is chicken feed, it cannot be applied in any way shape or form in a typical rural constancy like mine, we need a substantial block of funds for road maintenance and it is not happening, and Mr. Speaker, this is something that the Government has to take a very serious and careful look at because it is a waste of taxpayer's money that we should spend money to repair roads and then for want of a few dollars to clean the drains and keep the drains clean so that the road can stay for years to come. And roads properly maintained, Mr. Speaker, 20 years before you start to worry about that road, but it is not happening now. So we are happy, we are busy going along sheeting out a piece of road and

then we turn our backs on it, and I know that this is a problem that every rural Member of Parliament is having right now regardless of whether we are on that side or this side of the House. And it is a matter that needs to be dealt with and dealt with as a matter of urgency.

So I have been able, over the past four years, to repair somewhere between 15 and 18 roads and, of course, the Christiana Bypass was completed at the beginning of this four year period, and Mr. Speaker, I am serving notice that if the Minister of Transport and Works doesn't come and open the road, then I am going to open the road myself before the next election, I will be guest speaker, if I have to be. (Laughter) But I am still giving him one last chance, Mr. Speaker, one last chance to come, set up the formal opening and come. And I have also invited the Honourable Prime Minister to come and open the road.

So, Mr. Speaker, I just want to say that as Member of Parliament, I have spent a good, a considerable portion of resources that are the discretion of the Member of Parliament in education, because I am a believer in education. And we have done much work through the Lift Up Jamaica Programme, the Jamaica Social Investment Programme, I have built or repaired over 20 basic schools in my constituency, Mr. Speaker.

And I must say to you, as Member of Parliament in this particular back-to-school period, I have to express my sympathies with the parents, not only with my constituency but all over the country because the back-to-school expenses are really hurting at this time, really hurting. And I want my constituency to know that I would like to much more but the resources are not there.

We try our best with some - one of the concerns that I have, I am sorry that the Minister of Education is not here, but he has publicly said that auxiliary fees should not be increased by more than 10 per cent, yet at the Christiana High School auxiliary fees have gone up from $6,000 dollars last year to $8,900 this year. Now that is a 50 per cent, just about a 50 per cent increase in the auxiliary fees and that flies in the face of what the Honourable Minister has publicly stated. So parents of modest income, Mr. Speaker, our farmers in the area, the prices of the produce that they are producing, the prices are not increasing, but these costs like education costs are increasing on them.

And so as Member of Parliament, I do my best but I just want to let them know I would like to do more but the resources are just not there. And what I can say to them, and urge parents to continue to do their best for their children. Because I believe, Mr. Speaker, that you know, my own parents, they didn't have a - I wasn't born with a silver spoon in my mouth and my parents were hard working working-class people, but they had the ambition to send us to school, and that is what I want to encourage every Jamaican whether in my constituency or not, sacrifice, do your best, teach your children to love to read the Bible, where it says: "*The fear of the Lord is the beginning of knowledge";* teach them that, and teach them to love to read. I have a six year old daughter and Christina loves to read and every child must be taught to love to read

and write and to read their Bibles. So Mr. Speaker, with that said, I need no extension of time. I thank you very much for your indulgence, thank you.

(Applause)

The Deputy SPEAKER: It is my understanding that Mr. Phillips will not be speaking today. Will you be speaking?

Mr. PHILLIPS: Yes, Mr. Speaker.

The Deputy SPEAKER: Okay. Mr. Mikael Phillips.

(Applause)

(Inaudible comment by a Member)

Mr. SHAW: Check it again.

Mr. Speaker, I am being told that I've misquoted the Bible and I want to tell the Minister, the Bible in the book of Proverbs...

Mr. D. VAZ: Preach it, man!

Mr. SHAW: ...Chapter 3...

Mr. D. VAZ: Amen!

Mr. SHAW: ...verse 5, it says:

"The fear of the Lord is the beginning of knowledge".

A MEMBER: Wisdom!

Mr. SHAW: No, it goes on to say: "Fools despise wisdom and instruction". That is the Bible what it says, go read it again.

A MEMBER: Soh yuh never read it before you challenge Andrew?

(Cross talk/Laughter)

(Inaudible comments by Mr. Shaw)

The Deputy SPEAKER: Mr. Phillips go ahead please.

Mr. PHILLIPS: Mr. Speaker...

Mr. McKENZIE: Yuh si how yuh set up Ian fi defeat DK?

(Inaudible comments/Laughter)

Mr. PARCHMENT: Shame! Shame!

The Deputy SPEAKER: Mr. Phillips your time is going.

Mr. PHILLIPS: ...seeing that my time is limited, I want to thank my constituents, my Councillors, Councillors Irvin Facey from the Spur Tree Division; Deputy Mayor Faith Sampson, Fayburn Maxwell and McArthur Collins and also my staff at the constituency office and my own family also, Mr. Speaker, who has stood beside me and give me the strength to continue as one of the greatest gifts that God could have bestowed upon us, is for us to serve our people.

Mr. Daryl VAZ: Wah bout yuh friend dem? Yuh nah thank yuh friend dem?

Mr. PHILLIPS: Mr. Speaker, in our commendation to our athletes, Mr. Speaker, we should also congratulate the Reggae Boys who - their historic second place in the Gold Cup.

Mr. Speaker, since being elected in 2011, my main emphasis has been on education, electricity in communities that are not supplied with regular electricity as in rural constituencies like mine and most of us who have rural constituencies in this House, where we have communities that are off the beaten track where we have residents living with no supply of electricity, community roads and developing a community-based tourism product.

Outside of the usual back-to-school programme, we have adopted 10 students, Mr. Speaker, as we have emphasized as one of our main plans in North West Manchester, education, as through education we can help our young people to gain employment. So we

have adopted 10 students with help from the Private Sector, we've been able to pay 100% of the tuition for these 10 students. (Applause)

Mr. Speaker, these 10 students are now starting their 3rd year at NCU. These students are studying Accounting, one is doing a degree in Mathematics, two Business, one Nursing and the list goes on. These 10 students, Mr. Speaker, came to the constituency office at one point looking for work, and while speaking to these 10 students, I realize that each of them had more than seven ones in CSEC.

Myself and the Minister of Education and the National Youth Service, three years ago, came up with a programme, Jamaica 50, to assist some students to attend tertiary institutions around Jamaica. And I want to thank the Minister, Minister Lisa Hanna for the assistance that she has given these 10 students with their education.

(Applause)

And also, Mr. Speaker, we have this year, tailor-made a programme with Knox Community College, where we are now sending 30 students to Knox, moving them from two CSEC subjects to bring them to five that they can matriculate into a tertiary institution after, to gain a degree and look at gaining proper employment.

Mr. SAMUDA: Lisa, Lisa, yuh must teach him a little bit about presentation.

Mr. PHILLIPS: We continue to put electricity in communities that never had any. The Rural Electrification, we have completed some five such communities and we have another three that should come online this year. I thank Minister Paulwell, as we have partnered where we have taken monies from our CDF, at least $2 Million a year, to partner with the Rural Electrification in rolling out these projects.

Mr. Speaker, since the inception of JEEP, we've utilized the JEEP to ensure that after the JEEP passes through North West Manchester, it leaves a lasting track. We have been able to utilize JEEP in starting and completing 11 community roads. But, Mr. Speaker, in rural Jamaica, in constituencies like mine, coming off the main road...

(Inaudible comments)

Mr. PHILLIPS: ...coming off the main road, Mr. Speaker, going into some of the smaller communities they have dirt roads. And we took a decision from 2011, that we will use the JEEP to convert these dirt roads into proper driving roads.

A MEMBER: That's right.

Mr. PHILLIPS: So we have completed 11 and in JEEP 5 we are doing an additional three for the people of North West Manchester.

Also with the JEEP we have improved some of the infrastructure of our schools by resurfacing three school yards. Mr. Speaker, we would love to see the continuation of JEEP programme, but with an increase in the amounts that we can expand to help those residents who have no roads to enter or to exit their communities.

But, Mr. Speaker, with the assistance of the Ministry of Tourism, where Members of Parliament were given an amount of $3 Million through TEF to start a community or

improve a community-based tourism product, North West Manchester is a farming constituency. In a few years, in two years time they will start mining bauxite in the greater Mile Gully area. Seventy percent of those lands, between 70% to 80% of those lands that will be mined is currently under agricultural production, and it will be the same with Member Shaw also.

So instead of going back to the drawing board, Mr. Speaker, I dusted off the Parish Development Plan, where they have this, what they call the Mile Gully Loop Tourism Project, where we'll be using the churches in and around Mile Gully North West Manchester, to create a tourism tour - a product.

So with the monies from TEF, Minister McNeill, we decided that we would've taken the community of Maidstone which is the first free village in Manchester, the community itself had an organized community-based grouping, where from the community of Adams Valley where the first slave settlement was, they had quite a bit of artifacts coming from that free village, which was stored at the Nazareth Primary School.

With an agreement with the Ministry of Education, they have given us a schoolroom, a stand-alone classroom over at Nazareth where we can construct a museum. So we have taken the money that TEF gave us and we have decided that we will now construct a proper museum with the assistance and guidance from Jamaica Heritage Trust, TEF and the Institute of Jamaica. But then we decided to expand the project outside of just the museum, in developing the village of Maidstone.

So we have decided to put in proper walkways, storyboards at the various historic points of the Manse and the church up at Nazareth. We're going now around to Adams Valley which is where the first free village started, putting up storyboards over there; we've created walkways from the school to the library, but we decided that we're going to do it a little bit different, that we create cut stone walkways which would depict - bring us back to what the village look like back then.

We've been fortunate enough to get additional funds from TEF to expand the project, and we've been able to employ over 120 persons on that programme - on that project. We're hoping that...

Mr. CHARLES: How long? How many days?

Mr. PHILLIPS: How many days?

Mr. CHARLES: Yes.

Mr. PHILLIPS: Over a one month period. Over a month's period, yes.

We're working towards opening that project and hope that we'll be graced with the presence of the Prime Minister and the Minister of Tourism to open that project at Maidstone at the end of October.

The second project that we embarked on as part of that tourism product that we're trying to develop in North West Manchester is what we call Noisy River, which is one of only three surface rivers in the parish of Manchester. We call it our own little...

(Inaudible comment by a Member)

Mr. PHILLIPS: Yea Man. Yes, Minister, we have river in Oxford, which is...

(Inaudible comment by a Member)

Mr. PHILLIPS: No, it is a river, Noisy River. Member Buchanan would know Noisy River.

(Inaudible comment by a Member)

Mr. PHILLIPS: No, not that one. Not Noisy River.

But what we've decided though, what we have decided, with money from TEF again, we have decided to - and Minister Pickersgill I know you got the same amount of money - so we have decided to take that money and develop a product at Noisy River. Noisy River is one of the main attractions for residents of St. Elizabeth and Manchester.

So we have leased a piece of land from Forestry and we have now built four shops, bathrooms - four shops, and I have to thank the Minister in charge of Forestry who helped to fast track us getting those lands. But then what we have done is that we've built bathrooms so that the residents can use the place in pride; we have created a picnic area where we are now installing gazebos and a picnic area for the residents; we have completed four shops, but that is only the first phase of that project. We're going to be rehabilitating the Auchtembeddie Caves; we've been in dialogue with a tourism partner to come and introduce zip lining and river tubing. We are looking at also developing the Bethany Church, which is one of the historic churches in the parish of Manchester.

A MEMBER: Moravian.

Mr. PHILLIPS: No, it is Methodist - no Moravian, sorry, it is a Moravian church. We have Duppy Church, which we call Church in the Wilderness, which we are looking at redeveloping. You'd be surprised at the amount of Jamaicans and tourists that stop at that church, which was one of the first Anglican churches in the parish of Manchester, and we're going to be developing that church. We're doing that church in introducing cafeteria at rest stops there.

Our next project, once we can convince the Minister of Tourism to give us another tranche of money is to utilize the Mile Gully Park as a rest stop for the tour we're trying to develop in North West Manchester. Reason why we're trying to fast-track, Mr. Speaker, this project of creating a tourism programme or product in the parish and in the constituency North West Manchester is that we have to move quickly to diversify income base of our residents. Coming out of the Maidstone project we're going to be introducing bed and breakfast to expand the product that we're offering in Maidstone.

Mr. SILVERA: That sound like a we, Hugo.

Mr. PHILLIPS: Bed and breakfast.

(The Deputy Speaker gavels)

Mr. SILVERA: Give him five minutes.

The Deputy SPEAKER: The Speaker's time is up.

Mr. PAULWELL: Mr. Speaker, I move that the Speaker's time for speaking be extended by five minutes.

The Deputy SPEAKER: The question is that the Member's time be extended by five minutes so that he may complete his presentation.

Put to the House and agreed to.

Mr. PHILLIPS: Thank you, Mr. Speaker. I'm wrapping up in about two minutes.

But, Mr. Speaker, unlike the Member from North East Manchester, we have to be fair to the National Solid Waste because obviously he's not visiting his constituency often enough. I usually see him in Clarendon coming from the other direction. (Laughter)

Mr. SILVERA: Audley, shame, shame man. Lying on public TV.

Mr. PHILLIPS: But we have to say, even though not perfect, the garbage collection has improved in the parish of Manchester. (Applause) Even though not perfect. No even though not perfect.

(Cross talk)

(Inaudible comment by Mr. Shaw)

(Laughter)

Mr. PHILLIPS: No, but you need to...

(Cross talk)

No. And your victimizing the border off Hibernia.

(Laughter)

(Cross talk/Laughter)

Because just like the scripture that he quoted, I remember him telling me the story that it was someone who quoted that scripture to him and just recently he tried to teach himself the scripture why he got some of it wrong, but we'll see with him. (Laughter)

But, Mr. Speaker, as Members of Parliament we could always do with more, but if we do utilize the resources that we have to the best of our ability we can achieve. And I want to just thank the ministers who have assisted the agencies, who have assisted in achieving what we have achieved in North West Manchester. There is much more that I could mention that we have done, but we have outside of what I commit as Member of Parliament to education approximately $5 and a half Million. I want to thank those persons who I will not name now, but who know who they are for the additional $5 Million that we spend on education in North West Manchester because, Mr. Speaker, education - with education we can bring out people out of poverty. With education we can bring them to the point of gainful employment and it is one of the planks that we will build North West Manchester on in ensuring the future of our children in North West Manchester.

Proverbs 9 verse 10:

''The fear of the LORD is the beginning of wisdom, and knowledge of the Holy One is understanding."

(Applause)

The fear of the Lord is the foundation of wisdom, knowledge of the Holy One results in good judgment.

(Cross talk)

Mr. SHAW: What version of the Bible is that?

Mr. PHILLIPS: I will hasten to ask you, is which Bible you using?

(Cross talk/Laughter)

(The Speaker gavels)

Mr. Speaker, let me again thank the Honourable Prime Minister. Let me thank my constituents, my councillors, my family for the strength that they have given me to continue serving the people of North West Manchester and the people of Jamaica, which

is the greatest service that can be bestowed on anyone.

Thank you, Mr. Speaker.

(Applause)

The Deputy SPEAKER: Mr. Chuck. (Applause) (Cross talk)

Mr. CHUCK: Mr. Speaker, let me first of all say how happy I am that the State of the Constituency debate has begun. It is something, Mr. Speaker, that I contemplated even when I was Speaker, because I think too much time was being wasted on the Sectoral debates and therefore, we have removed it and we certainly hope that all Members of Parliament will participate to at least let their constituents know what is happening and what needs to be done in each of these sixty-three constituencies,

Mr. SHAW: What needs to be done, what needs to be done.

Mr. CHUCK: So, Mr. Speaker, may I say that I don't take any credit for the State of the Constituency debate if it turns out well, but if it turns out unfavourably, I take responsibility for the suggestion and support of it. And, indeed, Mr. Speaker, that has been my personal position of representation in North East St. Andrew. I take responsibility for everything that goes wrong. When problems emerge, when violence erupts, when conflicts appear, this MP is willing to assist the communities to restore a sense of well-being. (Applause) That is why North East at this present time is a model community, a model constituency that should be replicated across the other sixty-two constituencies.

(Applause) (Cross talk)

Mr. Speaker, when I entered North East St. Andrew, North East St. Andrew was plagued with gang violence, plagued with political conflicts, shootings every night or every other night. People wondered, Delroy, *yuh* mad? Why are you taking on this responsibility? But, Mr. Speaker, someone has to do it and I took up that responsibility. And I decided, Mr. Speaker that the gang warfare, the political conflicts, the shootings and all of these disorders must be brought under control and with the help of the then Prime Minister and Governor-General, Sir Howard Cooke, PJ Patterson, the present Prime Minister who was then Minister of Sports and others we had several competitions that brought everyone together and we said, you have to learn to live with one another.

(Applause) (Cross talk)

And I say, Mr. Speaker, that the then Superintendent not Adams, Rosalie McDonald Barker (Applause) and myself worked assiduously to ensure, Mr. Speaker, that these gangs were brought under control and I'm willing to say now, Mr. Speaker….

Mr. SHAW: That you're the sheriff in town.

Mr. CHUCK: ...in North East St. Andrew we don't have gangs, we don't have dons. Everybody knows there is only one don. I am the don.

(Laughter) (Cross talk)

And if there are any problems, Mr. Speaker that emerge in North East St. Andrew, they know how to get in touch with me. And, Mr. Speaker, to be fair I take no credit, because initially we put together, which is State-

operated, a community police management group that has been chaired by a minister of religion for the last fifteen years and this community police management group chaired now by Reverend Ian Muirhead, they have done yeoman's service over the last fifteen years to ensure that Grants Pen is an area - Grants Pen, Barbican, Shortwood, Liguanea, there are areas of peace and harmony. So, Mr. Speaker, they meet monthly. I keep out of it, Mr. Speaker, because I don't want it ever to be said that this community police management group is politicized. But every now and then they invite me to the meeting and if something erupts I am the first one they call to come to gully bank to get these groups in conflicts to get together and ensure that we have no further problems.

So, Mr. Speaker, the history of restoration of peace and harmony in Grants Pen cannot be told in twenty minutes but is something that should be known and can be replicated in every inner city community across Jamaica. (Applause) It's a question, Mr. Speaker, of the Stakeholders, the businesses, the pastors, the teachers and the various community leaders working together to ensure that there's community well-being.

Mr. Speaker, when I went into Grants Pen we had pit latrines and scandal bags were the way that many residents disposed of the human waste. In no time, Mr. Speaker, we had to do enough to put in showers, and enough flush toilets so that every community now have flush toilets and showers. No pit latrines, no scandal bags.

(Applause)

Mr. Speaker, when I went there the gullies were eroded, the houses and lives and properties were endangered and thanks to the then Minister of Transport and Works, Central Clarendon Member of Parliament, who I pleaded and he spent some of the JEEP - not JEEP, JDIP money and also since then to the Minister of South St. Andrew the present Minister, who continued to ensure that the gullies were well repaired. So now, Mr. Speaker, even with the heavy rains when we have meetings with the community police management and all of the different disaster preparedness, I say I keep my fingers crossed even if a hurricane we should not have any flooding because all of the gullies have been properly repaired, all the clusters where things would really cause great damage have been repaired.

In fact, Mr. Speaker, one bridge, which I've identified for more than eight years was recently - I had to thank the Minister of State from North West Clarendon (Applause) who found the $12 Million to repair a bridge on Barbican Way that endangered lives because it had no rails and fortunately at this moment it is being repaired. But it has been there for the last eight years and fortunately, he was able to find the funds.

(Cross talk)

No, to be frank I tried; I repeatedly called for assistance and Mr. Speaker, the truth of the matter is, it takes so long for things to be done in this country.

Mr. Speaker, one of the problems I have in North East St. Andrew is the roundabout, traffic delays every morning, every evening

and you know, Mr. Speaker, from 16 years ago I proposed the solution. I worked with the Minister Mike Henry when he was there, and now I am working with the present Minister from South St. Andrew to remove that round-about around Barbican, to widen the road in front of Fontana and I understand that it is on stream to come about. But for heaven sake, why does it take so long to get things done in this country. It has been approved, Mr. Speaker, I understand, but nothing is happening to get it done. And I say you know, Mr. Speaker, and Prime Minister I want you to listen to this, I want you to send a message out. Every government agency, that has to pay money, they know that they have to pay money every week, whether it is JEEP money, whether it is the disaster preparedness, whether it is the school vouchers they sign cheques on Fridays, and they send the cheques and you collect the cheques in the afternoon and most times they are getting it at 3:00 and 4:00 in the afternoon. For Christ's sake, how you expect the people to change the cheques at 3:00 and 4:00 on Friday evening?

Mr. Speaker, it is frustration on the citizens of this country, when the agencies of government decide that they won't change cheques or deliver cheques until Friday afternoon. They know the cheques have to be prepared they know the cheques must be delivered and yet they prepare them and deliver them on Friday afternoon. Prime Minister I say, there must be a way that cheques can be prepared on Thursday and they deliver on Friday morning so the people can change them on Friday afternoon. But when you deliver them at 3:00/4:00 on Friday afternoon it is impossible to have then changed and this is so Madam Prime Minister in nearly every agency of Government. Let us remove that frustration of every citizens of our country.

Mr. Speaker, in North East St. Andrew there are many achievements and successes, peace has been restored, we removed all the zinc fences in all the thoroughfares. When you drive around Grants Pen, Barbican any road on the thoroughfare in North East St. Andrew you see beauty, you see freshly painted walls, you see murals. (Applause)

And I say, Mr. Speaker…

A MEMBER: You see murals.

Mr. CHUCK: You see nice murals. And I say Mr. Speaker that is something that should be replicated everywhere. And I say, Mr. Speaker, the only concern that we have in North East St. Andrew, we have brought peace, we have brought harmony. I am not denying that there are occasional interruptions and you know, this will happen but whenever it happens, interruptions and disruptions we meet quickly and bring it under control and that is what leadership is all about, bringing in your communities or your enclaves or your pockets of problems putting it under control quickly. And I say, Mr. Speaker, my only problem is, I have failed to bring prosperity to my inner-city communities.

And I say, Mr. Speaker, I have sat with them many times putting together economic rehabilitation programme. But I know, the Members of the House, the Government won't like it, but they have a problem, they have a

culture of mendicancy, they feel that the State must take them and support them from the cradle to the grave, it can't work. And somehow, Mr. Speaker, we have to explain to our people that you have a personal and individual responsibility to help yourself, and the State and the MP can help you, but so far.

But many of them, Mr. Speaker, regrettably, when you sit with them, they feel when you give them a 50 or a 100 - assistance to buy 50 or 100 chickens and when you sell it they must used it and you must provide them with another 50 or 100 chickens, the idea, Mr. Speaker, of turning it over and creating some prosperity for themselves escape them. How are we going to do it colleagues?

We cannot continuously be giving them handouts, be giving them rehabilitation, it can't work, when you assist them with a block-making machine and you give them couple loads of marl, and 20 or 50 bags of cement they must understand that they must turn it over, you can't every 3 or 6 months give them two (2) more loads of marls and another 50 bags of cement, they have to turn it over. And I say, Mr. Speaker, we in this Parliament will have to understand that the problems of the poor, not only in North East St. Andrew but across Jamaica is one of how do we create wealth, because if every individual or every company, not only the big man but every small man must find the ways and means to create wealth not for the country, but for himself or herself and their families. Because, Mr. Speaker, as the Member from North East Manchester pointed out, the demand at this moment for school assistance is unprecedented at any time over the last 18 years that I have been Member of Parliament. (Applause) It may well mean the problems we are having in the economy. But I am saying, Mr. Speaker, your children are your future and when families have to come to you and plead with you...

The Deputy SPEAKER: The Member's time has expired.

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

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

Motion put to the House and agreed to.

The Deputy SPEAKER: Mr. Chuck.

Mr. CHUCK: Mr. Speaker, somehow we have to find the economy and create an economy that can create the jobs and opportunities so that the average citizens of this country can really make do for himself, herself and his or her family. Because as I say, Mr. Speaker, there is no way MPs, no way business communities can assist the demand that is out there.

And I say, Mr. Speaker, the frustration, the sense of devastation that is presently existing with this back to school is the worse I have seen for a long, long time. And I say not only back to school, Mr. Speaker, but you have people who have to get prescriptions filled, sometime it is a couple thousand and you have to really assist them because they can't find the couple thousand, and if they

don't get the prescription their lives will be endangered.

For the first time, Mr. Speaker, I am writing the Social Security Ministry to give assistance to people who need immediate treatment at the hospitals, and my welfare and emergency cannot support some of these. In truth, Mr. Speaker...

Mr. Luther BUCHANAN: You know you are spoiling a good thing. You fabricating now.

Mr. CHUCK: I can show you them. Mr. Speaker, there are some great demands of personal problems, hospitalization, that need to be deal with. The hospitals, Mr. Speaker, can go so far but there are some cases that really need social security attention. And so Minister of Health, Minister of Social Security those cases are special cases may well have to be dealt with, I have seen them emerging and you are talking about a couple hundred thousand, they can't find it, the MP can't find it, social security will have to help those really extreme and needy cases.

So, Mr. Speaker, in the State of the Nation - sorry State of the Constituency Debate there is no doubt that as we highlight the achievements we have a few problems. There are many areas, Mr. Speaker that I could highlight; some of them could create the jobs and opportunities that are needed. We now have *ad hoc* development where investors whoever they are putting, are putting in place apartments and town houses, making good money, they can create the jobs but, Mr. Speaker, and they are coming in communities and changing the character of the neighbourhood. I will say, Mr. Speaker, it may not be a bad idea for government to declare certain depressed areas, especially in Kingston and St. Andrew to be development areas, take a - using the Housing Act take a five acre, buy out the people, and let private developers bid in order to put in some housing development.

What is happening now, Mr. Speaker is that...

(*Sotto voce* comments by a Member)

Mr. CHUCK: You buy them out and they go elsewhere.

What is happening now, Mr. Speaker, is that the private developers are able to buy maybe one or two lots usually of less than half a acre and they are putting up apartments and town houses and it is an *ad hoc* development creating havoc in many of the communities especially in North East, when a more structured development is needed and government should really step in and control this development.

In other words, you say in area, I am thinking in all sincerity, Member from South East St. Andrew, Vineyard Town, Allman Town, Franklyn Town these are areas that have seen their best, take a five or ten acres buy out, the persons who are there, clean up the land and let private developers compete for the properties and put up nice housing development.

(*Sotto voce* comments by a Member)

Mr. CHUCK: You buy them out and they go buy elsewhere.

So, Mr. Speaker, it is important that we do that structured development for the future rather than this *ad hoc* private development.

Mr. Speaker, time does not allow me to deal with all the opportunities that can be created for a better Jamaica.

(Applause)

The Deputy SPEAKER: Thank you, Mr. Chuck. Mr. Paul Buchanan.

Mr. Paul BUCHANAN: Mr. Speaker, I rise once more to report on the progress we have made in West Rural St. Andrew.

Mr. Speaker, I begin by proudly proclaiming that in the 44 months that has elapsed since first we came, over 110 documented solid achievements, not bushing, have been completed.... (Applause) ...an astonishing output, unprecedented in scope, quality of work and speed in the face of near insurmountable fiscal challenges.

Mr. Speaker only the most politically tribal will fail to acknowledge the significant strides we have made in restoring infrastructural decency in a difficult economy and in most instances unrealistic expectations. After a decade of stratified, uncaring inaction we have at last begun the steady climb to establish a physical infrastructure platform worthy of our people that will allow for growth and greatness.

Mr. Speaker, there are very few, if any, in this House that can say the infrastructure status of their constituency is not much better under this administration. I say glory to the inspirational leadership of Prime Minister, the Most Honourable Portia Simpson Miller, the brilliant work of Dr. Omar Davies, the on the ground coordinating work of Minister Richard Azan and the ingenuity of the Minister the Honourable Dr Peter Phillips. (Applause)

Time does not allow a full listing of our achievements in West Rural St. Andrew, after all, it is over one hundred and it would take hours. However, I will quickly make mention of the major ones. The new Red Hills Highway to War Hill, new paved roads at Plum Street, Mount Zion, Burke Wood in Red Hills, George Mason Drive, Baker Ridge, Halls Green and Belmont to Toms River in Brandon Hill, Short Cut and Mount Olive in Lawrence Tavern, Airy Castle, Old Stony Hill Road, Lane Pass, Boon Hall Housing Scheme in Stony Hill.

Mr. Speaker, beyond these, thanks again to a Minister who has tolerated my many entreaties as all our major thoroughfares has been upgraded: Stony Hill to Castleton; Stony Hill to Temple Hall; Temple Hall to Border; and King Weston and the long awaited repair of our bus route...

A MEMBER: Yes.

Mr. Paul BUCHANAN: ...from Stony Hill to Parks Road is now in progress.

Mr. Speaker, we have not stopped there, in the process we could highlight the significant repairs to the crippling breakaways at Mount Ogle, Almond Hill and Oberlin. The new reliable water supply in Stony Hill, the new primary school at Red Hills or the new IT skills training centres at Red Hills, Cavaliers, Rock Hall, Stony Hill and Oberlin, which is witnessing for the first time in our history, the provision of stipends to assist the participants. We can also report to this House that we have successfully placed the first batch of graduates in the apprenticeship programme in public and private sector institutions. (Applause)

Mr. Speaker, one of the most profound instances of our socioeconomic uplift in West Rural St. Andrew, has been the concentrated purposefulness of Minister, the Honourable Dr. Fenton Ferguson, in advancing primary healthcare to all our constituencies. (Applause) In this, his vision has been admirably implemented by the quiet, humble but very capable Everton Anderson, CEO of the National Health Fund. Your unsung labour and commitment has seen the birth of a new health centre at Golden Spring; upgrading works at the Lawrence Tavern Health Centre; expansion at Red Hills; a new health centre at Padmore; and planning works advance for new centres at Rock Hall and Stony Hill. A grateful West Rural St. Andrew says thanks and much respect to the worth and work of Minister Ferguson and his team.

Mr. Speaker, I would be deeply remiss if I did not touch on a few national issues, as it is the responsibility of all legislators to offer suggestions towards the critical imperative of finding growth. But there is a concern, Mr. Speaker, every year we present ideas on this elusive goal. But it seems that our offerings are confined to the archives of **Hansard**. There need to be a mechanism to re-examine and filter some of these ideas for further action.

Mr. SAMUDA: Yuh talking now buoy.

Mr. Paul BUCHANAN: Mr. Speaker, in this regard let me reiterate a few that I have mentioned last year in my call for us to grow smart. Admittedly, there are varying views on the entrenchment of Local Government... (Applause) ...but if its enactment is to be effective, the legislation should include the independence of the Local Authority to issue municipal bonds.

Mr. SAMUDA: The Member is speaking.

Mr. SHAW: Buchanan, get back to your seat now!

(Heckling)

(The Deputy Speaker gavels)

Mr. Paul BUCHANAN: My Councillor Garrick Walker has reminded me that 60% of the roads in West Rural St. Andrew come under the KSAC. Based on the level of repairs needed, even at $100 Million per year, it would take at least 20 years to complete all of them. Almost every major city is allowed to issue municipal bonds. In our case, despite the inevitable anxieties of our IMF creditors and the Finance [Ministry], we must quickly conclude the following. The inflow from the bond will be low inflationary, in that it will be devoted to infrastructure development, diverting some of that money which would otherwise go to services and invested in paper would now be used to build roads, some of them, some of our farm roads, critical to growth and more importantly reduce cost push and demand pull inflation.

Secondly, in the post JDX/NDX dispensation, blue chip fund managers are more attractive to the market than government guarantees. So you could conceivably float a bond with a moratorium and principal, apply a sinking fund and a prompt interest payment facility without government guarantees that will allow Local Government an immediate flow of funds of at least 40% of the total value of the issue.

Mr. SAMUDA: How you get….. (Inaudible comments)

Mr. Paul BUCHANAN: You don't need it; you weren't listening. The market is responding more to the blue chip fund manager than the government guarantee in the post JDX/NDX period, and I know you agree.

Mr. Speaker, there needs to be an urgent decision to establish a farm road upgrading unit. (Applause) In West Rural St. Andrew, although our Government has restored the coffee industry with farmers now earning over $10,000 per box of beans, up from $2,000 to $3,000 in 2011, there are very little roads. As I have stated before in this Chamber, we must place some priority on the efforts of those producers vital to our economic survival.

Controversially, Mr. Speaker, there is approximately 45,000 lots of land owned by the Government still. We need to move away from the deeds of men who did wrong and focus back on the positives of the Pride programme. We need to find a way to bring more people into the economic power of land capital. Look at the capital gains at the Pines of Karachi; look at the Property Tax potential of all those other sites islandwide; look at the upward social mobility of beneficiaries that have moved from one social class to a next within one generation due to the power of land capital, and let us restart the process on a more solid and transparent foundation.

Mr. Speaker, the fifth point. Recently a friend told me that her child came first in the West Indies in IT. That child has received a scholarship to Colombia University. We will possibly not see that child again until she makes a breakthrough at one of the major corporations in America. We need to reverse the brain drain.

India yesterday's poor have found a way to bring back their best minds and establish the Indian Institute of Technology and hence their assent as a first world power. We need to reduce that trend.

In Jamaica, Mr. Speaker, we should provide scholarships that include land and attractive housing for the family, the parents of our best minds, a lot of whom come from poor backgrounds. In my constituency we have a lot of people - nine ones, seven ones, eight ones. They're doing so well, is not every day you get eight ones.

Poor peanut vendor up in Toms River, mother wake me up, 'Mr. Buck, my son got one in Math and seven other subjects'. What happen to them? The Government can afford to give them fulsome scholarship to lift their parents and the mother who has suffered over the years to sacrifice and take that child to that point and sometimes the father too. (Applause) So we need to see if we can deal with some fulsome scholarship so that we can reverse the brain drain.

I spoke last year again that we must grow smart. You cannot, in this IT dispensation, just accept companies coming here, invest in our IT product with most of the reflows going back, we have to register the intellectual property here. The Government can, in a developing society like ours, the Government must provide serious equity wherever we see the goal post, we must get in there, put in equity, register those companies so that the

intellectual property will come back. The exponential growth that we seek in Jamaica, because it's only that can help us, 1% growth cannot help us, it must be exponential growth and the IT sector offers that.

Software development, we have begun that process in West Rural St. Andrew. In late October we will finally launch our IT Software - our Software Training and Development Centre. The Minister has agreed 35 of our brightest and best in West Rural St. Andrew will be contracted and trained to just chum out software.

The Deputy SPEAKER: (Gavels) The Member's time 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 Deputy SPEAKER: The question is that the Member's time be extended for five minutes so that he may complete his presentation.

Put to the House and agreed to.

The Deputy SPEAKER: Mr. Buchanan.

Mr. Paul BUCHANAN: We are grateful, Mr. Speaker, that our Minister of Science, Mining and Technology, who has stood behind us all the way, has signed off...

(Inaudible comments)

Mr. Paul BUCHANAN: ...one at HEART Stony Hill, the other one at Red Hills, where we have leased property for - where a NGO has leased property for 50 years to treat with that from the church, 35 of our best minds, from potential scammers to people with a Masters in IT. And I commended to all constituencies, find your best IT practitioners, train them, pay them well and keep them here. We have hundreds of Mark Zuckerbergs, the inventor of Facebook, in Jamaica.

Inspired by our athletes in the Bird's Nest recently and before, the Jamaican exceptionalism is now an accepted norm. You know, Mr. Speaker, perhaps the greatness of Bolt was not seen on the track, it was the fact that in the period leading up to the great race, he could easily have hedged his performance, win or lose, against the cries to shout out, Gatlin has drug tainted. Not once he did that. He went into battle relying on his talent, understanding the role that he had to play to lift a nation; understanding that he could not fail. And beyond biceps and triceps, beyond the track he showed in that moment, greatness. (Applause)

Mr. Speaker, we dare not tarry, the mountain top beckons, West Rural St. Andrew is moving on, others must join us. Let us resolve that the generation to come must truly acknowledge that we finally grasp the path to greatness and we did not fail.

Mr. Speaker, may it please you, I'm done.

(Applause)

Mr. PAULWELL: Mr. Speaker, the final item this afternoon is Private Members Motion 26. It's a brief matter; the Member from St. Catherine South will do the presentation.

The Deputy SPEAKER: Mr. Jackson.

Mr. JACKSON: Thank you, Mr. Speaker.

Mr. Speaker, the matter referred to by the House Leader has been tabled. However, Mr.

Speaker, sufficient time never permitted for the matter to be fully ventilated and to properly report to this House, and subsequently the request of the Committee is for an extension of the time so that it can further deliberate on the subject and report back to this House in a fulsome way. With that said, Mr. Speaker, I therefore ask that the Report before the House be accepted and the request for an extension contained in Item 2 in that said Report be permitted. And the extended time I will ask for, Mr. Speaker, is that time that is sufficient for the Report to be completed. Thank you.

The Deputy SPEAKER: The question is that the Report be accepted and that the time be extended so as to sufficiently allow for the Committee to complete its work.

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 tomorrow September 2, at 2:00 p.m.

The Deputy SPEAKER: The question is that this Honourable House now adjourns until Wednesday September 2, at 2:00 p.m.

Put to the House and agreed to.

The Deputy SPEAKER: (Gavels) This Honourable House now stands adjourned.

The House was adjourned accordingly at 4:58 p.m. to Wednesday, September 2, at 2:00 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2015 – 2016

WEDNESDAY, September 2, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:43 p.m.

PRESENT

THE SPEAKER

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

MEMBERS OF THE CABINET

THE HONOURABLES:

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

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

MINISTERS OF STATE

HON. IAN DAVE HAYLES, (PNP), Hanover, Western, Minister of State in the Ministry of Water, Land Environment and Climate Change

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

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

OTHER MEMBERS

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

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

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

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

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

MR. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western

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

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern
MR. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central
MR. AUDLEY FITZ ALBERT SHAW, CD, (JLP), Manchester, North Eastern
MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western
MR. RUDYARD CONRAD SPENCER, CD, (JLP), Clarendon, South Eastern
MR. DARYL WESLEY PHILLIP VAZ, (PNP), Portland, Western
MR. DWAYNE FRANCOIS ST. MICHAEL VAZ, (PNP), Westmoreland, Central
MR. KEITH ANTHONY WALFORD, (PNP), St. Ann, South Western

PRAYERS

Prayers were offered by Mr. Keith Walford.

The Deputy 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:

- **Ministry Paper No. 122/15**
  Annual Report and Audited Financial Statements of the Sugar Industry Authority (SIA) for the year ended 2012/2013
- The Transport Authority Annual Reports and Audited Financial Statements for the financial years 2010/2011, 2011/2012, 2012/2013 and 2013/2014
- Electoral Commission of Jamaica Reports entitled:
  i. "Proposal to Amend the Electoral Commission (Interim) Act, 2006 to allow for Flexibility Staggering of Appointments of the selected Commissioners"; and
  ii. "Proposal to Amend the Representation of the People Act to allow intending candidates to declare eligibility under the Constitution."

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, the Minister of National Security will deal with the Maritime Drug Trafficking Suppression (Amendment) Act. It is a very short Bill and he has already secured approval from the Opposition Spokesperson for us to take it this afternoon.

THE MARITIME DRUG TRAFFICKING SUPPRESSION (AMENDMENT) ACT

The Deputy SPEAKER: Minister Bunting.

Mr. BUNTING: Thank you, Mr. Speaker.

I place before this Honourable House for consideration and approval the Bill entitled: AN ACT to Amend the Maritime Drug Trafficking (Suppression) Act to grant the Minister responsibility for National Security the power to waive Jamaica's right to exercise jurisdiction over Jamaica nationals who are detained on a Jamaican vessel by the law enforcement authorities of a treaty State seaward of any State's territorial sea.

Mr. Speaker, as you may be aware, Jamaica is a party to the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Under this Convention State parties are required to co-operate through bilateral or multilateral arrangements enhancing the effectiveness of suppressing illicit maritime trafficking in drugs and to enact the necessary legislative and administrative measures to achieve same.

In 1998 this Parliament passed the Maritime Drug Trafficking Suppression Act. A significant feature of this Act is the preservation of Jamaica's right to exercise exclusive jurisdictions over its nationals.

Mr. Speaker, Jamaica's geographical location places it in a sense on the maritime highway between the main drug-producing countries and the main drug-consuming countries, given its geographical location preventing transit by traffickers through the maritime waters seaward of Jamaica's territorial sea. That is a technical term but essentially it means within our exclusive economic zone or on the high seas. But controlling this transit by traffickers is an absolute necessity. Maritime security threats have increased exponentially in the 21st Century. These threats are manifested in a number of ways by the illicit transshipment of weapons, hazardous materials, drugs, smuggling or trafficking of persons, as well as activities such as terrorism and piracy. As a consequence of this ever present threat and in the interest of national security there is an urgent need for swift and decisive steps to be taken to deal with persons suspected to be involved in narcotics and firearms trafficking who used the sea as their means of transport, whether Jamaicans or not.

Jamaica continues to experience an active trade in drugs and firearms, an active illicit trade in drugs and firearms, especially since the advent of the guns for drugs trade. This illicit trade continues to pose a significant challenge to local law enforcement, given Jamaica's porous borders and many fishing villages both formal and informal. Data compiled by the Jamaica Constabulary Force revealed that year-to-date 80% of all murders and 66% of robberies are committed using guns. These findings are similar to previous years. Additionally, illegal firearms are readily accessible and have resulted in an increase in the number of highly organized criminal gangs.

Further, the protocol practiced in Jamaica with respect to suspects engaged in illicit trafficking seaward of Jamaica's territorial sea is usually time consuming and in most cases prosecutions in that regard are unsuccessful. They are unsuccessful for the following

reasons: first, Jamaican law enforcement officers are only provided with samples of contraband by the law enforcement officers of a treaty State. There is a practice in our courts that all the contrabands found aboard vessels are required to be tendered into evidence. The tendering into evidence of the entire cargo of contrabands is logistically difficult since the custody of the contraband and indeed, the vessel is usually retained by the Treaty State and in some cases the cargo may amount to thousands of pounds. Secondly, law enforcement officers of the respective treaty States who are involved in the apprehension and the seizure of the contraband are required to attend and give evidence in court in Jamaica. However, Mr. Speaker, it is unlikely that these officers will be available to attend court, especially given one, the slow pace of our justice system and frequent adjournments and perhaps, most importantly, the nature of their duties. Being usually Coast Guards or navy officers they are often posted at sea and it is logistically difficult whilst satisfying the primary duties in their job to be expecting them to be transported from their ship at sea back and forth to Jamaica to give evidence in court. As such it is highly likely that no local prosecution will be successful if Jamaica retains its jurisdiction over its nationals who are held seaward of our territorial seas on vessels found with contraband.

As a result of the limitation on Jamaica's ability to successfully prosecute these cases, Jamaica's national security is compromised. In addition, it also gives a perception of unwillingness by Jamaica to co-operate with its international partners, as well as a suggestion that Jamaica is a relative safe haven where drug traffickers can escape the reach of international law enforcement.

Mr. Speaker, as if to add insult to injury, when these vessels are intercepted and we are unable to waive jurisdictions over our nationals the Jamaican Coast Guards usually have to sail out to a point to collect these criminals from the US or British, US Coast Guard or British Navy, as the case may be, and sometimes they can expend fuel in excess of J$1 Million to go and give these drug traffickers a free ride back home. It is a travesty. So it is in this regard, Mr. Speaker, that the Maritime Drug Trafficking Suppression (Amendment) Bill is being introduced to allow the Government of Jamaica, through the Minister responsible for National Security, the option of waiving Jamaica's jurisdiction over its nationals who are apprehended seaward of Jamaica's territorial seas on Jamaican flag vessels containing contrabands where the Minister considers this the appropriate course to take.

This Bill will serve to enhance the co-operation between Jamaica and its international partners in combating illicit maritime drug trafficking as well as to promote the fundamental rights of our citizens to live in a society which is free from the violence and corruption that flows from unmitigated exposure to the international drugs trade.

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

Northern, Attorney General, entered and took his seat.)

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

I now turn my attention to a clause by clause examination of the Bill. As you know, Mr. Speaker, it is a very short Bill with just three clauses.

Clause 1 cites the name of the Bill as the Maritime Drug Trafficking Suppression (Amendment) Act, 2015 and provides for the commencement of the Bill on a date to be appointed by the Minister by notice published in the *Gazette*.

Clause 2 seeks to amend section of the Maritime Drug Trafficking Suppression Act by deleting in subsection (2) the words, "other than Jamaican nationals" and in subsection (3) by deleting the word, "nothing" and substituting therefor the words "subject to subsection (2), nothing".

Clause 3 seeks to amend section of the principal Act by deleting in subsection (2) the words, "that offender shall be liable to" and substituting therefor the words, "subject to subsection (22) that offender may".

Section 20 of the Act sets out the conditions under which Jamaica may waive its rights to exercise jurisdiction over a foreign vessels, their cargos and any persons found on board those vessels.

Section 21 of the Act extends the laws of Jamaica to any offence committed outside of Jamaican waters on a vessel or aircraft registered in Jamaica, and for the purposes of the jurisdiction of any court in Jamaica the offence shall be treated as if it were committed in the parish in which the proceedings are brought.

Section 21 of the principal Act further provides that where the offence of illicit traffic is committed (a) within the territory of Jamaica or on board a vessel or aircraft which is registered in Jamaica, and (b) the alleged offender is one, present in Jamaica or two, a Jamaican national, that offender shall be liable to be tried by a court in Jamaica, if that offender is not extradited pursuant to the provisions of the Convention on the grounds specified in paragraphs (a) or (b) in 2.

The aforementioned provisions of the Maritime Drug Trafficking (Suppression) Act makes a distinction between the treatment of Jamaican nationals and other persons; a distinction which is not mirrored in other legislation providing for the extension of jurisdiction over maritime areas. The proposed amendments to these provisions will allow for a removal of this distinction and provide for equal treatment of all persons suspected of illicit trafficking on board Jamaican registered vessels.

Jamaica stands to benefit from the introduction of this Bill as it will be significant in the prevention of transit by traffickers through the maritime waters seaward of Jamaica's territorial sea. A secure maritime environmental and secure maritime trade [lanes] are crucial to Jamaica's national, political, economic and social well-being. Sectors such as trade and industry, the fishing sectors as well as tourism Jamaica's primary

exchange earner are all dependent upon a safe and stable marine maritime environment. As a consequence, I commend this Bill to this Honourable House. (Applause)

The Deputy SPEAKER: Mr. Chuck.

Mr. CHUCK: Mr. Speaker, I wish I had the time to speak at great length on this Bill.

Mr. SHAW: You have the time. Go ahead.

(Laughter) (Cross talk)

Mr. CHUCK: It is an admission of the Minister of National Security of the failure of our State of Jamaica. I sympathize with everything the Minister has said. But what we are saying with this Bill, Mr. Speaker, is that we are unable to prosecute persons who we find on the high seas.

Mr. BUNTING: Not who we find.

Mr. CHUCK: Who others find on the high seas, or put it differently we are unable to protect our citizens and protect their rights and freedoms because our justice system has failed.

Mr. Speaker, I listened to the Minister and what we're saying - what we're saying is that if a vessel is found on the high seas with Jamaicans, a Jamaican vessel maybe, but drugs are found allegedly that we can waive the rights and responsibilities of that Jamaican citizen so that citizen can be prosecuted elsewhere. Mr. Speaker, it's a sad occasion in this Parliament when we can say that because of the failure of our ability to prosecute and bring to justice people who have done wrong - citizens of our country who have done wrong and lock them up that we're going to agree to allow another state to deal with it.

Mr. Speaker, it is sad because we need to address those problems, because if a Jamaican citizen is found to be transporting, exporting, trafficking drugs we should have the capability to prosecute, convict and imprison that Jamaican citizen, but what the Minister in this Bill is saying, we don't have the ability so we're going to waive those rights and pass it on to another country to do it. Mr. Speaker, can you imagine if we were out - our coast guard was out and find a U.S. citizen with drugs on the high seas and we sought to prosecute that citizen in the Jamaican courts? The United States, the French, the British would say, this is a U.S, Canadian or British citizen don't interfere.

Mr. BUNTING: Rubbish! Rubbish!

Mr. CHUCK: On the high seas, on the high seas. I *neva* say in Jamaica.

A Government MEMBER: What *yuh* trying to say?

Mr. CHUCK: *Neva sey* in Jamaica.

Mr. CHARLES: Go on man, talk.

Mr. BUNTING: Go and research it some more, go and research it some more.

Mr. CHUCK: Because that citizen Mr. Speaker, that citizen on the high seas is going to be protected by their country.

Mr. BUNTING: Rubbish that!

Mr. CHUCK: That citizen is going to be protected by their country, Mr. Speaker.

Mr. BUNTING: Go and do your research, because that is not what...

(Inaudible comment follows)

Mr. CHUCK: Well, you have a chance to speak, you know. What I'm saying. Mr. Speaker...

(Inaudible comment by Mr. Bunting)

Mr. CHUCK: Well, when I make mischief you can always delete it and respond. What I'm saying, Mr. Speaker, with this Bill - and by the way I am - as I said, you know, Mr. Speaker, I am sympathetic. I am sympathetic, but it is an admission of failure because what we're saying, Mr. Speaker, with this Bill when a Jamaican citizen is found allegedly with illicit drugs we're going to waive the rights of that Jamaican citizen to be tried elsewhere.

Mr. BUNTING: We're not waiving his rights; we're not waiving his rights.

Mr. CHUCK: But that's what you're doing. You're saying it's an option.

Mr. BUNTING: No, no, no!

Mr. CHUCK: So what is this Bill all about? If it's not an option what is it all about, right? What you're saying you have an option to waive the rights of this Jamaican citizen to be tried in our courts.

Mr. BUNTING: There is no right to be tried in our courts. You're not waiving their rights.

Mr. CHARLES: Minister, just - finish talking.

Mr. BUNTING: There is no right to be prosecuted.

(Inaudible comment by Mr. Charles)

Mr. CHUCK: You will respond soon, you know. You will be able to respond soon.

(Cross talk)

Mr. SHAW: ...intervene. It is untidy. It is untidy, it is untidy.

(Cross talk/The Deputy Speaker gavels)

It is untidy.

(Cross talk)

Mr. CHUCK: You will be able to respond, you know.

The Deputy SPEAKER: Members, allow the Opposition Spokesperson to finish.

Mr. CHUCK: Now, all I'm saying, Mr. Speaker is I am very sympathetic and I hope that you - what I'd ask, you know, Mr. Speaker, what I'd really ask and my conclusion I'll tell you it right now is to let this Bill be of limited...

(Cross talk)

...period, because we must put our house in order so we can protect the citizens of our country.

(Cross talk)

So I'm not denying that we have - we have a problem, because we have a problem where when we catch these people and you bring them to court it takes forever to get them convicted. And what this Bill is saying the Americans, the British, the French and the Canadians can do better in bringing these people to justice. I accept that in all sincerity, because the justice system and the Minister said, you know.

He said that the prosecution and the justice system, the delay, it's tied up. And I'm saying we need to put our house in order so we don't have Bills like these because this is a precedent, you know, Mr. Speaker. The next thing you're going to hear, certain other things we waive again to give the Americans and the British and the Canadians and the French to do it. What we must do is to put our house in order...

Mr. PARCHMENT: You did a try to waive Dudus extradition, though.

Mr. CHUCK: ...so we don't have that. So all I'm really saying - you want talk about extradition?

(Cross talk)

Mr. SHAW: (Inaudible) Him nuh even understand. Don't bother answer him.

Mr. CHUCK: Right, the point I'm making is put the justice in order so that you don't have legislation like this. The Minister is admitting it, you know. So let us put our justice system in order so we can get it right.

(Cross talk)

And Minister here is a conclusion, we going to support you on the Bill, you know.

A Government MEMBER: Thank you.

Mr. CHUCK: But I am just saying don't let it be for longer than is needed and don't let similar waiving of the rights and responsibilities of the State to protect the citizens of Jamaica be another similar Act like that.

The Deputy SPEAKER: Mr. Samuda.

Mr. SAMUDA: Mr. Speaker -

The Deputy SPEAKER: Mr. Samuda, please sit, sir. Mr. Charles was before.

Mr. SAMUDA: Oh sorry, Pearnel.

Mr. CHARLES: Minister I just want to support what the acting Leader Opposition bench has just said. But I want to ask a few questions. I noticed that this is an amendment to the Maritime Drug Trafficking [(Suppression) Act]. So this is in international waters. So you are taking away the right of a Jamaican who has been accused in international waters to be tried in Jamaica but to be tried in other countries?

Mr. BUNTING: There is no such right.

Mr. CHARLES: An allegation of Mr. Wolf in international waters that he is part of a bag of ganja that was found carrying a Jamaican passport with an appeal from the Jamaican Government to give protection under the Jamaican flag, you're going to suspend that and allow America, Canada, or whichever country to take him on an allegation to try him in their country. Minister, I am not in agreement with that...

Mr. BUNTING: That's why you object to.... (Inaudible)

Mr. CHARLES: I am not in agreement with that. And I tell you something, is it drugs alone? What about if he's - it's alleged that he commits a murder in international waters? Who try him? When get up you tell us, because if he's going to come back here to try for that then he come back here to try for the spliff.

Mr. ATKINSON: Spliff is not... (Inaudible)

Mr. CHARLES: Well, you see you believe that ganja is not ganja. It may not be up at J.C gate, but I know that when you say trafficking drugs and I use ganja because you know how much I'm against that. But tell us Minister, because I don't claim - I'm not an attorney and I am convinced by what my colleague, who is an attorney, has said that there is a problem. So when you speak tell us if drugs are the only consideration, murder, rape all of these things, allegation in international waters whether King Street is going to be a place that he cannot come to be

tried but he can go to be tried in Canada? And I wonder if there is not a conflict again with his passport?

Read the first page of your passport and what the Government of Jamaica has requested. Minister, I am not sure that you're giving protection to the Jamaican. This is an allegation and anybody can get up and sey, *bwoy yuh* come from Jamaica a *fi yuh* drugs. A man just return from a foreign country and claim that him don't know *nutten bout* how him *inna* prison for four years. Whether is true or not I don't know. But let us say it's true, is four years him spend *inna* prison, I am yet to be convinced as whether you are going to send the Minister of Education, who is a prominent attorney, to defend any such citizen in any such country that you as Minister *gwine* give the right to try a Jamaican, suspend his passport, the rights that he has under it and give it… Well then Minister, he is yours and you're giving the right for another country to take him go try him maybe on an allegation. I don't agree with that. I cannot agree with that. And I am not defending whether or not the man is wrong. If he is wrong let him come home and face the charges here.

(Cross talk)

So tell me who *gwine* defend them? The State that you are letting him go to, surrendering his passport to be tried in somebody's land under their laws? Minister, under their laws. This little two page amendment is continuation of non-protection of the Jamaican. Minister, you are taking that right according to this. You want it. You, the Minister. You, the Minister…

(Cross talk)

I agree with you.

If there is an allegation in the international waters, if there is an allegation on American soil, I don't have a problem with that on Canadian soil, I don't have a problem with that. International waters is our soil, just like is an American soil. We have as much right in international waters as America and Canada, we have as much right, they don't have any more rights than we do so why you sending them to be tried in another country than for them to be tried in our country, carrying our passport. Now, if you have answers convince me, I will go along with you, but I can't go along because I don't agree that this new provision will give the Jamaican citizen any protection in another man's country trying under their laws and you have to suspend the passport for them to do that. And so, Minister probably you have an answer, you have an answer, and I ask you, but I repeat, is it just for drugs, what about an allegation of rape, murder, and other such thing? You carrying him home for that?

(*Sotto voce* comments by Mr. Bunting)

Mr. CHARLES: You will answer, and while you are answering let me tell you that I would like you to answer in the light that all crimes of that nature, in my opinion, is crime, and therefore, the allegations should have the same weight. And therefore, if you send a man to Canada to be tried because of ganja and he is accused of murdering a Canadian in international water, and he is carrying your passport, he is a Jamaica there, then you need to tell me why you want to send him to be

tried somewhere else without the kind of legal back-up. Maybe you plan to send, as I said, people to defend him but sir, I am concerned and I won't vote against it, but I hope that others in here understand my concern and my concern is that not all allegations are true, not all allegations are true.

Thank you, sir.

The Deputy SPEAKER: Mr. Samuda.

Mr. SAMUDA: Mr. Speaker, I am not entirely sure I understand and I confess what the Minister has enunciated, and I wish, therefore, by way of clarification to ask him just a couple of very simple questions.

Minister, in matters of this nature, it is usual for us to enjoy a sense of reciprocity. Do I understand you to mean that where an American is found in international waters on Jamaica bottoms...

Mr. BUNTING: Jamaican?

Mr. SAMUDA: Bottoms, ship owned by Jamaicans, registered in Jamaica that you have the right to have that person tried in Jamaica, under the Jamaican jurisdiction. And is the basis of this provision to respect and honour the principles of reciprocity so that it applies equally to the Jamaican jurisdiction as to the American, Canadian, Israeli whatever it is jurisdiction that is one of the main things that I want to find out.

The next thing is Minister, could you indicate to what extent has your ministry collected a set of imperical data that would justify the statement that because these persons require to give evidence, are assigned on board ships that are off-shore is sufficient reason to suggest that they would not be able - we would not be able to prosecute effectively these cases, and hence run the risk being of having guilty person get off the charges? I want those specific questions answered if you may.

The Deputy SPEAKER: Mr. Henry.

Mr. HENRY: Minister, let me apologize first if I did not do enough homework on this matter. My intervention is going to relate to some questions. My responsibility as Opposition Spokesman for Transport speaks to the development of a hub in the future. One of the greatest hurdles and threat to the development of transshipment and/or the movement of cargo and persons is a seamless movement that is protected by the necessary methods of identification which relates to drug trafficking and relates to terrorism, *et cetera*. Correct me if I am wrong, but isn't the Ministry of Industry and Commerce and the Ministry of Transport seeking to look at the actual Maritime Act in its totality to ensure that seamless movement which specifically will be targeted in term of drugs? And is this amendment, therefore, in any way in keeping with the present international standards that relate to the movement of cargo from one mode of transport to the next, i.e. ship leaves somewhere else, when it gets to the vessels you may be reporting or it may be under a different flag, for instance. So I am feeling my way through the process to be very clear, because is this amendment in keeping with the international positions being treated for the development of logistics and the movement of cargo. And if we are not tied into the international system which may protect it and

may reduce some of this, then our development itself is going to be retarded. So is there an amendment coming to this the original Maritime Drug Trafficking (Suppression) Act and is that tied into that process which we didn't have to deal with so much in the past?

The Deputy SPEAKER: Minister.

Mr. BUNTING: Thank you, Mr. Speaker. Some of the objections raised particularly by the Acting Leader of the Opposition Business seems to operate on a mistake in assumption that Jamaicans who commit offenses outside of Jamaica or indeed, within Jamaica have a personal right to be tried for that offense in a Jamaican court because of his Jamaican nationality.

There is no such right either in our Constitution or in international law no, this is why we have an extradition treaty that allows a Jamaican, and I don't want you to say that I am always bringing up, but in a certain celebrated case during your administration that....

(*Sotto voce* comments by Mr. McKenzie)

Mr. BUNTING: Let us say any extradition for and let us use a relevant example. Let's say for conspiracy to export coke, let's say for conspiracy to export coke once there is *prima facie* case that is not...

(*Sotto voce* comments by Mr. McKenzie)

Mr. BUNTING: ...narcotic since you are sensitive to the name coke let me use - those who are...

(*Sotto voce* comments by Mr. McKenzie)

Mr. BUNTING: No, no, the Court does not try the case here, no, the Court does not. On the face of it, if there is a case, on the face of it *a prima facie* case, then the extradition is approved. The only thing the Court - if the person objects they can try and say there is not a *prima facie* case, but as the Court - as long as the Court says on the face of it there is a case they have no right to trial in Jamaica because they are Jamaicans. So there is no right either in our Constitution or international law for an alleged narcotic trafficker to be tried in their country of jurisdiction, there is no right as such. So let us start from that point.

We have long recognized and not just Jamaica, most countries in the Caribbean, in Central America, in South America in Colombia, for example, who have the types of violent criminal problems we have associated with narcotics trafficking, have used international treaties whether extradition or these type of maritime treaties to assist themselves in getting these drug traffickers tried in jurisdictions that have resources far exceeding what we have available in Jamaica, in Colombia, in Central America. That is a course of action that has been pursued actively for the last two or three decades and we have seen it been quite effective in many countries including Jamaica.

So this is not breaking any new ground constitutionally, the preservation of the jurisdiction was not based on any international treaty or constitution; it was based on the wording of our own local piece of legislation, the 1998 Maritime Drug Trafficking (Suppression) Act. So we are amending that to remove this exclusivity. But it doesn't mean that it is automatic, doesn't mean it is not

automatic, it gives us the option. If we become convinced that we can effectively prosecute these cases, if the environment changes then we will. So your concern about for a limited period it will only go so long as the Minister responsible for National Security and on a case by case basis and they present you the international partners, the treaty plates with the similar *prima facie* case, they send you video tapes of the operation, *et cetera*.

(*Sotto voce* comments by Mr. Charles)

Mr. BUNTING: Yes, but no - with respect to the Member from Clarendon, no prudent Minister responsible for national security would act without the advice of the Attorney General in matters such as this.

So, now to address your concerns, your questions would - does this apply for cases of murder, rape *et cetera*? Well, the Member who asked the question is not listening, could somebody draw his attention. I want to address your concerns Member from North Clarendon.

You asked about whether other crimes - murders, rapes *et cetera* committed on high seas whether they would be subject to this amendment. Well it would not because this Act is the Maritime Drug (Trafficking) Act. It is an Act which is further to, the UN Convention against elicits traffic in narcotic drugs and psychotropic substances, so this is specific to that. So while the general extradition treaties would apply for murder, rape *et cetera*, this whole arrangement, this whole international treaty and the specific Act and the bilateral arrangements that we negotiate are specific to drug trafficking, so they are not going to affect these other crimes.

You say you are concerned about, persons being tired on allegations, but all persons who go to trial are being tried on allegations. It is not until the Court determines whether they are guilty or innocent beyond a reasonable doubt that they now become convicted, so this is not new, if they came to Jamaica they will be tried on allegations the same way. But what we can be assured or reassured by is the States with which we have these treaties are States which have very reliably, judicial systems which guarantees due process to suspects and in fact in some cases better than we do. Even if they cannot afford a lawyer the State will provide a lawyer to them. The Attorney General reminds me, in those States in the US, in Canada, in the UK, the State must provide a lawyer, so they are at no disadvantage.

The question from the Member from St. Andrew - North Central St. Andrew, regarding reciprocity, the treaty we have with the United States further to this Act, is based on reciprocity. And the particular case I believe you asked where if an American was found on a Jamaican flight vessel suspected of being involved in narcotic trafficking, could we opt to prosecute him in Jamaica? Yes, the answer is yes. We have that right now and we will retain that right after the amendment.

However, you must be practical; Jamaica does not have the amount of offshore patrol vessels to not only police the nearly hundred thousand square miles of our EEZ, but also all the maritime lanes between here, Haiti, going further north to Bahamas, going south to Honduras, going towards Nicaragua or Costa

Rica. So, as a practical matter, they're more likely to be intercepted by the Coast Guards or Navies of countries that have large fleets of ocean board vessels; that's just as a practical matter.

So the likelihood of it being one of our handful of vessels intercepting as opposed to the large Coast Guard and Naval fleets of our international partners makes it much less likely that that would be the case where we're doing the interdiction. But even where they intercept a vessel on the high seas, a Jamaican registered vessel, we still can opt to prosecute those non-Jamaicans who are found on that vessel in Jamaica.

And finally, the Member from Central Clarendon had a concern whether - how does this apply to multi-modal cargo, and I don't think this particular Act, multimodal cargo, this particular Act, operates primarily on container type ships because those, generally speaking, container ships would not be interfered with at sea just because of the difficulty...

Mr. HENRY: Clarification between the Maritime Act?

Mr. BUNTING: Right, this is the Maritime Drug Trafficking Suppression Act.

Mr. ATKINSON: Excellent. In any event the American law would require probable cause before...

(Inaudible)

Mr. BUNTING: Right.

Mr. HENRY: Minister, if you will excuse me, the question I am really asking, I'm really seeking to declare...

Mr. BUNTING: Right. Sure.

Mr. HENRY: All countries in the movement of cargo have to interconnect and you have to use a certain form of security for all the transitions of these cargo. I merely wanted to be clear whether the other international countries have two separate Acts, or it's all combined under the Maritime, because it's the use of Maritime as against Drug Suppression, which is a certain different element. Because terrorism comes into play to equal it, and if you're not within that system that is internationally identified, then you're going to be out of a hub concept in the movement of the cargo too. So all I really want to know is, is it under the Suppression of Drug Trafficking, or is it under the Maritime Act, and whether that's common to the other countries who have hubs across the world?

Mr. BUNTING: There are a number of pieces of legislations which affect international maritime trafficking and they apply from anti-terrorism types of legislation antipiracy types of legislation, the full spectrum, so there is no, as far as I'm aware, any sort of uniform piece of legislation that covers all the particular scenarios.

Mr. HENRY: We do, but under the Maritime Act, you have the Ship Registry?

Mr. BUNTING: We do, but this is really - the only connection is that where it's Jamaican registered vessels or as they say Jamaican flight vessels, our jurisdiction, our national jurisdiction extends to those Jamaican flight vessels. So for the purposes of this Act, the Maritime Drug Trafficking Suppression Act, that is where the nexus is, but it does not affect. And certainly in the three and a half

years that I've been Minister, there's been no case where this has been used to affect those sort of general types of cargo ships or containers. These generally are precipitated. The treaty states law enforcement vessels usually have some probable cause or act on intelligence, or the behaviour of the vessel as they're approached, which would trigger suspicious - or trigger suspicions.

Mr. HENRY: You're saying it may not affect the Ship Registry expansion, which is part of the whole maritime... (Inaudible)

Mr. BUNTING: No, this won't affect it, absolutely won't affect the Ship Registry expansion at all, will not. In fact, the fact that it allows for more orderly law enforcement environment in international waters of Jamaican flag vessels, I think would only increase that.

So Mr. Speaker, I think having addressed the concerns of Members and having been assured of the support of the Opposition, I now move that the Bill be read a second time.

The Deputy SPEAKER: The question is that the Bill be read a second time.

Put to the House and agreed to.

Bill entitled: "AN ACT to Amend the Maritime Drug Trafficking (Suppression) Act to grant the Minister the power to waive Jamaica's rights to exercise jurisdiction over Jamaican nationals who are detained on a Jamaican vessel by the law enforcement authorities of a treaty State seaward of any State's territorial sea"

read a second time.

The Deputy SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

Minister, you have the document?

Mr. BUNTING: Yes.

COMMITTEE STAGE

The CHAIRMAN: I put Clause 1.

Clauses 1 to 3 put to the Committee and agreed to.

The CHAIRMAN: I put the Title and the Enacting Clause.

The Title and the Enacting Clause put to the Committee and agreed to.

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage without amendments.

Put to the Committee and agreed to.

RESUMPTION

The Deputy SPEAKER: I do report the Bill as having passed Committee Stage without amendments.

Mr. BUNTING: Mr. Speaker, I now move that the Bill be read a third time.

The Deputy SPEAKER: The question is that the Bill be read a third time.

Put to the House and agreed to.

Bill entitled: "AN ACT to Amend the Maritime Drug Trafficking (Suppression) Act to grant the Minister the power to waive Jamaica's right to exercise jurisdiction over Jamaican nationals who

are detained on a Jamaican vessel by the law enforcement authorities of a treaty State seaward of any State's territorial sea",

read a third time and passed.

(Applause)

The Deputy SPEAKER: Mr. House Leader.

Mr. PAULWELL: Mr. Speaker, we continue this afternoon with the Constituency Debate. As we did yesterday, we are pleased to welcome the Senior Director of Projects in the Ministry of Finance, Mrs. Barbara Gooden, who will be sitting in on these debates. And as we did yesterday, we welcome her and also remind presenters of the time limits and that we do have the multimedia facility available for the presentation.

We will commence with the Member from Central Manchester.

The Deputy SPEAKER: Minister Bunting.

CONSTITUENCY DEBATE

Mr. BUNTING: Thank you, Mr. Speaker.

Mr. CHUCK: You want the technological savvy output?

Mr. BUNTING: Please don't start my presentation.

(Cross talk)

Mr. JACKSON: No he can't be penalized for the failure of technology.

Mr. BUNTING: Mr. Speaker, as you're aware, in 2007 when I was elected Member of Parliament for Central Manchester, we were really experiencing a sun sight - a sunset, rather of the Bauxite Alumina Industry in Manchester. The - well I'm having trouble with my technical - okay. Bauxite alumina had been the driver of our economy for four decades and the decline in bauxite alumina which was occurring in 2007 and 2008, resulted in the closure of Kirkvine and ALPART with hundreds of direct jobs being lost and thousands of indirect jobs being lost. The high unemployment resulting from that required us to come up with a post bauxite plan, and here are some pictures of articles at the time showing some of the effects.

Mr. Speaker, we articulated a vision for Central Manchester as a centre of excellence for the knowledge-based industries that would be our life after bauxite, and we set about articulating that vision and persuading both public and private actors to buy into it. And we said that the foundation for that transformation would be based on three sectors: Education, Health and ICT.

I just want to turn now to what we have been doing in each of those sectors.

In terms of education, Mr. Speaker, we started off, I would say, with a fairly strong legacy endowment in terms of educational institutions. We have, perhaps with the exception of Kingston and St. Andrew, we have perhaps the strongest educational infrastructure - the second strongest educational infrastructure in the island with Northern Caribbean University, with Teachers College, with Catholic College, with many of our top high schools in Jamaica, and we've sought to build on that. In fact, I do believe

the Education Sector is now the highest employer in the constituency after Agriculture.

And so, let me first turn to Belair School. Belair was one of the victims of that downturn in the bauxite alumina industry. It had been supported primarily by employees, originally expatriates and then local managers and it was also the beneficiary of a lot of grants from the bauxite alumina companies.

It couldn't sustain itself as a private institution any longer, enrollment was declining and it was becoming insolvent. I approached the Minister of Education. In fact, I approached from the - now Opposition Leader was then Minister of Education with the suggestion; he was receptive to it at the time but it didn't happen until the new Minister of Education came into being. We not only converted Belair to a grant-aided institution but we built a brand new classroom block there and have a second classroom block programme.

Similarly, Mount St. Joseph High School was opened in the current fiscal year. This will be a new high school for the constituency and expanding the capacity...

(*Sotto voce* remarks by Mr. Spencer)

Mr. BUNTING: …that is, you know where International Chinese Restaurant is, is just opposite that. I am not sure which direction I am supposed to point this thing. We have a new – George's Valley Basic School; we have built a new classroom block at Zion Hill Primary School.

Mr. Speaker, you would have been astonished to learn that kids were going to these old classroom blocks - and the Member from North East Manchester who has a lot of children of his constituency share in that school, would remember that the Spanish-nog kind of construction, and literally we were concerned that we would have a catastrophe there...

(*Sotto voce* remarks by Opposition Member)

Mr. BUNTING: ...wattle and daub, that it would collapse with the children one day and we were able to replace that with a brand new classroom block.

McIntosh Memorial Primary School, again we are in an advanced stage, as you can see there, of building a new classroom block at McIntosh Memorial, which is giving amazing results but the children are packed like sardines into that particular school.

Mr. McKENZIE: Look how many schools you get and we can't get any in West Kingston.

Mr. BUNTING: Through the CDF, through funding from the CDF we built a new Anna Miller Basic School in Knockpatrick. (Applause) And of course, and this was near and dear - from John Junior's time he was advocating for the new primary school in Bellfield. So we have had tremendous investments already in educational infrastructure and this month or actually in August, we have tendered for a new classroom block at the Mandeville Primary and Junior High which will at last, when completed, take the children off the shift system. We have 2,000 children on the system. (Applause) Of course, we continue to give out scholarships

awards as many of my colleagues I am sure share in this. I know my colleague from East Rural this is an area that is near and dear to his heart, and I also share that emphasis.

(*Sotto voce* remarks by Mr. Samuda)

Mr. BUNTING: I might need some help. I think you need a new battery for the clicker.

Now, Mr. Speaker, I want to turn to the health sector, because here...

(*Sotto voce* remarks by Opposition Member)

Mr. BUNTING: Decarteret is still doing very well.

….here we had again a good endowment. Outside of Kingston and Montego Bay with Cornwall and UWI and KPH, there are no type A hospitals. You have three types of hospitals: type C, type B and type A. Type A being the most advanced, which offers almost all the available specialties. But when you leave Kingston, until you reach Cornwall Regional in Montego Bay there are no type A hospitals in the centre of Jamaica. So I have, since the Member from South East Clarendon was Minister of Health, been lobbying for Mandeville Regional Hospital to be a type A hospital. The current Minister from Eastern St. Thomas has agreed to designate Mandeville Regional a type A in transition, and we have been able to advocate on behalf of the hospital to Minister Davies to transfer the NWA property, which was adjacent to Mandeville Regional and which was the only possible place for expansion and very kindly he consented...

(*Sotto voce* remarks by Dr. Guy)

Mr. BUNTING: Don't listen to Minister Guy, we did not capture it; he consented to transferring that property.

Mr. JACKSON: Under duress.

Mr. BUNTING: I have now, Mr. Speaker, allocated $2 Million from my current CDF to develop the plan to move Mandeville Regional from a type B to a type A. (Applause)

Mr. PARCHMENT: Working, working, working!

Mr. BUNTING: And you know Mr. Speaker, what is good is when you sell this vision the private sector buys into it as well. So we are not only seeing in the public but we are seeing a renewed interest and investment in Hargreaves Memorial Hospital. So it is - it is the second significant hospital we have. A new medical wing has been built in the last few years and we now see investment in equipment like the new 64-slice CT scan state-of-the-art equipment, private sector buying into the vision and following. This is the new wing and this is a picture of the new CT scan machine. (Referring to the slide)

Now Mr. Speaker, I want to turn to the third area, the third pillar that will form the foundation for this developing our constituency into a centre of excellence for the knowledge-based industry.

You will recall, Mr. Speaker, in our manifesto in 2011 we had identified Mandeville as the location of a major ICT facility during this term. And I am proud to say that the DBJ has financed such a facility on Ward Avenue. The relevant ministries are

negotiating, I think, in final stages of getting an investor there, and it has potential to employ well over 1,000 persons which would just about replace the employment loss at Kirkvine when we get that going. This is a view of the front, as you can see, it's in the very final stages of construction and we really hope that in relatively short order we will have this facility operating in Mandeville.

But Mr. Speaker, while that has been the emphasis of transformation, it is not the only thing we have been doing. We have been working in housing. And if you see here the picture of the Most Honourable Prime Minister cutting ribbon at the groundbreaking of the Phase I of the first housing scheme, the NHT housing scheme; this has over 1,600 lots, I believe, or housing solutions. The first phase the NHT invested about $677 Million in the infrastructure and persons are currently building their own houses at this site. As you can see the houses are under construction, a total of 1,658 housing solutions once we go to Phases II and III.

(Applause)

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

And, of course, Mr. Speaker, wherever you have housing you will need roads. And I am pleased that I am presenting ahead of the Member from North West Manchester otherwise he might claim this road which is a border road, the road running from Winston Jones Highway to Shooters Hill. I think you might even have a little piece of it down by Shooters Hill.

Mr. CRAWFORD: After that million dollar road him can't need any more roads.

Mr. BUNTING: But nevertheless we have now an excellent service for persons traversing from the Kendal Road. Similarly, for Green Street in Knockpatrick, similarly on Perth Boulevard that serves the new housing scheme.

Mr. Speaker, an area that we have also put a lot of emphasis in sports. The social capital of the constituency had been badly affected by the relocation of persons due to bauxite mining; splintered communities; relocated into new communities, where they don't know who live next to them; the shopkeeper tell me they don't know who they can trust, that sort of thing. We have put a lot of emphasis on building social capital again through sports. We have spent over $10 Million in sports competition over the last four years and we now have a number of girls or young ladies on the nation netball team from Manchester, coming out of this, who have been beneficiaries of this competition. (Applause)

Mr. JACKSON: You don't have any opponent down there?

Mr. BUNTING: So, Mr. Speaker, as I wrap up this presentation I would have had time to spare, if the clicker had been working a little better for me. But we have in a challenging economic environment, while we undergo the economic reform programme which we all know is going to bode well for the future. Notwithstanding that we have not

been sitting around waiting. We have been moving to transform Central Manchester into a centre of excellence for the knowledge-based industries. You have seen the tangible steps we have made there in developing our education sector. In fact, Mr. Speaker, many of our schools now have more kids attending from adjacent parishes and constituencies than even from Central Manchester or Manchester itself. Similarly with NCU, we have become a regional hub for education. Similarly, we will be the premier destination for health services anywhere in the centre of the island. Once you leave Kingston anywhere in between it will be the Mandeville Regional Hospital and the Hargreaves Hospital.

And finally, we look forward to the opening of the ICT centre within the next few months which will hopefully employ well over 1,000 young people when it gets going.

Thank you very much, Mr. Speaker. (Applause)

The Deputy SPEAKER: Mr. McKenzie, are you going to be using the technology available?

Mr. McKENZIE: I don't know.

Mr. CHARLES: This is an election thing. We understand you guys but all right, trying to win all the seats.

Mr. McKENZIE: Thank you, Mr. Speaker.

Mr. Speaker, what is significant about the constituency of West Kingston is a constituency that has produced four Prime Ministers; two National Heroes...

A Government MEMBER: And one president. (Laughter)

Mr. McKENZIE: You have significant locations in West Kingston, Mr. Speaker, the largest public hospital in this part of the world, the Kingston Public Hospital, the largest maternity hospital, the Victoria Jubilee. West Kingston is the home of the Blood Bank, May Pen Cemetery. It houses 90% of all funeral parlours in Jamaica, it is where the power, the seat of Parliament lies, it is the home of the Supreme Court, the oil refinery, the Bank of Jamaica. Some of our oldest institutions, Mr. Speaker, reside in the constituency of West Kingston. Of the 21 markets in Kingston and St. Andrew, Mr. Speaker, 13 are to be found in West Kingston, including one of the largest markets in this part of the world, the Coronation Market. But Mr. Speaker, with all the rich heritage and the places of significance that West Kingston hold, I ask the question, is the constituency better off for being situated in this location?

What are the needs, Mr. Speaker, of the constituency? Housing, Mr. Speaker, would be the number one on the list of priorities in West Kingston. The Housing stock of West Kingston, Mr. Speaker, dates back to 1963 when the Most Honourable Edward Seaga became Member of Parliament. Since the development up to 1972, Mr. Speaker, there were no further developments of housing in West Kingston. It ended again in 1989, Mr. Speaker - and I must make the point that West Kingston areas such as Denham Town is one of the oldest residential communities in Kingston; one of the oldest, but the standard of housing, Mr. Speaker, leaves much to be desired.

The question is therefore, Mr. Speaker, I need to ask, how advanced is the proposed housing development that should have started a couple years ago for further development in Tivoli Gardens. I understand, Mr. Speaker, that development should have commenced in this new financial year but to date nothing has been done. So the housing situation in West Kingston, Mr. Speaker, non-existent and I can say to this Parliament that the conditions that many people live in West Kingston today as it relates to housing is deplorable; deplorable. And unless, Mr. Speaker, there is the intervention of the State in coming or in meeting the needs of the people, Mr. Speaker, the infrastructure will continue to decay.

The physical infrastructure of the area, Mr. Speaker, has not improved. We're affected by lack of a proper water system in West Kingston and long before the drought, Mr. Speaker, the people of West Kingston, Denham Town, Tivoli Gardens and Hannah Town and even my neighbouring constituency South St. Andrew has been experiencing water problems; shortage of water, Mr. Speaker, and the drought has made matters worse in the constituency worse, Mr. Speaker.

Sewage, Mr. Speaker, is a way of life because of the failure of the authorities not to improve, because they have not done anything to the sewage system in about thirty years, Mr. Speaker. So almost every road, every lane in West Kingston is affected by raw sewage. And I have gotten commitments from the Minister that something would be done when they built the new plant to incorporate the sewage line to the Soapberry system. I said to the Minister at the official opening...

Dr. PHILLIPS: When was that? Which year?

Mr. McKENZIE: I said to Minister Robert Pickersgill in 2012. I asked him what is the true position in regards to the upgrading of the sewage system in West Kingston and he said it was on track to be completed by the end of 2012. We are at the end of 2015, Mr. Speaker.

Mr. Speaker, schools in West Kingston will be affected severely if the water situation is not improved, will be affected severely, Mr. Speaker. I gave the Ministers, the Minister and the Minister of State, yesterday a number of schools which is crying out in need of water, Mr. Speaker.

Lack of opportunities for employment, Mr. Speaker. The question of crime, I will never deny that there isn't a problem of crime in the constituency and that is something that the people will all have to work with, Mr. Speaker, to ensure that we do as much. But I want to make a point, while I will admit that there is a problem of crime, Mr. Speaker, the media doesn't make it easy for the people of the area. We fall in a police division which is known as the Kingston Western Police Division and when a crime takes place in St. Andrew, which is a part of the Kingston Western Police Division, it is normally reported that it took place in West Kingston when it is St. Andrew, but because of the police division, which is Kingston Western, the general impression is given that this took place in West Kingston. We can't carry more than what we deserve to carry, Mr. Speaker,

and this has affected the constituency, Mr. Speaker.

But despite the negatives, Mr. Speaker, despite the lack of significant improvement in the constituency, there are some positives that I can speak about. The tremendous achievement of our students over the last three years in obtaining GSAT places in what is considered the traditional high schools, Mr. Speaker. Some $30 Million since I became Member of Parliament has been spent on education in the constituency of West Kingston, because we believe that is the only way to lift our children out of the existing situation, Mr. Speaker, and some $30 Million have been spent, Mr. Speaker. The support that we have gotten from the teachers - and I want to use the occasion to extend my gratitude to the teachers for the job that they have done, but you know, Mr. Speaker, I spoke to the Ministry of Education about a situation at Tivoli High School where out of two hundred and thirty odd students that were placed at Tivoli a mere thirty-two was averaging about 50 per cent. And the School, Mr. Speaker, put in a reading lab that would assist those students that the grades fall well below. The school is not asking the Ministry for the money. The school has the Three point odd Million Dollars that is required to pay for the equipment that has been installed going year now. All they want from the Ministry is the approval to pay the money. I raised the issue with the Minister. The Minister gave the assurance, told me personally that by the end of the week the letter will be delivered to the school so that they can pay for the equipment. When I spoke with the principal this morning the persons who installed the equipment has indicated that they're going to remove the equipment, Mr. Speaker. If we don't get the support to improve the quality of life in our schools, because we are not privileged like many other schools and when you find a school that is trying to cope with that level of learning and can't get the support then something is wrong, Mr. Speaker. And I am appealing to the Minister I'm sorry he has left, but I'm going to appeal to the Most Honourable Prime Minister...

An Opposition MEMBER: And the Ministry of Finance.

Mr. McKENZIE: The school has the money. All they need is the permission from the Ministry to pay for the equipment.

(Inaudible comment by Opposition Member)

Mr. McKENZIE: Mr. Speaker, against that, Mr. Speaker, we have repaired a number of roads in the constituency. I can't deny that, Mr. Speaker, but a lot more needs to be done. Mr. Speaker…

(Inaudible comment by Dr. Phillips)

Mrs. NEITA-HEADLEY: Just say thanks and done.

Mr. McKENZIE: A *caan* say thanks, but I have to speak the truth. Mr. Speaker, the Spanish Town Road, the Spanish Town Road…

Mrs. NEITA-HEADLEY: How JEEP *yuh* do?

Mr. McKENZIE: The same amount of JEEP that you do is the same amount of JEEP that I do.

(Inaudible comment by Mrs. Neita-Headley)

Mr. McKENZIE: Mr. Speaker, the Spanish Town Road from Portia Miller Square…

Dr. PHILLIPS: Okay.

Mr. McKENZIE: ...to West Queens Street.

Mr. SHAW: Where is that again?

Mr. McKENZIE: From 1995, Mr. Speaker, the contract was signed for the redevelopment of that stretch of road, Mr. Speaker.

(Cross talk)

In the same way that improvements were done on Marcus Garvey Drive and improvements ended on the border of West Kingston and South West St. Andrew, the road leading into downtown Kingston from Marcus Garvey Drive is in a deplorable condition. Spanish Town Road is one of the main entrances into the city. So, Mr. Speaker, there is the need for improvement of the physical infrastructure.

Of the amount of houses the Honourable Prime Minister announced in the JEEP we are getting to the quota steadily, Mr. Speaker, it takes time, but we are appreciative of the houses, Mr. Speaker. (Applause)

I want to raise one issue, Mr. Speaker. There are three major health facilities in the constituency outside of KPH and Victoria Jubilee...

Dr. PHILLIPS: What are they?

Mr. McKENZIE: ...the Denham Town Health Centre, the Tivoli Health Centre and the Operation Friendship Health Centre plus VOUCH, Mr. Speaker. VOUCH in Fletcher's Land, Mr. Speaker, has been in operation for existence for over fifty years offering health care to people in the section in that constituency and adjoining constituencies. Mr. Speaker, a decision has been taken after fifty odd years to close that facility.

Mr. CHARLES: What! No man.

Mr. McKENZIE: And when I ask why, when I spoke to the Minister I hear about - the Minister wasn't even aware of it. And then with the discussions I've been having with the local regional….

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

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

(Cross talk)

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

Put to the House and agreed to.

Mr. McKENZIE: Thank you, Mr. Speaker.

I.... Chairman of SERHA, Mr. Speaker, but Mr. Speaker I urged the authorities, Mr. Speaker, to reconsider the decision to close that facility. None of the health centres in West Kingston has a dentist situated there, Mr. Speaker, none of them. And it is creating a serious problem on the area, Mr. Speaker, for dental care.

(Inaudible comment by Dr. Green)

Mr. McKENZIE: I have to say publicly to West Kingston Energy Partners, because

last week at a Health Fair in Tivoli Gardens, the dentist team was able to see quite a number of students going back to school for the new school term and also other persons, Mr. Speaker. But the responsibility of the Ministry of Health to provide these services, Mr. Speaker, I urge the head of the regional area here not to, Mr. Speaker, continue with the plans to close the facility.

Whatever needs to be done should be done to upgrade the facilities, fix it up, Mr. Speaker, instead of moving from there to go somewhere else. And I urge the ministry not to, Mr. Speaker.

So, Mr. Speaker, while we have problems, Mr. Speaker, there is much to celebrate about. I give God thanks for the opportunity to have been able to serve the constituency to the best of my ability with the limited resources...

(*Sotto voce* comments by a Member)

Mr. McKENZIE: Is the campaign re-election speech this.

Mr. Speaker, with the limited resources that has been made at our disposal. I would like to use this opportunity though, Mr. Speaker, to say to the Minister of Finance, I don't know if you are going to be there after the next election whenever it is called, but Mr. Speaker, there is need for review to be done of the amount allocated to Members of Parliament under the CDF, Mr. Speaker.... (Applause) ...because, you know, Mr. Speaker, a lot can be done using the CDF, Mr. Speaker. And I would urge, I would urge the Government, I would urge the Government to re-consider, to put a little more. Because you know, Mr. Speaker, when you spend a seven or a eight million on education, and then there is the dedicated amount that is spent on social services, on housing there is hardly anything left. So if you set aside, let us say a $15 Million and say, this must be dedicated on infrastructure, roads and sidewalks and you use the balance of what is left to cover the other areas, Mr. Speaker, it will go a far way in easing the burden that we carry, because it is rough out there, in a constituency where seven out of every ten is unemployed, Mr. Speaker, it creates a major problem in constituency such as mine, Mr. Speaker. And I can only urge the Government to look at it favourable because the CDF goes a far way, Mr. Speaker, and we would be able to do more. And I am finishing now.

So, Mr. Speaker, while I welcome the debate, I would ask that we look to consider the period next year, because I think 20 minutes is not adequate to speak on issues for the constituency.

I thank you and this House. (Applause)

The Deputy SPEAKER: Mr. Crawford. Members who are using the available technology are reminded to aim the gadget at the projector and not at the screen.

Mr. Crawford, please begin.

Mr. CRAWFORD: Mr. Speaker, the first thing I would love to apologize for is that some of the slides that I will be presenting are...

The Deputy SPEAKER: Mr. Crawford, you need to get permission to speak....

Mr. CRAWFORD: I hereby seek, sir, permission to speak from a seat other than my own.

The Deputy SPEAKER: Permission granted.

Mr. CRAWFORD: Mr. Speaker, first of all I would like to apologize sincerely, sir that some of the slides are image branded, but I couldn't have gotten to the necessary personnel to create a new slide. So just for information, I am going to show...

(*Sotto voce* comments by M. Shaw)

Mr. CRAWFORD: Thank you.

Sir, I am happy for this type of debate because it gives an opportunity for Members of Parliament to report on their stewardship and to debunk to an extent an argument that seem to be almost automatic that the MP, whether PNP or JLP is doing nothing; an instinct which in my mind comes from the almost immediate suggestion that you have done nothing for me, even if you have done much for the community. And that me, my symptoms have caused all of us to be unfairly blamed but in many cases for others to agree in an attempt to unseat or belittle, and so activities like these, and hopefully the media will participate as equal because I have often seen demonstrations on television, but I have never seen much improvements on television.

And so, we wanted to look at some of the before and after, and in the interim also speak to some policy directives that I think are necessary, to move...

(*Sotto voce* comments by a Mr. Daryl Vaz)

Mr. CRAWFORD: Definitely, a rural constituency forward.

Mr. Speaker, the fact of the matter is that East Rural St. Andrew is in an unfortunate position, of having the term rural but equally having the name St. Andrew. And so, for those periods that they are speaking to rural constituencies it is perceived urban because it has the name St. Andrew, and for periods when they are going to do urban activities it is perceived rural because it has the name rural, and so you almost find that you are never in and always out.

Mr. Speaker, when you have a rural constituency, and I think St. James might have some similar realities, rural areas in St. James.

(*Sotto voce* comments by Mr. Shaw)

Mr. CRAWFORD: No, I am speaking to the rural realities but confused as urban.

Sir, Spanish Town, for example, some urban St. Catherine might have equal problems.

Mr. Speaker, there is a problem with infrastructure development in rural constituencies and that problem is exaggerated by the fact that numbers served is almost the automatic variable used in decision making. And so, because persons within rural constituencies, rural communities often are moving out of those communities in search of opportunities and also to avoid the lack of infrastructure that is present, you will find that many of these communities will often be deemed not to serve sufficient to be at the forefront of those necessary infrastructural needs.

What I am showing you, therefore, Mr. Speaker, today are activities that were done in the main from JEEP and CDF, and unfortunate reality that regardless of the size of a constituency each person get the same

CDF. But that is not going to be the context of my conversation, because what we have tried to achieve because of the demands of a very large rural constituency we have been incapable to do many of the welfare activities, we have been incapable to do many of the sporting activities, and also, Mr. Speaker, on many occasions Christmas work and my request have been redirected to infrastructure work to ensure that persons can have road and wall.

Mr. Speaker, when we look through here, we would see where my constituency, the soil type is known for many breakaways...

(*Sotto voce* comments by Mr. Daryl Vaz)

Mr. CRAWFORD: No, it wasn't made for this purpose, as I apologized then.

Who - before and after you see that many walls are needed in East Rural St. Andrew. Mr. Speaker, we went and did projects, for example, on Reece Road that culturally over 42 years have been renamed by the people Dirt Road, because it has always been dirt. Mr. Speaker, these people have never seen a road in over 40 years.

The same, Mr. Speaker, for an area that was once said to be no-built zone that the people should move, these areas, Mr. Speaker, often have realities where pregnant women must move out of the community when they are eight months pregnant because if they should, as they say 'take-in', then there is no way for transportation to get to them. This transportation access problem was exaggerated in the fire when the trucks couldn't get to some of the areas because these roads were not maintained. It is for this reason, Mr. Speaker that we must consider a Dirt Road Fund because some of these rural areas don't have the level of traffic, don't have the number of persons to legitimately claim that they should get an asphalted road. But every time I hear about road maintenance it is really patching, asphalt patching and if there was a Dirt Road Maintenance Fund, there would be greater access even though it might not have been the surfaced roads that we all cry for.

(*Sotto voce* comments by Mr. Daryl Vaz)

Mr. CRAWFORD: Shingle road.

Mr. Speaker, I read recently that almost 30 per cent of roads in the United States are not asphalted, paved or concrete roads, but indeed, are what we shingle or dirt roads.

Mr. Speaker, we went as far as doing an extended road work going up to the Holywell sight and again one of the variables that are often used is the resources, there is...

(*Sotto voce* comments by a Member)

Mr. CRAWFORD: Yes, yes. Mr. Speaker, I beg for your protection, sir.

(The Deputy Speaker gavels)

Myself and Mr. Vaz, we have worked from Gordon Town straight into Portland, and to Buff Bay and we embarked on this, Mr. Speaker, because it provides an opportunity for tourism activity going up into these areas and this was done... (Applause) ...this was done to facilitate our monthly health hike going into Holywell where the persons in the constituency will seek to sell foods, fruits, juice and also their ground provisions creating that opportunity that is often not seen when

you are requesting equal contribution from the NWA *et cetera*.

Mr. Speaker, it is important...

(*Sotto voce* comments by Mr. Vaz)

Mr. CRAWFORD: God bless WIHCON.

Mr. Speaker, it is important that we consider a reversal of what I call, my good friend Samuda, I think you want to hear this one, you agree with me always. But there is a democratic capture happening where the elected have very little say over the distribution and decision-making when it is necessary. This democratic capture, Mr. Speaker, creates an unfair and unfortunate situation where the demonstration is against the MP, but the decision is not in the hands of the MP. All the oversight that is there can remain, but those who face the people should have greater intervention and greater participation in the decision-making of what is necessary to achieve for the people who place their confidence in him or her. (Applause)

Mr. Speaker, often and I am sure I will be told that I am controversial, almost automatically but, Mr. Speaker, we have been reduced to a bunch of mendicants seeking to get favours from those who we would like to like us, and Mr. Speaker, that is unfortunate and unfair, to the populace who put us in place. And that is why we celebrate the CDF, and that is why we continue to move along.

Mr. Speaker, many will claim that if the politician, the elected official should have this say, then they will be politically unfair but, Mr. Speaker, it is the elected official that is the only individual I know that is dependent on numbers for victory. It is those numbers that ensure that his interest is only served by ensuring the greater good for the greater majority. No one else who may have their other biases don't face the people to answer for the decisions that they have made.

Mr. Speaker, we went as far as doing an extended step programme, as you know it is very hilly terrain, the last Christmas work programme in 2013, I am sorry, we diverted from the normal activities and invested in creating steps, what we call community access programmes and built over 18 sets of steps for persons, who in my constituency is not unusual to have two shoes, the shoes you wear out of your house and the shoes you wear onto the bus, because the shoes you wear out of your house cannot manage the terrain that is necessary.

Mr. SHAW: How much a chain for the steps?

Mr. CRAWFORD: How much a chain? Much less than the road, we will talk about it.

Mr. Speaker, we went forward with an extended education programme and this education programme, Mr. Speaker, have been reaping so much fruits that recently the Ministry of Education hosted 34 of my students who attended the night schools from 7:00 to 9:00 each night and all the old youths, the oldest of whom was 47 receiving her first subject in Principles of Business. Mr. Speaker... (Applause) ...it is very important.

We move further to take almost 400 students up to the University of the West Indies on a three week camp, and while it was most expensive we wanted to show them what was possible, as we don't have the automatic

interaction with University that my good friend from Eastern St. Andrew have or that my good friend from Central Manchester have. In fact, I would submit that we might have the least access to educational facilities and what is possible, and to that extent we took our students from East Rural St. Andrew to the University of the West Indies.

Mr. Speaker, we also had a literacy focus, each year spending $2.5 Million in literacy. Mr. Speaker, the results have spoken for themselves as last year those students that attended the literacy classes had 82 per cent mastery in literacy, the constituency average was 59 per cent. Mr. Speaker, also in almost mastery a further ten per cent with the constituency average being 22 per cent. So in almost mastery and mastery those who attended classes had 92 per cent while the constituency had 69 per cent. Mr. Speaker, we sent also 51 students to do CAPE examinations, 26 took Sociology, 15 passed. Six took CAPE MOB, four passed. Six took CAPE Accounting, four passed. Two took Entrepreneurship and two passed.

Mr. Speaker, as I said with the night school, 37 students were entered, only thing they paid for was the exam themselves, we paid for all other activities; four were absent, one failed, 32 passed with ones and twos.

Mr. Speaker, we went further to engage HEART and trained 1,000 students from East Rural St. Andrew in the areas of Bartending, Food Services, Cashiering, Merchandising and Event Management. Two Million Dollars ($2M) was spent to ensure that even lunch was provided and there were no excuses.

Mr. Speaker, in the area of GSAT...

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

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

Mr. VAZ: No! No! Give him an hour.

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

Put to the House and agreed to.

The Deputy SPEAKER: Mr. Crawford.

Mr. CRAWFORD: Mr. Speaker, in the area of GSAT, working with the principal, the teachers and also having Saturday and Sunday classes for which the good Minister of Education also toured, we had 21 days GSAT residential camp, three constituency wide mock exams, we offered 12 years past papers to each student and free Saturday and Sunday classes.

Our GSAT average for the constituency in Mathematics in 2010 was 49.35%. In 2013, based on the figures provided by the Ministry of Education was 57.72%. In Language Arts 2010, 51.75%. In 2013, 59.22%. In Science, 54.25%. In 2013, 60.27%. In Social Studies, 52%. In 2013, 57.78%. In Communication Task, 7.5 from 12. In 2013, 8.28 from 12.

Mr. Speaker, we went further to develop a state of the art computer centre - well, it's not working anymore - where from our own effort, we received sponsorship of solar systems out of Canada, we built a wonderful centre and with the assistance of UAF, now has 50 computers for which a student pays no

more than $50.00 for two hours because we don't have a JPS bill. It is fully manicured lawns, it also has its own study gazebos and at the end of the day we currently have all these classes for almost 117 students after school.

(Applause)

Mr. SAMUDA: Where?

Mr. CRAWFORD: In Bull Bay, Windsor Lodge. Mr. Speaker, this building was a derelict building since 1982.

Mr. Speaker, for which I'm most proud, we have been working to transform those areas known or have been identified and perceived for criminal activities. I spoke to this before and I'll speak again, where we have removed the zinc fences in Bedward Gardens much to my own political sacrifice, we convinced the people to work for free, using $10 Million to achieve what was slated to be $43 Million of work. (Applause) The good Minister of Security also travelled - toured to ensure that this is now being replicated by the Ministry of Security. It's not working anymore.

Mr. SAMUDA: Dem nuh want it.

Mr. CRAWFORD: The Ministry of Security where the persons worked for free and on my own effort negotiated with the Cement Company a 50% discount for cement. That has also been passed on to the Ministry of Security, having toured that activity in East Rural St. Andrew.

Mr. Speaker, before my time is up, we must also speak of the fact that I personally took my students to The University of the West Indies from East Rural St. Andrew and taught them every chapter in Mathematics, that was 18 chapters that was videoed and given to the students on DVD. One of the problems with Mathematics teaching is that the students are focused on not the board, but writing what you said last, not seeing the trend. From this, Mr. Speaker, we put that on YouTube for which 13,000 views have already been done and I've walked many a place where I'm being informed.

(Applause)

Mr. VAZ: Ronny Thwaites' job inna jeopardy.

Mr. CRAWFORD: Mr. Speaker, from the CDF, we also allocated $2 Million for land titles in St. Benedicts and Bedward Gardens for which the people were extremely grateful. Also, Mr. Speaker, we have embarked on the transformation of criminal activity areas. Areas once known for criminal activities we have invested extensively in transforming them into parks and other activities. Again, the Minister of Security has travelled and has toured these activities and feels that it is the way to go to ensure that places once known for rape or murder are now places known for child's play and for relaxation.

Mr. Speaker, in the main, we have focused our JEEP, we have focused our CDF in the development of the people of East Rural St. Andrew that based on its geography and based on the number of persons living there could easily be two constituencies with one CDF.

Thank you, Mr. Speaker.

(Applause)

Mr. PAULWELL: Mr. Speaker, the Minister of Finance will now deal with the six regulations that are listed under his name.

THE BANKING SERVICES ACT, 2015

The Deputy SPEAKER: Minister Phillips?

Mr. SAMUDA: I would recommend you return to the University, you hear?

Dr. PHILLIPS: Thank you, Mr. Speaker. What we have before us today are the regulations under the - to be passed under the Banking Services Act, specifically, regulations that are before us to be debated together I'm proposing, Mr. Speaker:

i) the Banking Services (Establishment of Branches) Regulations,
ii) Banking Services (Licence Fees) Regulations,
iii) Banking Services (Amalgamations and Transfers) (Banks and Merchant Banks) Regulations 2015,
iv) Banking Services (Capital Adequacy) Regulations 2015,
v) Banking Services (Hours of Opening) Regulations, and the
vi) Banking Services (Deposit Taking Institutions) Form of Application Regulations.

Mr. Speaker, these regulations were formulated by the Supervisory Committee of the Bank of Jamaica under the Banking - as constituted under the Banking Services Act and you will recall that last year, this House appointed a Joint Select Committee which had extensive consideration of the Banking Services Act with participation extensively from Members of both the Houses of Representatives and the Senate and made extensive amendments, but ultimately, the purpose of the Banking Services Act which was to modernize the entire regulatory framework within which our banks operated, was passed by this House that year.

The Banking Services Act consolidated three statutes governing depositing institutions and those previous regulations Acts were the Banking Act, Financial Institutions Act, and sections of the Building Societies Act and they were constituted under single Banking Services Act, which was enacted last year. That Act required the promulgation of various regulations before it can become effective. These include regulations as well as the - new regulations as well as the re-issue of regulations that currently exist under the Banking Act and the Financial Institutions Act with some amendments.

The effectiveness of this Act is one of the structural benchmarks to be met under the Memorandum of Economic and Financial Policies as agreed with the International Monetary Fund and we are expecting commencement of the Act this month and these regulations are essential for us to be able to name a date for the Act to come in to force.

I've indicated the regulations which are to come in to force, the Licence Fees Regulations, Hours of Opening Regulations, the Establishment of Branches Regulations, Amalgamations and Transfers, Capital Adequacy and Banking Services Deposit Taking Institutions Licence Applications Rules.

With respect to the Licence Fees Regulations, the regulations outline the fees payable by depositing-taking institutions incorporated in Jamaica and by foreign banks

in respect of their branch operations in Jamaica. It also speaks to the annual licence fees payable by these institutions. These fees are paid to the Accountant General. In the event that an institution fails to pay the fees stated, they'll be liable to pay with interest on the amounts that remain unpaid.

The hours of opening regulations provides for the grant of permission to institutions to open or close as they fit. Notwithstanding this, the institution must be opened for no less than twenty and one-half hours weekly to the public. The regulations also state that deposit-taking institutions are not allowed to be opened for business on a public general holiday. The deposit-taking institutions which operate at either the Norman Manley International Airport or the Donald Sangster Airport should not be restricted in their business hours. If the Supervisory Committee sees fit it may vary the business hours of a deposit-taking institution and will take immediate effect. This change will be published as a notice in the *Gazette*. The regulations also mentioned that any draw as a bill of exchange or cheque should have no claim against a deposit-taking institution by reason only that a payment has not been paid or received by the due date when the deposit-taking institution is closed for banking business under regulations.

Establishment of branches regulations provide that unless there is written approval of the Supervisory Committee, a deposit-taking institution is not allowed to establish or change location of a branch or office. Should recall, Mr. Speaker that these powers - many of these powers including this one formerly rested with the Minister of Finance. There are now powers exercisable by the Supervisory Committee established by the Governor-General on the advice of the Minister of Finance. Each institution will still have to secure the approval of the Supervisory Committee to change the location of a branch or office and the Supervisor is empowered to seek additional information or justification for either the opening or closure as it sees fit.

The regulations also outlined the requirements for the establishment of overseas operations of a deposit-taking institution and sets out in detail the information to be provided by such an institution to the Supervisory Committee, which needs to be satisfied that international standards as well as domestic laws are complied with.

With respect to amalgamations and transfers, the regulations state that if two or more deposit-taking institutions other than a building society propose to amalgamate as one deposit-taking institution they must submit the relevant application to the Supervisory Committee. It also provides for the terms and conditions under which such amalgamations may be permitted and which must be satisfied. The regulations also allow for amalgamation to take place between deposit-taking institutions of and one or more wholly-owned subsidiaries licensed under the Banking Services Act. There's also, Mr. Speaker, the provisions under the capital adequacy regulations, which provide for the minimum statutory ratios that must be maintained by deposit-taking institutions, and these are

provided in some detail in the regulations. They are the standard required by the banks to satisfy the regulatory requirements of the Supervisor of Banks and to ensure also the protection of their depositors by ensuring always that the banks maintain adequate ratios between their assets and their liabilities on their balance sheet and off balance sheet items are also covered in these regulations.

The regulations also, the licence application regulations, also provide for the procedures to be followed in order for a licence to be granted by a bank and sets out in the appropriate Schedule all the documentary requirements as well as the other considerations to be satisfied by the appropriate Supervisory Committees of the bank.

These regulations have been before us, Mr. Speaker. As I said they are standard internationally and they set out in detail with such amendment as necessary to satisfy the new requirements of the Banking Services Act the specific sets of regulations necessary for us to bring this Act to effect. It requires, Mr. Speaker, as does most of our regulations now, the affirmative resolution of the House and I seek to have the approval of the House for these regulations. (Applause)

The Deputy SPEAKER: Mr. Shaw.

Mr. SHAW: Thank you, Mr. Speaker.

Mr. Speaker, these regulations were expected as the Minister has indicated and it follows on the fairly detailed new Banking Services Act that was passed in this House. But, Mr. Speaker, one of the things I really would like to suggest to the Minister and seek his comments on certainly, is whether these new regimes can, in fact, assist us in almost changing the culture of banking in Jamaica? And that is the broad question. And I would like to just briefly set into the perspective what concerns me, because as I've said in this Honourable House before we are way behind in Jamaica in terms of the role of commercial banking especially and its support role to the private sector for generating significant investment and growth. And I had mentioned in here before that just by a simple comparison of commercial bank credit to be directed to the private sector now, the productive sector, commercial bank credit in Jamaica is 30 per cent of gross domestic product. And even when you add all other types of credit of your other near banks and building societies and so on, it's no higher than about 44 per cent of GDP and this compares with private sector credit in the United States. Last time I'd seen the figures were 196 per cent of gross domestic product.

Mr. Speaker, we see the wide disparity between the contribution to private credit to our economy compared with the contribution of private sector credit to the world's largest and most vibrant economy, the United States of America. Theirs is almost 200 per cent of gross domestic product and our total is a maximum of 44 per cent. So it tells us that we have pretty long road to travel and certainly we can't compare ourselves with Afghanistan, because the last time I saw the comparison with Afghanistan they were at about less than 10 per cent of GDP, but that's not any comfort to us. We're not Afghanistan.

Dr. PHILLIPS: You're not planning to migrate?

Mr. SHAW: And I'm not planning to migrate there, right. (Laughter) So it seems, Mr. Speaker, that is one of the benchmark comparisons to show how far behind we are in terms of the contribution of private sector credit to the gross domestic product of this economy.

And then recently I was looking, Honourable Minister, at the annual growth in the stock of commercial bank loans to the private sector and to the end of March 2015 the growth had slowed to 4 per cent coming down from a growth of 11.1 per cent March ending 2014. That's a pretty sharp fall in the growth - the slowing down of private sector credit. Commercial bank credit to the private sector: 4 per cent in the last fiscal year ending in March; 11 per cent growth in the previous fiscal year ending in March 2014. And, furthermore, Mr. Minister and Mr. Speaker, the average growth of commercial bank loans to the private sector over the past five years has been 8.4 per cent; that's the average. So the 4 per cent shows a marked negative deviation which is not good picture, Mr. Speaker, in terms of what we're trying to accomplish in the economy. What we're talking about is the need for growth; the need for economy growth, job creation, foreign exchange earnings. And if credit is going in the wrong direction well it means that ultimately it must affect growth rate in our country.

And one more piece of statistic I'll share with you, Minister and Honourable Speaker, is there is a disturbing trend in the type of loans. We find, for instance, that in 2010 commercial banks loans to the productive sector, the productive sector of the economy was $167 Billion in 2010 representing 65 per cent, Mr. Speaker, of the total commercial bank loans. But by 2015 although the aggregate figure was $200 [Million] it has increased in nominal terms to $200 Billion. But as a percentage of the total percentage of portfolio of commercial bank loans, it has dropped from 65 per cent to 52 per cent in the productive sector.

On the other hand, personal loans now Mr. Speaker, went up from $89 Billion in 2010 representing 35 per cent of the portfolio. Personal loans by 2015 have jumped to $182 Billion representing 48 per cent of the loan portfolio. So what we see now is productive investments that are the bedrock of generating economic growth, creating jobs, earning foreign exchange that is in decline and being almost 50/50 now with personal loans in the economy.

Mr. Speaker, having said that, having provided these three pieces of information, the question to be asked is, whether in the context of this Banking Services legislation and the regulations that are being passed in the House today, is there any chance that we can see some more positive outturn from the kinds of loans that can be more aggressively driven in the economy?

I think that is where the rubber hits the road. I think that is where the challenge is that we face. And I note Honourable Minister, comments that you made recently to a group of young people in which you expressed

optimism based on the trend - a trend of falling interest rates. And you made particular reference to the fact that the Bank of Jamaica had lowered its base rate by some 50 basis points and that is good, can't quarrel with that.

Mark you, I noticed you had indicated that mortgage rates had reached single digits I don't know if you had implied that it reached single digits in your time, I would like to remind you that I handed over in 2011, because when I became Minister mortgage rates were at 18 per cent, when I left mortgage rates in at least two financial institutions, I remembered clearly, NCB mortgage, Victoria Mutual Building Society mortgage, I think it was those two. And if it is not Victoria Mutual it would be Jamaica National, don't fault me on that one. But two institutions had 9.4 per cent and 9.5 per cent respectively and that with respect is single digit. And so you say you gone down to 8 per cent now that is mortgage rate, and that is good, right. But here is where the problem exist now Minister.

The commercial - the Member from North Central St. Andrew, whom himself was the chairman of a committee looking at Bank of Jamaica issues and charges and so on. The question that remains outstanding, Mr. Speaker, and the Minister did not, if he commented on it I don't know. But the truth is that the Commercial Bank lending rates are not following the trend of any aggressive fall in interest rates. That is a problem and that is something that is going to have to be dealt with. Because, Mr. Speaker, the Member as I said has complained, and I have complained that the developed world is surviving on spreads between deposit rates and lending rates of 3 per cent.

In the United States of America the average spread last time we looked was 2.96 per cent, yet our commercial banking system demands an interest rate spread, Mr. Speaker, of 12 to 14 per cent between the rate at which they pay people who save money, the deposit rate and the rate at which they want to lend the people money, the lending rate 12 to 14 per cent. Now where do we get off in Jamaica insisting on a spread of 12 to 14 per cent, when the developed countries are at 3 per cent?

In the Caribbean region, Minister, in the Caribbean region the average spread on interest rates is 6 per cent, Mr. Speaker, 6 per cent. So the Caribbean region is twice that of the developed world okay, but we are what, four times and counting, four to five times higher right here in Jamaica and twice what the Caribbean is. What is it about us? So the question is, in this raft of regulations that we have here now, the question is, is there any room inside of those regulations? Is there any room in that inside of that committee that the Minister makes reference to? Is there any capacity that the Bank of Jamaica might have to seek to begin a process of influencing the commercial banking system to say, listen these kinds of spreads are good for your profits, yes your profits are exploding but they are not good for generating investment and growth in the Jamaican economy.

Now, I am not here saying that we must talk at this stage necessarily about regulations, but what I am suggesting to the Honourable

Minister, that the conversation surely must begin, and we could use the promulgation of this Banking Services Act and the accompanying regulations to see if we can start the conversation, push the envelope and say to Commercial Banks, why don't you start by becoming more transparent in your operations? Why don't you start by saying okay, this is the average deposit rate that we pay, average, or you can provide it by sectors, this is our deposit rate and this is our lending rate, publish it, let the people of Jamaica see what your spreads are, why and explain to them why those spreads are like that, that could be a beginning, I don't know I am just throwing it out. But all I know is that one of the pillars - there are a couple pillars, there are at least three pillars that I can think of now that are urgently required to fulfill our mandate of significant economic growth in Jamaica. One is energy and some - happily some move is being made in that direction.

The second one is the quality of the public sector bureaucracy and their capacity to support our economy. You have the Customs Bill before us now, there are some questions there but we will talk about that at another time, but the bureaucracy is important, it is an integral part of the process of how we are going to drive the process of investment.

And the third one is credit, access to credit at reasonable rates of interest. And Minister, we are not talking about buy and sell overnight micro enterprise credit either, which with all due respect to my friends in that sector are pretty high interest rates, and they only lend themselves to buying something today and getting rid of it by tomorrow or next week. They don't lend themselves to any kind of qualitative medium or long term investment. And I think, sir, that this is where this one, this business of our commercial banks getting to a point where they can begin to think about single digit interest rates and perhaps we can reach a point where the Bank of Jamaica can say to them, you know something, our base rate can go down one day to 4 per cent from 8 per cent, but when we do that you need to come down to my minus 10 per cent. The conversation needs to begin because it is part of what is holding back this economy.

Thank you very much. (Applause)

Dr. PHILLIPS: Mr. Speaker, I want to thank my friend opposite for his remarks; it is a debate that we need to have. But I want to remind the House, Mr. Speaker, we are talking here today more narrowly of the approval of the regulations that are before us.

Mr. JACKSON: I was a little lost.

Dr. PHILLIPS: It is probably one of the consequences of the road improvement that he can get to Christiana so quickly that he doesn't need to - he spend more time here making his contributions because he won't face a delay in making the trip, it is what now? 40 minutes now can get you to Christiana. But anyway, Mr. Speaker, he has raised an important issue.

The first, he has said that we need to change the culture of banking and with which I agree. And I think, first of all, that the major contribution to the return of banks to the business of banking, finding good projects and extending credit, accessing the risks and

extending credit is going to come by the State not operating as it did in the past and I am not saying we just did it in '08 to '11, many, many decades being the main borrower of funds, that then allowed our institutions for so many decades to simply be the lender of first resort really, to the State and therefore having no need to go out and seek credit. So, I daresay that the first task in changing this culture is well underway in that we have not become the borrower of first resort for all of the bank credit in the system. (Applause)

I think we should also point out, despite the reference to the statistics that have been made, and you know, about the share private bank credit to GDP, Commercial Bank growth in the share of credit to private loans as distinct to productive loans, that two things are happening.

First of all, we need to note the changes that are taking place in the credit markets, in particular the role of Commercial Paper outside of the banking system provided oftentimes by near-bank, non-bank, *quasi*-banking institutions to investors, and also the share of foreign direct investment and participation in some of that investment by FDI participants. Simply put, the numbers, if you look at the commercial banking numbers alone, it does not reflect the entirety of the extension of credit to private institutions. For example, it was always reported in the press, I don't think it is a secret that one institution, one property development company raised over $3 Billion in Commercial Paper the other day which is to say that was mobilized by non-bank or *quasi*-banking institutions. So that just simply to look at those numbers would not give you the entire picture of bank credit or a credit being extended to the private sector.

You know, as was once said by Winston Churchill; **there are lies, damn lies and statistics,** not that I am suggesting that your statistics fall into that category. But...

(*Sotto voce* comments by Mr. Shaw)

Dr. PHILLIPS: No man, because we are being literally here and you will understand eventually.

But the fact is, the fact is that there is more credit taking place in this sector which does not change the fact either, that we need to see a further reduction in the rates. But I had mentioned also, one fact that has impeded - that rates are coming down, preferred borrowers, in the private sector are securing single digit rates from commercial banks now, but we also need to bear in mind that one of the factors in the recent, in the stickiness in recent years in that downward movement has been the fact of both the JDX and the NDX, the rescheduling of the bonds which has meant that banks have been, to a greater degree, illiquid because a lot of their credits, their resources have been tied up in NDX bonds and that the following both the debt exchanges two debt exchanges, in the space of four years, three years, what it has meant that the market to trade this credit has dried up and banks if they traded those bonds would have to take a loss on their balance sheets. And so, they have been reluctant and have relied on credit.

Simultaneously though, we have seen the clearing up of the bad loan portfolios that have

taken place, and that is now what levels probably above the Basel III requirements and the substantial improvement and I think is in the order of 4% bad loan portfolio of the banks. But you asked the question and it is an important question. Even taking those things into account, what are the - what is the plan?

As I said, the first element of the plan is to sustain fiscal consolidation so that we don't return to the days of borrowing from the banks and bankers forget how to assess credit, how to do anything.

Second element which also started before you continue, during who continues now, is the licensing of the credit bureaus which will assist banks in their assessment of credit and credit risk, so that those who have good credit records can benefit from lower rates in the credit markets.

A third element of what we seek includes inducing banks to accept different forms of credit, hence secured interest personal properties.

Mr. SAMUDA: No, that can't work.

Dr. PHILLIPS: It may need improvement.

Mr. SAMUDA: No sensible bankers will do this.

Dr. PHILLIPS: It may need improvement.

(Inaudible comment by Mr. Samuda)

Dr. PHILLIPS: It may need improvement, but the legislation is an important first step, so that what you can have is things like your copyright interest; things can be considered for credit and things like crop liens and others. Now there are some adjustments that need to be made but the Registry has been set up and further assessments.

(Inaudible comments)

Dr. PHILLIPS: The third element I would submit is that to create a more competitive environment in the credit markets by licensing additional banks so that we can enhance the competitive dynamic and also ensuring...

Mr. SHAW: The market size is too small.

Dr. PHILLIPS: It can happen and will happen and just watch the salvation. I hear you had a long discussion of salvation yesterday, I wasn't here for it, but knowledge, wisdom and salvation shall come.

Mr. JACKSON: Which is wisdom first?

(Laughter)

Dr. PHILLIPS: I'm not quoting.

But the fact is that there are applications. The Bank of Jamaica is considering application, plus as the reforms in the financial sector takes effect, including security dealers' reform, then the market for commercial paper will also constitute another element in the environment, which is already underway, so that's another. But I would add that that has, in fact, the Governor of the Bank of Jamaica has referred to in recent times, the pay out of those NDX bonds, the first $62 Billion which is coming on stream in February, will have a signal effect...

Miss DALEY: Yes!

Dr. PHILLIPS: ...on the interest rate environment in the country and will move rates even lower... (Applause) ...and we - since our budget...

(Inaudible comments by Mr. Samuda)

Dr. PHILLIPS: ...since our budget for next year is already fundamentally financed, then we will not be going to the market to absorb this payout.

(Applause)

MEMBERS: Hear, hear!

Dr. PHILLIPS: And I'm telling you, all on sundry, including you if you have projects, sharpen your pencil now and look at the projects that will get the growth moving; find good projects....

(Applause)

Miss DALEY: Hear, hear!

Dr. PHILLIPS: ...but there are other elements that are necessary as well. And we have found, particularly in the small business sector that the culture needs to be changed so that businesses can become good creditors. Particularly in that sector what we have found, DBJ has now embarked on a voucher program to wing with the extension of credit to provide business advisory services - access to business advisory services.

Many of the businesses - what we have found is that cost of credit is not the only or even the primary impediment to many of these businesses. They don't have audited accounts in good order, they don't have financial audit and they don't have business plans that are bankable to go to the bank. Because for the very reason that you mentioned earlier, much of what has been called businesses has been focused on a lot of the trading end of the thing rather than the other end.

So Mr. Speaker, I unfortunately have followed it too far into the excursus that we went to and I cannot plead the improvement to the roads as he could plea but I didn't want to leave here without the benefit of all the things that are happening and we can have further debate at an appropriate time and I am sure we will.

I would mention one further point. The Committee that you chaired, but which was occasioned by the resolution from the Member from South St. Catherine, has submitted a report that has been considered by the Cabinet and referred to the Bank of Jamaica and Ministry of Finance to make some specific to consider the specific recommendations and what can be included in some of the provisions of the Banking Services Act such as may be done or what may be in other initiatives and who will be reporting back through the Cabinet to the House in the not too distant future.

But I want to thank the House for its consideration of those debates because I think that it will also make a contribution to the emergence of this new culture including greater levels of transparency, greater levels of engagement of the public with full information about what is needed and that was certainly in the Committee.

Mr. Speaker, with those remarks, I move that the House approve the regulations before it.

The Deputy SPEAKER: Okay, Members. I'm going to be putting each of the regulations individually and there are six of them.

I put the Banking Services (Establishment of Branches) Regulations 2014.

Put to the House and agreed to.

The Deputy SPEAKER: I put the Banking Services (Licences Fees) Regulations 2015.

Put to the House and agreed to.

The Deputy SPEAKER: I put the Banking Services (Amalgamation and Transfers) (Merchant Banks) Regulations 2015.

Put to the House and agreed to.

The Deputy SPEAKER: I put the Banking Services (Capital Adequacy) Regulations 2015.

Put to the House and agreed to.

The Deputy SPEAKER: I put the Banking Services (Hours of Opening) Regulations, 2015.

Put to the House and agreed to.

The Deputy SPEAKER: I put the Banking Services (Deposit Taking Institutions) (Licence Application) Rules, 2015.

Put to the House and agreed to.

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker, it's not intended to do any further business this afternoon. I therefore move for the adjournment of the Parliament until next Tuesday, September 8 at 2.00 p.m.

The Deputy SPEAKER: The question is that this House adjourns until next Tuesday, September 8, 2015.

Put to the House and agreed to

The Deputy SPEAKER: (Gavels) This Honourable House now stands adjourned.

The adjournment was taken accordingly at 5:25 p.m.

SESSION 2015 – 2016

TUESDAY, September 8, 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. 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

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. 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

DR. DAYTON RICARDO CAMPBELL, (PNP), St. Ann, North Western

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

MISS JOYCE DENISE DALEY, (PNP), St. Catherine, Eastern

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

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

MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern
MR. MIKAEL ASHER PHILLIPS, (PNP), Manchester, North Western
MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern
MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary, Western
MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western
MR. DARYL WESLEY PHILLIP VAZ, (PNP), Portland, Western
MR. DWAYNE FRANCOIS ST. MICHAEL VAZ, (PNP), Westmoreland, Central

PRAYERS

Prayers were offered by Mr. Hugh Buchanan.

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

ANNOUNCEMENTS

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

Certified Appropriation Accounts

Head	Ministry	Financial Year
2832	Office of the Trustee in Bankruptcy	2011-2012 2013-2014
7200	Ministry of Local Government & Community Dev.	2012-2013
7200A	Ministry of Local Government & Community Dev.	2012-2013 2013-2014
7200B	Ministry of Local Government & Community Dev.	2012-2013 2013-2014

- Annual Report of the Overseas Examination Commission for the year 2013-2014

PUBLIC BUSINESS

Mrs. NEITA-HEADLEY: Mr. Speaker, we will commence today's Public Business with the Debate on: AN ACT to Amend the Weights and Measures Act. We will also be continuing the State of the Constituency Debate and the following presentations will be made: Dr. Dayton Campbell, North West St. Aim, Mr. Pearnel Charles, MP, Northern Clarendon, to be followed by Honourable George Anthony Hylton, MP, and then closed by Dr. Kenneth Baugh, West Central St. Catherine, in that order.

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

THE WEIGHTS AND MEASURES ACT

Mr. Anthony HYLTON: Mr. Speaker... (Applause)

Mr. Speaker, the existence of a proper functioning regime for ensuring metrology compliance holds enormous significance for the critical initiatives of government that are focused on getting our economy on to a sustained growth path.

The metrology regime forms an integral part of our national quality infrastructure and underpins the entire development of commerce and trade. Needless to say, Mr. Speaker, this is vital to achieving the goals of the country's Growth Agenda. Simply put, there can be no commerce without reliable instruments for conducting proper weights and measures. If there is no commerce, there can be no industry, and if there is no industry, there is little investment.

The sales of products and services, Mr. Speaker, that are impacted by the Weights and Measures Account Act - Weights and Measures Act, account for a significant percentage of our Gross Domestic Product. Industry sectors that are potentially affected by our weights and measures regime include: retail food sales, other retail sales, petroleum products, transportation, chemicals and electricity.

(REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston, Central, Minister of Education, entered and took his seat.)

(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.)

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

To repeat, Mr. Speaker, developing and enforcing strong metrology standards is therefore essential to ensuring the vitality of trade and commerce, and is ultimately critical to the development of industry.

Mr. Speaker, there is no question that we must ensure that our metrology system that promotes uniformity in weights and measures laws, regulations and standards, that they achieve equity between buyers and sellers in the marketplace. This enhances consumer confidence, enables our businesses to compete domestically based on fair standards, and also effectively participate in overseas markets. It therefore requires, Mr. Speaker that we periodically re-visit and update our laws, regulations and methods of practice.

Mr. Speaker, it is worth noting that with regards to the Weights and Measures Act which was first promulgated in 1976 that an amendment was made to the Act in 2006, but significantly, and for these purposes, Mr. Speaker, the amendment did not revise the fines and penalties to the Act. And therefore, Mr. Speaker, you are talking about a piece of Legislation that has been in effect since 1976 without amending the penalties. So, what we are doing today, Mr. Speaker, is about to

enhance and update these penalties. Ultimately, Mr. Speaker, a properly administered metrology regime brings efficiency and cost-savings to our manufacturers and other stakeholders that are engaged in commerce, as well as stakeholders doing business overseas. We must therefore promote harmonized international standards and regulatory practices, and put in place the administrative systems to enforce them.

The Weights and Measures Act, Mr. Speaker, was enacted to regulate the use of weighing and measuring equipment. The Act, among other things, establishes mechanisms for the standardization of weighing and measuring equipment, and imposes penalty for nonconformity with the provisions of the Act.

Currently, the fines imposed under the Act are not sufficiently punitive to act as a deterrent for offenders. The fines range from $100.00 to $2,000 - sorry, from $100 to $2,000. This Bill seeks therefore, to amend the Act to provide for an increase in fines to a maximum of $1 Million in respect of offences under the Act or regulations made thereunder and to empower the Minister by order, subject to affirmative resolution, to vary the monetary penalties specified in the Act. Provision is also made for the Minister, Mr. Speaker, to vary, by order, subject to affirmative resolution, the maximum fine which may be imposed for offences under the Regulations. Consequential amendments are also made in respect of regulations under the Act.

Mr. Speaker, it is a short Act; I'll just address the few provisions in a clause by clause comment.

Clause 1: The Short Title and commencement of the Bill is the Weights and Measures Acts and Regulations, and the amendments are as follows, Mr. Speaker:

Clause 2: The amendment of Section 22 of the principal Act, and this amendment seeks to provide for an increase in the fine from $2,000 to $1 Million, where a person is found in breach of any of the provisions thereof in respect of weighing and measuring equipment used for trade. The Minister may also vary the consultation - the Minister may also, after consultation with the Bureau of Standards vary the amount of the maximum fine by order, subject to affirmative resolution.

Clause 3 of the proposed amendment, Mr. Speaker, seeks to provide for an increase in the fine from $2,000 to $1 Million, where any person who uses for trade, or who is a party thereto, has in his possession any weighing or measuring equipment which is false or defective. The section is also amended to state that the Minister, by order, subject to affirmative resolution, to vary the amount of the maximum fine.

Clause 4 Mr. Speaker addresses the new Section 23A in the principal Act. The section provides that the Minister may, by order, vary any monetary penalty under this Act, and that the order shall be subject to affirmative resolution.

Clause 5 addresses the amendment of other regulations, and here it specifically addresses amendment of Regulation 4 of the weights and measures prohibition, or of non-metric measuring equipment for trade regulation which was first promulgated in 1998.

The Regulation, Mr. Speaker, is amended to reflect an increase in the fine from $2,000 to $1 Million where a person imports into Jamaica, any weighing or measuring equipment without the approval of the Bureau of Standards in writing, or where a person has in his possession for use, or purpose of trade any weighing or measuring equipment unit that is not specified in the Act.

Subsection (2) of the amendment of Regulation 6 which addresses the Testing Regulations of 1986, seeks to provide for an increase in the fine from $2,000 to $1 Million where a person has any weighing or measuring equipment which is within the scope of the Weights and Measures Act, which he intends to sell, or use for trade, without giving the Bureau of Standards prior notice in writing of his intention, or specifying the equipment and the place at which the equipment is kept.

Subsection (3) of Amendment of Regulation 15 of the Weights and Measures Act which addresses the Petroleum and Fuel Oil Trade Regulations of 2004: This amendment, Mr. Speaker seeks to provide for an increase in the fine from $2,000 to $1 Million where a person violates any provisions of this Act, or under this Regulation, dealing with the petroleum and oil fuel for trade.

Currently, Mr. Speaker, as I mentioned, the fines imposed under the Act are simply not sufficiently punitive to act as a deterrent for offenders. The amendment to the Bill seeks to deter offenders and ensures that consumers are protected and are given high standard of consistent service.

Mr. Speaker, these amendments will foster better regulatory practice and strengthen commerce. Given the substantial uplift of increase in the fines, both the Bureau of Standards and the Consumer Affairs Commission will be directed to carry out an appropriate education campaign aimed at informing the public of these important and significant changes.

Mr. Speaker, I entertain any comments on the amendments proposed.

Mr. SAMUDA: Minister, there is absolutely nothing controversial about what you have presented, and I must commend you for making a debate or lengthy presentation out of a very simple thing, the increase of fines. You could have wrapped it up in 50 seconds. You have come here to tell us that the fines are going to increase from $2,000 maximum to $1 Million. You don't need to carry us...

Mr. Anthony HYLTON: Stop trying to tell people how to do their business; just do your business.

Mr. SAMUDA: Minister, I didn't interrupt you. I don't know why you get so nervous.

Mr. Anthony HYLTON: Nervous for what?

Mr. SAMUDA: Dayton, don't you think so, all he had to get up and say is it's going to be increased.

The SPEAKER: Mr. Samuda.

(*Sotto voce* remarks by Dr. Davies)

Mr. SAMUDA: Nonetheless, it's not controversial.

The SPEAKER: Well don't make it so.

Mr. SAMUDA: Don't make it controversial. It's not controversial. What I would say, however...

(Cross talk)

Mr. SHAW: Let the man talk nuh man.

Mr. SAMUDA: …it's a generational thing, Minister. It's a generational thing. You see this metric business it's not for our age and I willingly admit that. Because if you were to be vigilant downtown and you sought to find all the people who broke the regulation, almost every trader would be arrested because nobody trades downtown in meters or liters, they trade in pounds. They don't trade - it's just not the trade of the micro and small business group.

(HON. PETER MURCOTT BUNTING, (PNP), Manchester, Central, Minister of National Security, entered and took his seat.)

Imagine if I wanted a quarter pound of butter, I would have to go in and use the equivalent of milliliters, I guess, and you present that to a vender downtown, they would ask you what language you are speaking. The fact of the matter is that we are next door to the largest economy in the world, they don't deal in metric, so when they send me - when I buy feed for my cattle, I don't convert that to all kinds of drama, I just say give me a 50-pound bag. Basically I am saying to simplify it, it is going to be a challenge for you. You could increase this until you are blue you will get the people who are importing and they may have wrong information on the labels, *et cetera*, when you test it with Bureau you find that there is a difference in weight. But in reality, Mr. Minister, once that bulk is broken it goes back to what we are accustomed to and have grown up with. So it's a generational thing. It will require an age - when youngsters today start trading as they are more and more then it will become more effective. But for now the world of trade does not deal with liters, milliliters, milligrammes, kilogrammes, all these various things. We don't do it and you know that, you are in the cow business; you know that, we just don't deal in it. (Referring to Mr. Arscott)

Mr. SAMUDA: So you are going to get lock up now by the Minister and he is going to charge you a million dollars for breaking what is observed in the breach. It is observed in the breach. So you see, Minister, you have made a very profound statement but in the final analysis it really is going to make very little difference. But I understand why you have to do it and I appreciate the fact that you have to do it. But, as usual, I plead for your presentations to be a little more simple and straightforward.

Thank you.

The SPEAKER: Mr. Vaz.

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

I would like to ask the Minister whether or not he can assure the public that the standards that ought to be met by the pump stations, gas pumps at the gas stations are being monitored and maintained, and if you can assure us that

the consumers, at this point, are not being short-changed in anyway?

The SPEAKER: Minister Hylton.

Mr. Anthony HYLTON: Mr. Speaker, the second of the contribution is the more substantive and I will respond to that.

(Laughter from Government Members)

Mr. SAMUDA: He is treading on dangerous ground.

Mr. Anthony HYLTON: The fact is, Mr. Speaker...

Mr. Daryl VAZ: You deal with the butter after, deal with the cheese first and then the butter after.

Mr. Anthony HYLTON: The fact is that the area the Member has pointed to is one of the areas of real concern to the public that in areas such as the petroleum, and this is why the regulation, the specific regulation is being put forward today and included in the amendments, because that is an area that we have to police vigorously. The fact is that the Bureau has its inspectors that do check on the equipment from time to time, and we have to ensure that that vigilance is maintained. But the regulation provides not just for the inspection, but also for the importation of those equipment without first giving notice to the Bureau, so that we can know if there are new equipment being brought in that will seek to in anyway change the regime. And so it makes it easy to be policed, easier to be policed by the requirement and we do believe that the increase in fine will act more of a deterrent than currently is the case where the fine is $2,000.

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

Mr. Anthony HYLTON: So I would urge all Members to read the amendment because it does provide not only for the $1 Million, but it provides for it to be changed by order in consultation with the Bureau and affirmative resolution.

Thank you.

I now 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 Weights and Measures Act",

read a second time.

(The Speaker gavels)

The SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

The CHAIRMAN: Minister, any amendment?

Mr. Anthony HYLTON: No.

The CHAIRMAN: Clauses 1 - 5 put to the House and agreed to.

The Title and Enacting Clause put to the House and agreed to.

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage without amendment.

Put to the House and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage without amendment.

Mr. Hylton.

Mr. Anthony HYLTON: I beg for third reading, sir.

The SPEAKER: The question is that the Bill be read a third time.

Bill entitled:

"AN ACT to Amend the Weight and Measures Act",

read a third time and passed.

(Applause)

The SPEAKER: Dr. Campbell.

CONSTITUENCY DEBATE

Dr. CAMPBELL: Thank you very much, Mr. Speaker.

I want to ask for permission to speak from a seat other than my own.

Mr. CHUCK: Go in Lisa's seat.

Mr. SHAW: Not granted.

The SPEAKER: You may proceed.

Dr. CAMPBELL: Mr. Speaker, today...

Mr. SAMUDA: You know you are bilingual.

Dr. CAMPBELL: Trilingual.

Today, Mr. Speaker, as I rise to make this presentation I want to start out at the beginning by giving salutations and thanks to my maker our Lord and Saviour Jesus Christ who has been keeping me and guiding me amongst the vicissitudes of this job. And I think that I found favour in His eyes that I am here healthy and still willing to continue doing this job. I also want to thank the Leader of the movement that I am a part of and the Prime Minister of the country for allowing me to work alongside with her team, and I promise to continue doing what I can do to keep her in the position that she is in. (Applause) I want to thank you as well, Mr. Speaker, for the way in which you have handled the business of this House, and as you are about to take your leave from us I want to wish you all the very best on your future endeavours.

Mr. SHAW: What you mean by that?

Dr. CAMPBELL: You will understand later, further along you will understand.

Mr. Speaker, I want to thank as well who I think is an unsung heroine in this country, my beloved mother who I speak so glowingly of at times, who is here with us today. I want to specially recognize her (Applause) and commend her for the efforts that she has made and I think that she deserves the highest honour in the land. There she is. The grace of the Lord is shining on her, people think that she is my sister because she is so radiant. (Applause)

I want to thank as well the former Commissioner of Police Mr. Lucius Thomas who is here with us. (Applause) Mr. Speaker, this is the man that was like John the Baptist that went into North West St. Ann and paved the way for me to come along and to be able for me to win the seat, and I want to give him credit, and even above and beyond that he has stayed with us and he has continued to make

his commitment a reality in North West St. Ann and for that we really want to give him thanks. (Applause)

To the rest of my executive team who is here today; Councillor Marlon Garvey who is right up top there and the rest of my executive team who are here with us today, I want to tell them that I would not change them for the world. It's a team that works hard and is a team that is dedicated to the mission at hand and I want to give them credit. (Applause)

As a young man, Mr. Speaker, we need to also have somebody standing beside us and I want to specially recognize the young lady that has been in my life for the last four years, Miss Suwayne Morgan who is seated here with us today. (Applause) I can't promise any bells, Mr. Speaker, but things will happen in the future. (Laughter)

But, Mr. Speaker, today we want to speak briefly about what has been taking place in North West St. Ann. And in the first year when I spoke in this Parliament in relation to the constituency I spoke about practical solutions to a complex problem. In the second year I spoke about moving from poverty to prosperity and that slogan has taken on and metamorphosized and it is elsewhere. But we still want to stay on that mission because our mission really and truly is to take people from whichever class they are in and try to put them in the class above, and that is really what we are focused on. So, Mr. Speaker, the primary way in which we believe we can do that is through education.

And today I plan to just show a little video to show some of the things that we have been doing and I will speak and wrap it up at the end of the video, but I want you to take a look at this video. If it pleases you, sir.

(DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central, entered and took his seat.)

(Audio visual presentation shown to the House) (Applause)

Mr. Speaker, that is some of what we have been doing and the Second Change Initiative we have expanded it to include five primary schools this year so we can accommodate more students. We've also added a literacy programme to it as well to take those persons from whichever level they are at to bring them up to the Grade Nine level with literacy and numeracy and we have a specialist working with them (Applause) so that they can then matriculate either into the skills training or into the CSEC programmes. And we have also added some more technical skills because we realized that despite the skill sets that we're offering currently that some of the males especially still are not gravitating towards the programme. So we've worked out something with Brown's Town High and York Castle so that we can have students going in to do woodwork and plumbing and electrical work and some of those other technical areas that the males would gravitate towards. (Applause)

Mr. Speaker, we've done the things that are typical of a representative to do. We have repaired several roads and I don't want to detain you today by listing out the roads, but just to say we have built roads.

We've looked at water as well and there is still a pressing issue for the persons in the Bamboo area, persons in the Retirement and Queenhyte area for those wells that are there to become operational so that those persons can get potable water in their community and it can increase the value of their land and so that we can open up business in these areas, Mr. Speaker. We also have given out black tanks. We've given out over 468 black tanks to different residents in and around the communities in North West St. Ann. We've repaired parish tanks and the people of Mount Edgecombe in Runaway Bay have finally gotten pipes in their community. Those persons have been waiting since 1994 under the Operation Pride to get the pipes in their communities. (Applause)

(MR. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, entered and took his seat.)

We've constructed basic schools in Runaway Bay and in Free Hill.

Mrs. NEITA-HEADLEY: Hear, hear!

Dr. CAMPBELL: We've also constructed a community centre in Discovery Bay and one is underway in Muirhouse. Mr. Speaker, we continue to do the work that we were elected to do. We have taken on electricity and persons in Lower Buxton are now able to have light in their house since we have been there. We've been working as well with the residents of Top Bay in Discovery Bay so that they can gain titles to their land because these persons need to obtain their titles so that they can unlock sleeping capital and use that title to go to the banks or wherever it is to get their loans so that they can start a business of their own.

(MR. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western, 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. Speaker, another significant thing that we've focused on is health care. Going in the constituency as a doctor, we decided that we're going to make health care a priority. We've been able to do our free mobile clinics, especially when it comes on to back to school medicals for the children. We have done tremendously well in looking at those areas. Prior to this year, we did 4,234 medicals and this year we did 1,783; cumulatively, way over 6,000 medicals have been done. (Applause) Mr. Speaker, if I were to have charged $2,000 for each one of the medicals, I would have made $12 Million to put in my pocket, but this is something we have contributed to the community.

(Applause)

Mrs. NEITA-HEADLEY: Very good.

Dr. CAMPBELL: And I want to specially recognize as well the persons who volunteer of their services to make this a reality. We use our office on a weekend, on a Saturday, to see some of the persons so we can sign them up to the JADEP or to the NHF

so that they can get their medications at a reduced cost, because the greatest thing to - the greatest deterrent to compliance in the country, Mr. Speaker, is often because persons can't afford their medications. During the time when we had the Chik-V going around, Mr. Speaker, we were able to obtain over 20,000 Panadols and we went around house to house visiting the persons who were afflicted by Chik-V and giving them the Panadol so that they could go back to work in a shorter time as possible.

(MR. RUDYARD CONRAD SPENCER, CD, (JLP), Clarendon, South Eastern, entered and took his seat.)

Re employment. We have created - we currently have over 500 persons…

(Inaudible comment by Mr. Shaw)

Dr. CAMPBELL: We currently have over 500 persons ongoing at Bahia Principe, yes, and we're bringing in HEART to give on-the-job certification to those persons who are working there. (Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Dr. CAMPBELL: We have persons ongoing at Belle Air who are also working there, Mr. Speaker. We also have 2,000 residents who would have benefitted from agricultural assistance whether it's farming assistance or livestock or other seeds and fertilizers. We have over 280 persons who have gotten economic enablement grants.

(MR. KEITH ANTHONY WALFORD, (PNP), St. Ann, South Western, entered and took his seat.)

Mr. Speaker, when it comes on to youth activities and outreach we have also done tremendous work. We have different sporting competitions in football, netball, cricket. As a matter of fact, there's a MPs Strikers that actually plays in the competition where residents for the first time are seeing a Member of Parliament on the field of play rubbing shoulders with the youths in the community.

Mr. JACKSON: You score any goals?

Dr. CAMPBELL: Not yet.

(Chuckles) (Member's time expires)

(Inaudible comment by Dr. Wheatley)

Mrs. NEITA-HEADLEY: Mr. Speaker, I ask that the Member's time be extended for another five minutes to complete his presentation.

(Applause)

Dr. CAMPBELL: Thank you, Mr. Speaker and thank you colleague. I understand the Member's discomfort of hearing of the solid achievements in North West St. Ann, but that is fine. (Laughter/Applause) That is fine, that is fine.

Mr. Speaker, I want to speak about two other issues; two other issues. I want to put them on the table.

(Cross talk)

(Inaudible comment by Dr. Wheatley)

Dr. CAMPBELL: I want to speak on two other issues.

Mr. JACKSON: Progressive.

(Cross talk)

Dr. CAMPBELL: Mr. Speaker - listen *nuh.* Andrew.

(Cross talk)

Mr. Speaker...

Government MEMBER: Don't *mek dem...*

Dr. WHEATLEY: (Inaudible) ...and stop talk foolishness.

Dr. CAMPBELL: ...two other issues, Mr. Speaker.

(Cross talk)

I want to speak to that issue of housing. There is a porter that is working at the hospital that came to me and he was giving his experience of the fact they earn $15,000 for the fortnight and he was wondering how is it that he is going to own a home and I was trying to direct him. And looking at where to send him to NHT obviously came up and then you started realizing that there are some issues with the National Housing Trust.

(Cross talk)

Mr. Speaker, the proposal that I want to make, Mr. Speaker, is that we have to find a way to ensure that these persons who are earning at that lower end can benefit from a loan from the National Housing Trust. And I believe that persons in the rural areas - we have at the constituency a list of persons who are waiting to obtain the Food for the Poor unit of about 300 persons who we can't respond to them, because we only get 20 per year. And I believe, Mr. Speaker, that if these units are constructed at roughly US$6,000, I believe that those persons who earn at that lower end that we could have them qualify to get that loan and have Food for the Poor come in and build them that two-bedroom unit so that they can have a shelter above their heads because these persons have been contributing and the fact is that majority of them could gain access to land and they could be able to pay that mortgage to get that two-bedroom unit from Food for the Poor and that is something that I want to commend to my own administration for us to look at it.

Mrs. NEITA-HEADLEY: Hear, hear!

Dr. CAMPBELL: The next thing that we want to look at is our training programmes. We're doing a lot of training programmes and I would like to see a greater partnership being established, because we have a lot of young persons who currently are not employed. I'd like to see a partnership; a further partnership established where we can have these persons also get entrepreneurial training at the end of the skills training because there are different skill sets that you can get depending on the constituency that you're in. In North West St. Ann we can look at ten areas that may not be the same ten that you would look at for an area in Kingston, but you can work through the Member of Parliament to decide which are the areas that they are going to focus on. After that you give them the entrepreneurial training and we must have some funds set aside not to give them a grant, because we don't want to develop any system where people think that there's this level of entitlement but for you to give them a loan at a very low interest rate, right.

Miss DALEY: Hear, hear!

Dr. CAMPBELL: Just low enough so that the monies you get from the loan can deal with the administration of it, but so that these persons can be trained. Mr. Speaker, if a young lady is seated in North West St. Ann

and currently unemployed and just watching soap opera in the days she can come and train and get herself certified in cosmetology. She can get the entrepreneurial training and then she can get a loan of $100,000 or $150,000 at 1 or 2 per cent interest, because banks not doing it currently so that she go ahead and open up her own business and she herself will become employed and she may be able to employ other persons in the community.

(Applause)

An Opposition MEMBER: (Inaudible) ...you not a socialist?

Mrs. NEITA-HEADLEY: Bad mind.

Dr. CAMPBELL: Mr. Speaker - unapologetic socialist is who I am. But, Mr. Speaker, I want to say this, Mr. Speaker...

Mr. JACKSON: Democratic socialist.

Dr. CAMPBELL: ...there are some of us, Mr. Speaker that represent hope for different sections of this country. Every time I stand in this House I try to remind myself of where I am coming from and the hope I represent for persons who are coming from a similar background that I am coming from. Mr. Speaker, I want us to understand that it is up to us to make the changes and up to us to make the differences, because there is no one else that is going to come and do it. We are the elements of change and we are the persons that have to carry out that change in our different communities, our different divisions, our different constituencies. My pledge is to continue working in North West St. Ann to ensure that it is that place of choice for us to work, to live, to raise families and do business. May it please you, sir.

(Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

The SPEAKER: Mr. Charles.

Mr. CHARLES: Mr. Speaker, I don't have the privilege of the power-point to make a presentation praising my performance, and so you will not see those performances because I consider these few minutes, not to praise my performance, but definitely to cry out for what I was unable to do.

The people know what I have done. I will take a few minutes to say that like the Member from St. Ann, we have so many problems in North Central. I have decided, Mr. Speaker, that education is the number one project in my constituency.

I have started a reading competition many years ago and the report from the teachers are - the report says, it is one of the greatest things that happened in the schools, all school have participated, we gave out trophies so far to a number of them.

In education, Mr. Speaker, we have at the last - in the last two weeks, reached 1,017 students with $25 Million over the past 7 years from the CDF. And I want to say to the Minister of Education, I hear you talking about your budget, your budget is much bigger than what is given to you because listening to the Member of Parliament and myself, we put millions of dollars in the education system, so the educational budget is bigger than what you are saying. But for tuition assistance, I say sir, $25 Million from the CDF over the past two years and 1,017 students have so far received assistance from high schools, colleges and universities.

Mr. Speaker, the back to school, I don't know for the Members on that side or probably over here, but this year is one of the most strenuous year, everybody is calling for assistance and you can know why; books and uniform is extremely expensive.

Farmers and fertilizers, seeds and herbicides, we participated in that. The Farm Work Programme, I am sorry the Minister is not here, I don't know for you, this year we have had a serious problem, and I will only take a few minutes to say, because a farm worker from the hills of Clarendon, who gets a farm work card and travel to Mandeville and passed, and is selected and comes to Kingston and do the medical and do other things, police report, and is told that he is going to be called, and is called to go to Canada and when he reaches the airport he is told that the Canadian government did not offer him a visa to go. This has to change because people are investing what they don't have. (Laughter)

Mr. D. SMITH: That is long time, from your time.

(Laughter)

Mr. CHARLES: Mr. Speaker, I know very well it is not the Government of Jamaica or the Minister of Labour, the Canadian government authority who is out here is the one who is responsible. I don't wish to be disturbed or else I am going to claim the time.

(The Speaker gavels)

Mr. CHARLES: And I am hearing you, it is just that I don't care to answer you. So, Mr. Speaker, we go like others in the housing assistance for the people and as I say, we don't have the power-point to praise ourselves on that. But Mr. Speaker, I have a very, very serious problem; I have been laughed at in this Parliament every time I talk about Mocho. A place that it was a Garden of Eden, and it is now a ruin, because of mining operations. I don't want to leave that constituency without seeing the Government doing something about reclamation. And I have gone to the Bauxite Institute and I have been told that there is a contract for mining and looked at it, and if you don't reclaim the land you have to give the Government US$25,000 per hectare to do the reclamation. Years of operations has taken place, in your constituency, Mr. Speaker, and in mine and in others.

The company have not reclaimed the land and the Government who has collected the money has not cleared up the reclamation. If they have not collected the money it is their fault because the contract says, if there is no reclamation you must be given that money and Mocho is left in a gully course where a goat cannot eat grass on the side, if it falls and rolls to the bottom it dies.

Mr. SHAW: Sue dem!

Mr. CHARLES: And it is not only PNP Government, the governments of the past. So I am not here to - the governments of the past are responsible for what is happening there and has happened between St. Ann, Manchester and Clarendon. And we in this House must take the responsibility that we don't see to it that our country is left with some respect. And I am making the call again, as I have been doing it to your laughter. Next time I will be doing it in the streets because I can't do it alone. I do it in Parliament you

don't respond, I have to take the people with me to see if you will respond.

Now Mr. Speaker, it is terrible. I go on to the next problem. And I first want to say, the Minister of Education understands my problem. My problem, Minister, Mr. Speaker, water. Forty (40) per cent of the constituency have running water, the other 60 per cent no running water, no piped water. You get water from the springs, what is called a river; that is a surface water drain area because when there is no rain there is no water, so then if it can't be done, it can't be a river.

Now, Mr. Speaker, we have 43 schools in my constituency, Mr. Speaker, and Mr. Speaker, from the 43 schools only 20 of those schools have running water from the National Water Commission, the rest is black tank and other containers. And when the water runs out, Mr. Speaker, school runs out. I don't care what you want to tell me, you have two trucks in the parish and with the greatest respect for that Minister of Water over there, and I don't mean, Mr. Pickersgill, I mean Mr. Hayles, because it is his responsibility and the Minister of Education; two trucks cannot help, 43 schools 20 with water, 29 without running water and most of them have flush toilets, Minister.

Dr. DAVIES: You have a little maths problem.

(Laughter)

Mr. CHARLES: Now I am telling you, you know, I am telling you, the easiest thing for you to do is to laugh; of course the easiest thing for you to do is to laugh. But you consider 400 children in a school and they have to use the flush toilet and the black tank runs out at 9:00 and what the teachers have to do, keep them there? Mr. Speaker, it is not a laughing matter, I am embarrassed that I have to preside and call myself the MP in this kind of condition, and that can't be powerpoint here, it has to be recognized and talk, that is not a praise for none of us.

Mr. Speaker, that is not the only problem we have in North Central. There are 17 districts in two Parish Council divisions that have no electricity at all, no wire nuh run deh, all the beg we begging and I hear the Minister say, 80 or 90 per cent of the island have electricity. I would like to know if him don't measure mine, we done have any, and we are in North Central, Clarendon. And I have given the Minister all the districts begging him to help us with some electricity. So we don't have water, we don't have electricity.

Dr. CAMPBELL: How long you have been the MP?

Mr. McKENZIE: You see, you get whole heap of assistance you know, you, so you can talk because you get everything you asked for.

Mr. CHARLES: Minister, the honest truth is, I am not here to - I am not here to praise myself as I said, so I don't have no powerpoint to present no progress report, because there is nothing that I can be proud of in terms of the social condition of the people. We have some schools, yes, we have a lot of graduates, but they graduate and do what? Do what? Go to May Pen for $6,000 or $7,000 a week and pay $4,000 for transport and food? We have a problem.

(*Sotto voce* comments by Mr. Fagan)

Mr. CHARLES: This is serious business he is talking about.

A MEMBER: Shut yuh mouth Fagan.

Mr. WARMINGTON: Out of order.

(The Speaker gavels)

Mr. CHARLES: Mr. Speaker, as I said, Mr. Speaker, I am not here attacking the Government, I am here complaining and asking on behalf of my constituency for some help.

A MEMBER: Attack the government.

Another MEMBER: Why, why should he attack them?

Mr. CHARLES: I tell you what. You notice what I have, take a look. Two white handkerchiefs.

Mr. McKENZIE: You sure them white?

Mr. CHARLES: Peace.

Dr. DAVIES: No, between Audley and Andrew.

Mr. CHARLES: My people are not looking to war, we are looking some assistance.

Mr. McKENZIE: Between Lisa and Ian and Raymond and everybody.

Mr. CHARLES: Mr. Speaker, Mr. Speaker….

(The Speaker gavels)

….Mr. Speaker, this opportunity to expose that there is a problem with water, with electricity affects education, the only hope for the people in my constituency. If you have education, you are likely to get a profession, if you have a profession you are likely to get a job, if you get a job you are likely to establish a family, and you are likely to go round and round and that is when you will get growth. We will have growth if our people are trained. We will have growth and they will find jobs if not in Jamaica anywhere in a global situation, we can find it.

So I have been here for quite a while, and I have asked and I have begged. And we have never seen a drought like this and it is bringing serious hardship on the people in my constituency and they cry out at nights begging for little water.

The graduates as I have said, sir, are crying out for a job. And Mr. Speaker, there is a terrible situation that the drought has done to the farmers. I can't blame anybody in here, but we can seek some assistance for them, because our farmers this time cannot reap because the drought has destroyed almost everything. Too much pressure is on the people, Mr. Speaker.

Last thing, Mr. Speaker - and the Minister is here, I have complained already and he has taken on a partisan basis - I cannot be satisfied that you give out a contract to a man in a constituency to work, and the work is finished and for three months he cannot get pay to pay the people. The JEEP programme, they don't get their pay.

Dr. WHEATLEY: Dem bruck!

Mr. CHARLES: Mr. Minister, they have to go round and round for the National Works Agency, to Chinese this, to that and that and they trust people thing a dem shop when they working. Man can wait three months to be paid, tek charge a di payment, Minister.

(Cross talk)

Dr. DAVIES: Tell me about the zillion dollar project.

Mr. CHARLES: Which of the projects yuh want to hear bout?

The SPEAKER: (Gavels) Mr. Charles, have a seat.

(Inaudible comments/Laughter)

A MEMBER: Dat sound insulting.

Mrs. NEITA-HEADLEY: Mr. Speaker, I now ask for the Member's time to be extended for another five minutes to complete his presentation.

(Inaudible comments/Laughter)

The SPEAKER: (Gavels) The question is that the Member's time be extended by five minutes to complete his presentation.

Put to the House and agreed to.

The SPEAKER: Mr. Charles, five minutes.

Mr. CHARLES: Mr. Speaker, there are many of us in this House who have to respond, not to necessarily the people who brought us here partisan-wise, but to the whole country.

Minister, let me tell you something, five miles of road in my constituency being worked on, I am very proud of that... (Applause) ...and I'm very proud that it is being done while I'm the Member of Parliament and I'm a part of - and I don't have a problem with that, but I have 55 roads that are being worked on. So, you know, it is not some powerpoint presentation to show the pleasure...

Dr. DAVIES: I wouldn't mind watching that on the project.

Mr. CHARLES: When it comes, because since you want to take it there, there are rumours on the ground that there is problem with the project; that there are money problems, but I won't present it here, I'll try and have a meeting with you. Because I know that there are those who are not happy about the project and would like to see it stop but Minister, I don't think you want to give us that item on our agenda, guided that there is no truth to the rumour, guided.

So Mr. Speaker, the Minister of Water, the Minister of Water, the Minister of State in Water, I want to close by saying thanks to him because I am one of those who he's helping or else my constituency would probably die. If water is life and there is no water there'll be no life.

Mr. CHUCK: You would die from thirst.

Mr. CHARLES: So therefore Minister, continue to help us because the drought is still on, it is terrible and we have to find a way to rescue the people.

Dr. DAVIES: What's the good news of your tenure?

(Laughter)

Mr. CHARLES: Yuh notice a not responding to yuh?

Dr. DAVIES: Why should they re-elect you?

(Laughter)

Mr. CHARLES: I want to conclude by saying, the Press has not taken us on yet, and I say yet, because you know, we're laughing this matter through. I don't come here to praise myself that we have done what the people have been paying for, it's taxpayers' money. Not mine. I come here to tell you what I'm unable to accomplish and to ask this House to help me to accomplish it. Water!

Electricity! Roads! Jobs! And help for the farmers. (Applause) Unless we can get that, we will not be able to move from poverty to prosperity. Thank you.

(Applause) (Inaudible comments)

The SPEAKER: Minister Hylton.

Dr. DAVIES: Yuh can goh report a yuh constituency.

The SPEAKER: Minister Hylton.

(Heckling/Laughter)

Mr. CHUCK: Logistic hub.

The SPEAKER: (Gavels) Members, let us hear the Member in silence.

Mr. CHUCK: Logistic hub in Riverton City.

(Heckling/Laughter)

Mr. CHUCK: Audley, the Logistic hub in Riverton City.

Mr. Anthony HYLTON: Mr. Speaker, let me begin by thanking the people of Western St. Andrew for the opportunity to represent them since 2007. I use the opportunity, Mr. Speaker, as well to thank the People's National Party for giving me the opportunity to be its standard bearer in a constituency that has never lost an election since Adult Suffrage.

Mr. CHUCK: They're now suffering.

Mr. Anthony HYLTON: And whose majority, Mr. Speaker, has grown under my stewardship.

Just before the last election, Mr. Speaker, the constituency was expanded as part of the electoral process to include areas formerly located in West Rural St. Andrew, such as Plantation Heights, Happy Grove, Cyprus Hall and Belvedere Heights.

This now, Mr. Speaker, makes Western St. Andrew one of the most diversified - diverse constituencies in Jamaica. It includes some of the most affluent areas such as Plantation Heights, to the most economically challenged in Riverton Meadows and the middle-class communities of Duhaney Park and Washington Gardens in between.

This expansion, Mr. Speaker, therefore marks a greater degree of complexity in the representation of the needs of these communities, which are simply very different in their needs, which runs the gamut.

Together, Mr. Speaker, we're working to achieve the vision of a strong constituency through a three-pronged approach, focussed on developing the human resource capacity through education and training, infrastructure and community development and sports and culture.

Mr. Speaker, education and targetted training programmes are, to my mind, the only way to develop the human and social capital of our people. We can no longer afford to allow our children to exclusively enter traditional careers, when there exists little demand for them in the labour market. We therefore, must prepare them for what is available and what will exist as we build a logistic-centred economy. Indeed, the point has been made elsewhere, Mr. Speaker, that the careers of a future are even now just being created. A step in this direction, Mr. Speaker, is represented by plans that are very advanced to develop a workforce college in the community of Seaview Gardens. This will be done in collaboration with the Ministry of

Education and the HEART Trust NTA.

The College, Mr. Speaker, will provide skills training in critical areas that respond to the new and emerging labour market needs of a logistic-centred economy. In this endeavour, we have sought to engage strategic partners such as the Caribbean Maritime Institute. The training, Mr. Speaker, will therefore include activities like trailer driving - tractor trailer, inventory and supply chain management and other logistics-related functions. We believe that a college of this nature is critical in preparing the people of Western St. Andrew and indeed Jamaica, for the new paradigm in our country's development.

Mr. Speaker, I'd like to use this opportunity to express thanks to the Minister of Education for seeing and agreeing to the strategic importance of Seaview Gardens as a location for this workforce training college. I must also report that this plan to establish the training college in the community has already generated tremendous excitement among community members. Admittedly, we have to quicken the pace of implementation, and to this end we met earlier today.

Mr. Speaker, beyond the creation of training opportunities for employment, I placed much emphasis on facilitating opportunities for constituents to become entrepreneurs. I am therefore pleased to state that many of my constituents are entrepreneurs not only in the scrap metal trade, but the food industry and most recently, in the ornamental fishing industry.

Mr. Speaker, a study conducted by Food and Agricultural Organization - FAO - in 2011, found that ornamental fish exports were valued at approximately US$325 Million. Jamaica has an advantage, Mr. Speaker, of becoming the regional hub due to its proximity to the United States and Miami in particular, which is the largest market for ornamental fish in the world.

To this end, Mr. Speaker, the competitiveness come through its ornamental fish project, supports the development of micro enterprises, focused on ornamental fish production in inner-city communities, recognizing the immense opportunity that this industry can provide for my constituents.

Mr. SHAW: Where your powerpoint is? Yuh have anything on the powerpoint?

Mr. Anthony HYLTON: I Mr. Speaker, donated $1 Million from the Constituency Development Fund to facilitate the training and provision of equipments for interested entrepreneurs in the communities of... (Applause) ...in the communities of Waterhouse, Duhaney Park and New Haven. With the training of 29 participants, Mr. Speaker recently completed and programmed participant equipped with tools needed to support the growth of ornamental fish, we fully expect members of the community to reap the result in benefits. This initiative is in its pilot phase. We anticipate that the findings of this pilot will define the direction of future training programme in this area. I'd like to use the opportunity, Mr. Speaker, to join those who are asking that the Government, working either through the Ministry of Agriculture or otherwise, work to ensure that facility at the Norman Manley Airport be made available to

ensure that there is an incubator for the ornamental fish at the Airport to ensure that the fish can be received, stored as necessary and transshipped to the United States of America to its market.

(Applause)

Mr. Speaker, in keeping with the thrust to facilitate practical training and entrepreneurship opportunities for my constituents, I've lobbied to encourage companies to include communities in their business training programmes. Most recently, Mr. Speaker, we had the Street Style Cook-up Competition hosted by Gas Pro in the community of Waterhouse.

The project, Mr. Speaker, facilitated the engagement and interaction of corporate sponsors, government entities and community-based groups, in the creation of an authentic local dishes prepared street-style and showcased remarkably culinary talents resident in the Waterhouse community.

Additionally, participants in the project and the wider community, Mr. Speaker, received training through the workshops and seminars on areas including safety and sanitation, food preparation, financial management and micro business development. For many of the finalists, Mr. Speaker, this meant increased support from customers outside of the community. In layman's term, this competition has really placed them on the map.

Mr. Speaker, the provision of training and entrepreneurship opportunities must be supported by access to technology in order to be effective. Today, an entrepreneur requires a strong social media presence. He or she will also need to access the internet for email correspondence with clients.

Essentially, they must be tech-literate and able to communicate with people beyond their physical communities. The development of a strong network of community centres, equipped with an internet cafe is critical in this regard.

Mr. Speaker, the time has come for our community centres to no longer serve just as meeting points, but centres of excellence. (Applause) There must be locations for entrepreneurs to access the internet, for children to do their homework and for residents to feel safe. The development of the Waterhouse Resource Centre is a revolutionary step in this direction.

The Waterhouse Resource Centre, Mr. Speaker, which will be launched on Thursday, September 24th, features a cyber café, three classrooms to facilitate a thriving homework centre, a recording studio and an office to facilitate effective administration of the centre. The centre, Mr. Speaker, also features a grid-tie solar system which is energy efficient and important to reducing future electricity costs, thereby making this social enterprise sustainable.

The aim here, Mr. Speaker, is to increase the capacity of all centres within the constituency to reach this level. We have, therefore, targeted our efforts to improve the Duhaney Park Community Centre, the Washington Gardens Community Centre and the Seaview Gardens Community Centre, all in an effort to build a network of centre for

collaboration on this critical initiative. On my part, Mr. Speaker, lobbying efforts have also been made to the National Housing Trust to facilitate the provision of a community centre for the residents of Cooreville Gardens, an old and one of the earliest settlements in the constituency and as well effectively to support the community of New Haven respectively.

Mr. Speaker, infrastructure and community development are critical to my portfolio as a representative of the people. Indeed, we cannot ignore that among other things, a community is dependent on a physical location for purposes of stability and growth. The projects in this regard are expansive. They include securing titles for residents of the Seaview Gardens Community under the National Land Titling Programme. Thanks to Minister of Housing, Transport, Works and Housing.

Mrs. NEITA-HEADLEY: Yes.

Mr. Anthony HYLTON: In particular Minister Guy.

Mr. Speaker, I am proud to report that this process has already begun, and just recently an additional 50 residents have received their titles.

(Inaudible comment by Mr. McKenzie)

Mr. Anthony HYLTON: Road repairs - No, this bring the total, this bring the total to over 400 over a period of time.

Road repairs, Mr. Speaker, has been...

Mr. McKENZIE: And we have people waiting from 2008 to get dem title and can't get.

Mr. Anthony HYLTON: ...completed in the communities of Waterhouse, New Haven and Washington Gardens, but let me say, Mr. Speaker -

Mr. McKENZIE: Come on, you work for people.

Mr. Anthony HYLTON: Mr. Speaker, for those of us with middle-income communities the pressure for roads is particularly high because they are rightfully saying that they are paying their taxes, and they are wanting to see better, a better road network. And in the community of Washington Gardens it is difficult because those persons have to drive through other communities to get to their offices in Kingston, and it is a very difficult and challenging situation and I implore - I will be working very hard to see how many of these roads we can address in the Washington Gardens community. However, Mr. Speaker, more needs to be done for these communities but we are limited by financial constraints.

Mr. Speaker, a critical road that continues to be maintained is the Weymouth Drive Road, which is an important thoroughfare for many residents to get onto Spanish Town Road, and for that I want to commend the Ministry of Transport, Works and Housing.

(Applause by Government Members)

Currently, Mr. Speaker, the National Water Commission is spearheading a $1 Billion project to connect the sewage main of Seaview Gardens and Riverton Meadows to the Soapberry Sewage plant. As Member of Parliament, this is the realization of a project that I have lobbied for many years to achieve. I will, therefore, continue to lobby for this

project to be extended to the adjoining community of Callaloo Mews.

We have also earmarked $3.8 Million for the electrification of 400 homes in the Gutzman area of Happy Grove. This is the new area of my constituency.

Mr. Speaker, I want at this juncture to turn…

Mr. SHAW: No, no extra time.

Mr. Daryl VAZ: No extra time.

Mr. Anthony HYLTON: To pay special attention to Riverton.

Mr. SHAW: Time up.

A Government MEMBER: No, he can talk as much as he wants.

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

Mrs. NEITA-HEADLEY: Mr. Speaker, we ask that the Member's time be extended by a further five minutes to complete his presentation.

Mr. Daryl VAZ: Him either begging or him bawling.

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

Put to the House and agreed to.

Mr. Anthony HYLTON: Thank you colleagues. Mr. Speaker, I will at this juncture pay special attention to the situation faced by the residents of Riverton Meadows.

(Heckling by Mr. Shaw)

The SPEAKER: Mr. Shaw not today.

Mr. Anthony HYLTON: This community is largely by-passed by the wider public…

(Cross talk by Mr. Shaw)

…unless there is a fire at the Riverton landfill, which brings it into national focus.

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. Anthony HYLTON: However, the community is in need of much greater support. It would be remiss of me, Mr. Speaker, not to recognize the recent assistance that is promised by the Mexican Government towards the rehabilitation of the access road to the Riverton landfill; or the continuing work of the Ministry of Local Government, the National Solid Waste Management Authority and the National Works Agency. However, there is more to be done.

There exists, Mr. Speaker, the potential for not just fixing the access roads to the landfill but converting it into a waste-to-energy plant. This, I believe, is the way forward to maximize the existing landfill and in the same breath maximize on its commercial opportunities. In my capacity as Minister of Industry, Investment and Commerce, I can inform this Honourable House that investor interest in developing the energy potential of the landfill is extremely high. I am, therefore, calling on the National Works Agency, the Ministry of Science, Technology, Mining and Energy and the Local Government to exercise a joined-up Government approach in order to expedite this process.

Mr. Speaker, we have all felt the effects of fires at the landfill. During the most recent fire at the Riverton landfill I was faced with sick residents that had mounting health bills, families demanding dust masks and children

unable to attend school. The solution presented here is therefore a good opportunity for developing the landfill, creating a healthier environment and better standard of living for the residents in Riverton Meadows and the nearby communities. Mr. Speaker, this is not an issue that we cannot afford to let continue nor should we see its resolution as solely the responsibility of the Member of Parliament, it's a national asset and at the moment a national liability.

Mr. Speaker, although the constituency remains rife with challenges, sports and cultural activities remain a unifying feature for many of the communities. Indeed, it was the Japanese gymnast that said, "I've realized the extraordinary powers of sports to heal, unite and inspire". Mr. Speaker, more true words have never been spoken.

We have just experienced this effect in the Waterhouse community. This, due to the continuing stellar performance of one of the community's most celebrated citizens, which is Shelly-Ann Fraser-Pryce at the recently concluded IAAF World Championships in Beijing. (Applause)

The constituency of Western St. Andrew is also home to many successful football clubs. Mr. Speaker, we are perhaps the only constituency with four clubs in top-flight football in the country at the moment. Our clubs are represented in the Premiere League, the Super League and the Major League. These clubs consistently prove their ability to rally the hearts and minds of their communities, and as M.P. I have consistently given support to each of these clubs.

Most recently I have embarked on a new initiative to support the establishment of the constituency's first netball team, the Waterhouse Eagles and their bid to compete in the National Netball League.

(Applause)

Mr. Speaker, in our thrust to build a creative economy, it would be remiss of me not to mention the creative talent that lies within Western St. Andrew. We often look to Bob Marley and the Wailers, Toots and the Maytals and Lee "Scratch" Perry as music legends that put Jamaica on the map. But too often we forget that these creative geniuses not only have sufficient local support to develop and monetize their craft. The work to create a strong intellectual property regime is intrinsically linked to ensuring that this and future generations of creative people will have the relevant protection and support they need to monetize their talents.

As previously stated, Mr. Speaker, the Waterhouse Community Resource Centre will feature a recording studio for young artistes to lay their tracks. This is to ensure, that even as we make sweeping changes to the policy and legislative framework for creatives, we are also creating real and tangible opportunities for them to reap the attendant benefits.

Mr. Speaker, while we work to build a stronger and more sustainable economy, it is critical that each Jamaican feel involved in the pursuit of this goal. I will therefore, in my capacity as M.P. for Western St. Andrew, continue…

Mr. SHAW: Thank you. Thank you. Thank you. Thank you very much.

Mr. Anthony HYLTON: …to champion the needs of all Jamaicans, even as we work towards the realization of a logistics-centred economy.

Mr. Speaker, these are just a few of the highlights of my work within the constituency of Western St. Andrew…

Mr. SHAW: Thank you very much. The Member's time for speaking is up.

Mr. Anthony HYLTON: …a more detailed presentation has been developed as represented by this most recent production. (Heckling)

Where is my book? You pilfered my book. Where is my book? Audley, where is my book?

Mr. SHAW: I am not giving you back.

Mr. Anthony HYLTON: I want to present my book.

Mr. SHAW: Sit down and you will get it.

Mr. Anthony HYLTON: Present my book. Give me my book.

Mr. SHAW: Sit down and you will get it.

Mr. Anthony HYLTON: Give me my book.

Mr. SHAW: Thank you very much.

Mr. Anthony HYLTON: Give me my book.

(The Speaker gavels)

Mr. Anthony HYLTON: I thank you, Mr. Speaker.

(Applause)

The SPEAKER: House Leader.

ADJOURNMENT

Mrs. NEITA-HEADLEY: Mr. Speaker, we were intended to have one other speaker today, he is unfortunately not here and so it is not intended to do any further business today. I therefore ask for the adjournment of the House until tomorrow, September 9, 2015.

The SPEAKER: The question is that the House do adjourn until tomorrow, the 9th of September, at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: (Gavels) The House stands adjourned.

The House adjourned at approximately 4:03 p.m. to 9th of September, at 2:00 p.m.

SESSION 2015 – 2016

WEDNESDAY, September 9, 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.

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

MEMBERS OF THE CABINET

THE HONOURABLES:

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

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

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

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

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

MR. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central

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. 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. DWAYNE FRANCOIS ST. MICHAEL VAZ, (PNP), Westmoreland, Central
MR. KEITH ANTHONY WALFORD, (PNP), St. Ann, South Western

PRAYERS

Prayers were offered by Mr. Dwayne Vaz.

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:

Certified Appropriation Accounts

Head	Ministry	Financial Year
1600	Office of the Cabinet	2013 - 2014
2600	Ministry of National Security	2010 - 2011

- The General Consumption Tax (Amendment of Schedules) Order, 2015

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Mr. Bunting.

Mr. BUNTING: Mr. Speaker, on behalf of the Minister of Finance and Planning, I beg to give notice that at the next meeting of the House I will move: The General Consumption Tax (Amendments of Schedules) Order, Resolution 2015.

Whereas subsection (1) of Section 60 of the General Consumption Tax Act, hereinafter referred to as "the Act" provides that the Minister may, by order, published in the *Gazette*, amend the Schedules to the Act;

And Whereas the Schedules to the Act specify the General Consumption Tax and the Special Consumption Tax imposed on the supply in Jamaica, or the importation into Jamaica, of goods and services;

And Whereas the Government of Jamaica remains committed to tax reform aimed at:

a) broadening the tax base, and creating greater equity, transparency, and accountability in taxation,
b) simplifying the process of tax administration,
c) improving compliance,
d) facilitating sustained economic growth and competitiveness arising from policy certainty and confidence in the economy, and,
e) ensuring revenue adequacy and sustainability while maintaining

macro economic and social stability;

And Whereas it is necessary that certain revenue measures be implemented to provide budgetary support for the Fiscal Year 2015/2016;

And Whereas such revenue measures include:

a) an increase in the Special Consumption Tax, SCT, for petroleum products,
b) an increase in the specific SCT for cigarettes, and,
c) the re-imposition of General Consumption Tax on electricity to residential customers who use more than 350 kilowatt hours in any month;

And Whereas on the 20th day of August, 2015, the Minister made the General Consumption Tax (Amendment of Schedules) Order;

And Whereas subsection (2) of Section 60 of the Act provides that an order amending the schedules to the Act shall be subject to Affirmative Resolution of the House of Representatives;

And Whereas it is desirable that the General Consumption Tax (Amendment of Schedules) Order 2015, be affirmed by Resolution;

Now Therefore Be it Resolved by this Honourable House as follows:

i. This Resolution may be cited as the General Consumption Tax (Amendment of Schedules) Order Resolution, 2015; and,
ii. The General Consumption Tax (Amendment of Schedules) Order, 2015, which was laid on the table of the House on the 9th day of September, 2015 is hereby affirmed.

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, I beg to give notice that at the expiration of 21 days, I will ask the Minister of Finance the following questions:

1. Will the Minister explain why have the financial statements for Fiscal Years ending March 2014 and March 2015 for the PCDF with assets of $255.0 Billion not been tabled in Parliament in accordance with the requirements of the Public Bodies Management and Accountability Act and the Financial Administration and Audit Act?
2. Will the Minister say what is the amount of the PetroCaribé debt remaining after the US$1.5 Billion was paid to Venezuela?
3. Will the Minister say what is the amount of the PetroCaribé debt that was purchased?
4. Will the Minister say if US$120 Million per year was being actually used to pay off the PetroCaribé loan and interest annually?
    a) If the answer to Question No. 4 is no, when would US$120 Million be actually paid annually?

5. Will the Minister please publish the calculations that show that the debt service will be lower by just under Three Hundred Million United States Dollars (US$300M) over the life of the funds raised in the International Capital Market to purchase the PetroCaribé debt when compared with the total debt service on the full PetroCaribé debt?
6. Will the Minister say how much is the cash and short term deposits at the PetroCaribé Fund currently?
7. Will the Minister say what is the full amount of the debt that the PetroCaribé Fund is obliged to pay to the Central Government?
8. Can the Minister state what provisions were made in the current budget for this US$2 Billion of capital market debt?
9. Can the Minister say how much has been added to the current interest payment as a result of the PetroCaribé transaction?
10. Can the Minister say how he plans to finance increases in interest payments in the budget?
11. Can the Minister say if the PetroCaribé Fund has cash and other assets that will be used to finance the increases in the budget?
12. Can the Minister say what are the assets of the PetroCaribé Fund after the PetroCaribé transaction and how will the assets be monetized?
13. Can the Minister say what are all the fees incurred for the transaction and to whom were they paid?

The SPEAKER: Mrs. Robinson.

Mrs. ROBINSON: Thank you Mr. Speaker.

Mr. Speaker, I want to give notice that I want to withdraw Question 19 standing in my name on the Question Paper.

The SPEAKER: Question 19... is that the wish of the House?

Put to the House and agreed to.

PUBLIC BUSINESS

Mrs. NEITA-HEADLEY: Mr. Speaker, in Public Business we will commence the Debate on: AN ACT to Amend the Civil Aviation Act, and we will continue with the Constituency Debate; and we will take presentations from Honourable Julian Robinson MP, followed by the Opposition Spokesperson on Tourism, Mrs. Shahine Robinson, MP, followed by Dr. Lynvale Bloomfield, MP.

The SPEAKER: Minister Robinson.

CONSTITUENCY DEBATE

Mr. ROBINSON: Thank you very much, Mr. Speaker. I'll be using the multimedia that is available to us.

Mr. Speaker, let me begin by thanking my constituents for the support they have afforded me over the last three and-a-half/four years; to my colleagues, to the Honourable Prime

Minister and to my family. Mr. Speaker... (Break in multimedia) I tell you... just when you about to start, the technology don't work.

Mr. Speaker, I am going to start by indicating some principles which I have used, as a Member of Parliament. The first is a commitment to publishing, on an annual basis, an account of my work as Member of Parliament. One of the issues that I have found - and I know we have started the Debate here today - is that there hasn't been a forum for Members of Parliament to account to their constituents on what they do on an annual basis. So for the last three years I published an Annual Report in which I outlined the major activities in the constituency for the year, something that I published, both electronically and hard copy.

I have also, Mr. Speaker, taken the process of consultation seriously, and on an annual basis I host two Constituency Development Fund consultations in each of the divisions in the constituency where I outlined the expenditure, the projects, the plans and get input from residents as to how we should move forward. These are just some pictures of them.

This infographic - this is what they call an infographic - gives you an idea of some of the - and I know it is difficult to read, but I gwine go through the details - you can't see it, all right - gives an idea of some of the major activities undertaken for the last year, and I am going to address them under two main headings: one is Empowerment through Training and Education, and the second one is Infrastructure and Works.

In the first one, in terms of empowerment, we have continued the tradition of hosting annual summer reading camps for students across the constituency. We do it in each of the seven communities, and we do it based on the age group. (Applause)

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

We introduced two years ago, what we call a pre and a post assessment, so we can do some evaluation about the student's performances; and two years ago we introduced a special GSAT Curriculum where a young software developer who had developed a programme for GSAT loaned us that programme and we have actually seen positive results for the students who have done GSAT.

This year, Mr. Speaker, an initiative that we embarked on with Junior Achievement, Jamaica, at Jamaica Biz Town which is at the Cane wood Centre on Arnold Road. That facility is a mini city consisting of several real-life businesses, and we had the students participate in a summer camp where they were exposed to the principles of business, but also in a practical way, they were allowed to get behind the counter and run businesses for themselves.

I know it is something that the Minister wants to roll out across the entire educational system, but it is important in allowing our students to understand what real life business is about so that they can make the transition much more easily.

I am also in partnership with Junior Achievement, Jamaica. I had a number of students participate in an entrepreneurship training programme. What Junior Achievement does, they carry the students through the rudiments of how to establish a company, issuing shares, the specific positions within the companies, and nine teenagers actually established a hat-making business where they identified a lady in the community who sews, they got the material and they are making hats, and they are selling them, and this is their little business that they have generated some revenues from. (Applause)

We also did other entrepreneurship training courses, and the theme you will see, Mr. Speaker, is about how we can empower youngsters to take advantage of opportunities that might exist. We all know how challenging the job market is, and I have focused my energies on providing training programmes that can facilitate youngsters doing things on their own.

We have also, Mr. Speaker - all of us in here as Members of Parliament get requests from persons who want to start businesses, generally buying and selling, and we all know the difficulty that many of them have in sustaining these businesses.

We have introduced these financial literacy workshops which are not just for small entrepreneurs, they are equally valid for persons who - individuals - but you go through the rudiments of how to manage a small business, how to deal with the money that you earn. And we have also seen some positive benefits from those workshops.

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

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

(MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern, entered and took his seat.)

Earlier this year, Mr. Speaker, we had a summer camp for young ladies. We are trying to close the gender gap that exists in the ICT industry where there is a preponderance of young men who are involved in software development and coding. So we had 40 young ladies participate in a *Girls Who Code* summer camp, where they were exposed to software development practices.

And really, our objective is to not just have a one-off workshop, but to follow up with the young ladies and show them what their career options are, because we want more young ladies to get into what we call the hard-core disciplines in the ICT industry, not just be in the supporting roles but to be the coders and the developers, so that we can close that gender inequality gap.

Another programme which has been tremendously beneficial to the constituency, the University of the West Indies has a community film project where they train persons in the art of film-making. We had just under thirty persons participate in that programme and part of the programme the students had to develop of their own based in their own communities. And we had our film

festival in Nannyville where the students had an opportunity to demonstrate the work that they had done over three months. We have had also the premier of a film around Amy Jacques Garvey, who was the wife of our first National hero, and Jacques Road in my constituency is named after her, and the persons who participated in this film-making course were the ones to actually develop the film around Amy Jacques and that was part of what is now called the Greater August Film Festival, which premiered in June. (Applause) But importantly many of the persons who participated in the film-making courses have received internships and have in a short space of time developed skills which have allowed them to participate in the workforce.

We introduced about three years ago a programme around Chess. The Chess Institute, the Magnificent Chess Foundation in Swallowfield and what we have found is that chess allows the youngsters to think critically, allows them to solve and resolve conflicts without resorting to violence. And we do it every summer for an eight-week period on a Saturday where they go in, they are given chess sets, they spend three or four hours there learning the game of chess and it has been something that has been very beneficial...

Mr. CHUCK: Ian Wilkinson....

(Inaudible comments)

Mr. ROBINSON: Yes, yeah. So Garth Wilkinson not Garth, Ian. It's his foundation.

(Inaudible comment by Mr. Chuck)

Mr. ROBINSON Another programme that I've taken advantage of as Member of Parliament, a private company, Sutherland Global, has what they call their Sutherland Community Training Programme where they offer a three-day digital literacy course which is free of cost and anybody can participate once you're 17 to 25. A number of students have gone and participated, many of them, based on the success in their course, have actually been offered permanent employment by Sutherland. And in a worse case scenario, if they don't do well, they at least have this certificate for that three-day digital literacy course which will enable them possibly to gain employment elsewhere.

The Tablets in Schools Project. One of the schools in my constituency Clan Carthy Primary was a beneficiary. And let me tell you the point I really want to make about the Tablets in School Project. We have seen, particularly among the boys, a significant improvement in attendance, deportment and behaviour... (Applause)

Mrs. NEITA-HEADLEY: That's right.

Mr. ROBINSON: ...because they are interested in the technology; they want to embrace the technology and above all else we're doing the full evaluation of the programme, but that alone is a benefit which we should embrace as a country. (Applause)

Mr. Speaker, I'm going to turn briefly now to infrastructure and works.

(Cross talk)

In the late 1970s when the Nannyville housing scheme was built - I think it may have been 1978 - there was a health centre that was built then and for a number of reasons that health centre was - it was started but never, ever opened. Just this year in January earlier this

year we finally got the Nannyville Health Centre opened (Applause) after being initially built from 1978. It's important, Mr. Speaker, because the location of the health centre not just serves the residents of Nannyville. You have adjourning communities but importantly because it's on Mountain View, on the main, persons can easily access it from all over which eases the burden on our hospitals. So that has been a major benefit to the residents not just of South East St. Andrew but other communities.

Mr. Speaker, in May last year colleagues may remember that the JPS undertook disconnections in a number of communities across the corporate area; communities that has incidence of electricity theft. The Prime Minister had asked me to chair a committee to look at how we could address the issue of electricity theft. We consulted with the public and other stakeholders and we came up with a comprehensive programme to do that. And we have launched a pilot called Step Up where seven communities that have high incidence of electricity theft have been targeted for specific interventions. I just want to go through what those interventions are:

- What we realized is that the traditional going into a community with the police to take down the throw-ups is not sustainable because as you leave someone puts them back up. So we embarked on a community renewal programme and there are couple of elements of that.
- Many of the persons who are consumers of JPS, but not customers they're in that position because they can't legitimately connect to the grid because their homes are not wired so the first thing we decided to do we would re-wire homes for those persons. And we have found that wiring is prohibitively expensive; it can cost a minimum of $50,000 up to $70,000 and it is beyond the capacity of many of those persons to do. So we re-wired the homes.
- We have installed prepaid meters that person in the same way you buy credit for your phone you can do that with the prepaid meter. We have instituted and we have started it quietly we have done a swap of bulbs. So we have put in the energy efficient bulbs and taken out the incandescent bulbs.
- We have in those communities - JPS has opened an office in the community centre. So they're accessible to the community.
- We have put LED streetlights in the community to replace the old inefficient ones.
- We have trained persons in each community in electrical installation so that they can participate in the programme.

There are seven communities that have been done. We are seeking funding for an additional ten to bring it to about seventeen communities targeting about 5,000 households and then we want to see how we can roll it out nationally. There are over 180,000 consumers who are not customers of JPS who are the

ones who customers pay for. So it's an issue that we have to address and deal with. (Applause)

Mr. Speaker, through the Universal Service Fund we have in the constituency opened four community access points. In the Jacques Road community the McGregor Gardens, in Deanery Road and St. Theresa. These community points, which are computer centres, serve the needs of youngsters who need to do homework, but it also serve the needs of seniors and elders who might want to go into the computer lab not just to send emails or going on social media but as a way of empowering themselves. So we have had four of those opened in the last year and a half.

Mr. Speaker, one of the challenges that we've found with these community access points is that once the USF turns it over to the community the cost of maintaining it is prohibitive. Primarily the cost of electricity, because you have run the AC 24/7 or else the computers *gwine* mash up…

Mr. CHUCK: Rental of the place.

Mr. ROBINSON: Well, generally it's a community centre, but electricity is generally the biggest cost. I approached the New Zealand Fund to fund the installation of solar photovoltaic at three of the centres and we have seen at three of those centres a reduction in the electricity bill of over 70 per cent and it is something that….

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

Mrs. NEITA-HEADLEY: Mr. Speaker, I'd like to ask for the extension of the speaker's time for an additional five minutes to complete his presentation.

The Deputy SPEAKER: The question is that the speaker be allowed five minutes to complete his presentation.

Put to House and agreed to.

Minister.

Mr. ROBINSON: Thank you, Mr. Speaker. Thank you, Members.

The issue with these community access points is that having spent millions to equip them, they are not sustainable and the cost of electricity is one of the biggest costs. So we are looking at how we can use the solar technology to ease the burden on these community access points so that they can services, some free, some at reduced cost to the residents and to ensure that the investment that we have made is sustainable.

Mr. Speaker, we in the constituency - I have utilized the JEEP funds to build a community centre, to repair a number of roads, to repair a number of gullies. I'm not going to enumerate that. But I will say unequivocally that the funds that we've gotten from JEEP over the last four years has enabled me to deal with the major infrastructure deficiencies in my constituency, and in that regard I'm grateful for that initiative.

Mr. SHAW: You don't have any problems in your constituency.

Mr. ROBINSON: Mr. Speaker, what are the plans for the upcoming year?

Mr. PICKERSGILL: No, no. He's great.

Mr. SHAW: Go to your seat. (Laughter)

Mr. ROBINSON: Mr. Speaker, we're developing at Deanery Road, which is in

Franklyn Town, a multi-purpose sports complex. We're going to have a FIFA football field; it borders with Minister Thwaites' constituency. We're going to have a netball court, basketball court, a jogging trail, spectator stands. Mr. Speaker, this is funded by JSIF. It's critical to the development of communities that people have recreational areas to play and it provides the platform for transforming that Franklin Town area. (Applause)

The other project that we're embarking on is in front of the Bob Marley statute by the National Stadium. Almost on a daily basis there are visitors who come there. You'll see one or two, you'll see buses or persons who just come there to take a picture of the statute, but there is no economic value. That is retained there. They will go there and then they go to the Bob Marley Museum.

Mr. SAMUDA: They are funding that?

Mr. ROBINSON: Through the TEF. TEF.

Mr. SAMUDA: I thought that was... (Inaudible)

Mr. ROBINSON: Hold on, man. Just wait. Through the TEF. Mr. Speaker, what we're going to do is to put up three shops: one related to arts and crafts. So persons can if they want to buy a t-shirt. If they want to buy a tam, something associated with Bob Marley, they can do that; one is food; one is beverage; so that the community of Swallowfield which is close to the Stadium can participate in the economic benefits of being close to the stadium. (Applause) Mr. Speaker, it will tie into what Minister Neita-Headley has for the sports museum because what you want persons to do once you leave the sports museum is to spend some money which will benefit the community. Mr. Speaker we have done the architectural drawings. We have gotten support from Independence Park Limited; we're just dealing with the lease of the lands but this is an activity which I think will be beneficial not just to my consistency but enhance the entire national stadium complex

Miss DALEY: Hear, hear!

Mr. ROBINSON: Mr. Speaker, thank. Thank you, Members. That's the end of my presentation. (Applause)

Mr. McKENZIE: Mr. Speaker, can I ask a question?

The Deputy SPEAKER: A question relating to?

(Cross talk)

Mrs. Robinson.

Mrs. ROBINSON: Thank you, Mr. Speaker. Thank you, colleagues.

(Applause)

Mr. Speaker, North East St. Ann like any other constituency has its challenges even though we don't hear about on the other side there are challenges. And it's not we don't have achievements that we can speak of, but we must highlight the problems that we face in the constituency.

I think the single largest challenge that I face in the consistency of St. Ann North East is the lack of affordable solutions. I inherited a constituency that had many informal settlements, Mr. Speaker, and to date not one housing scheme - no land has been divided

and sold to the people of the constituency. And I think that it is a disgrace, because many of the persons who live in these informal settlements are indeed, contributors to the National Housing Trust and they just seem to be sidelined. Whenever they see something advertised on the open market they are unable to – when they go they are told that they are unable to qualify because of the cost, the exorbitant costs of the units or they won't be able to afford the mortgages. And I believe time that it is time that we look at the housing solutions for the people of the constituency (Applause)

An Opposition MEMBER: Hear, hear!

Mrs. ROBINSON: We have civil servants, we have policemen, soldiers, teachers, nurses coming to the office on a daily basis asking if you don't know of any land being cut up to be distributed, if you don't know of any houses to be built. I say that it is a shame and I believe that housing is one of the - something we should put priority on and that we should move to really ease the situation that we have. (Applause) We make grand announcements about these large hotels that we're building and I have often asked in this Honourable House and outside where will the workers from construction to completion to fully operational where will these workers live? You're asking people to work in five-star hotels and go home to less than acceptable housing solutions. It is unjust and we need to act, Mr. Speaker. (Applause)

Mr. Speaker, water, water is another serious problem, and there is no lack of water in the parish of St. Ann, and in particular in St. Ann North East. And I think that we know the months in Jamaica that we have the lowest levels of precipitation and I believe that what we are seeing here is a lack of planning, it is - we have been grossly negligent in planning for this water. Every year, every year, we see people demonstrating, we see people protesting because of the lack of water in their communities. I believe that it is time now that in 2015 people should not have resort to that sort of demonstration of protest to get running water. (Applause) Water exist, we must be able to adequately prepare for this drought phenomena that takes place every year. We know the months that are traditionally dry and we should really prepare for them.

Mr. Speaker, I believe that when the people elected us, the people expected us to take steps to remedy their longsuffering; they expected us to come with solutions. And if we respected this will of the people, then their cry for water would become redundant by now, Mr. Speaker. (Applause)

It is clear that enough water resources exist for the establishment of a sustainable supply of water to every citizens of this country and, especially in St. Ann North East. (Applause) And after all, we say that this is the land of wood and water. I believe that the response to this problem by the Government has been very frail at best and I believe that the Government must look at this and decide if water is a priority because it is indeed a priority.

Roads, Mr. Speaker, we repair roads but there is no maintenance component in whatever we do. (Applause) How do we - why

are we throwing good money after bad? There is a main drain that runs in Ocho Rios right across, it runs right behind the big hotel in Ocho Rios, Moon Palace, and ever so often TEF or National Works Agency makes funds available to clean it, and large sums of money but it is cleaned and in another week you passed there and it is dirty once again. I believe that it is the responsibility of all of us as a people to look at the way we dispose of our garbage. It is not happening, and the drain is unsightly, it is dirty and I believe that a proper maintenance component should be put in it. (Applause) I raised the question here in the estimates of expenditure and the Minister of Transport and Works agreed with me, he said that he could not dispute that my logic was sound but the funds were not available. I believe that we find funds to do a lot of things we need to find funds to maintain the things that we repair; it is only fair that we do that.

Mr. Speaker, garbage collection, garbage collection, I shouldn't have to come here and speak about garbage collection in the resort town of Ocho Rios, but just for the lack of garbage collection Ocho Rios does not look like a resort town. The collection of garbage is sporadic at best, it is sporadic at best. We know that they are working with an aging fleet, so trucks break down every day, but I am saying that the resort towns and especially capital St. Ann's Bay, I believe that some emphasis should be put on the garbage collection. After all, we have increased the property tax by 300 per cent and yet still we are not getting - it is supposed to be for the collection of garbage and street lights.

Moving on to street lights. We have not received one new street light since 2012, so we asked the question what this increase in property tax is doing, Mr. Speaker?

Mr. CHUCK: Have they been repaired?

Mrs. ROBINSON: Not many being repaired.

The markets, Mr. Speaker, both markets in North East St. Ann are unattractive. The Ocho Rios market is in a deplorable condition, and in most resort town that you go to the farmers market is a part of the attraction and the one in Ocho Rios certainly cannot be put in the tourism product because it is unattractive and it is broken down and it is badly in need of repairs.

The cemeteries are overgrown and they are just not kept properly, Mr. Speaker, overgrown and some of them are overcrowded and closed too...

(*Sotto voce* comments by a Member)

Mrs. ROBINSON: Thank you Member. Some of them are overcrowded and closed too, and we need to act and see how best we can find alternate accommodations for those.

The REP, the REP has done some work in the constituency but there is more to be done, and you know, when you inherit a constituency like St. Ann North East you would think that people, that there would be - all districts would have been covered by electricity, that is not the case even now in 2015, we are still struggling with REP to get electricity to some communities, Mr. Speaker.

So, Mr. Speaker, PATH again, the PATH, we find that the PATH Programme, it is a good programme but we find that many of the

very vulnerable are being left behind, they are not being - there was a reverification exercise that took place by the PATH Programme and we found that many persons were dropped off Mr. Speaker, and we have to be everyday making representation and agitating to make sure that the most vulnerable in the society are put back on the PATH list. We know that they have to keep their end of the bargain, children must attend school. And I believe that we can't just kick them out of the programme, but we should find out what is happening why children are not attending school, what are their problems and see how best we can accommodate them in the PATH Programme.

Mr. Speaker, I want to talk about something that is very bad. Marcus Garvey, the Member who spoke before me said that Marcus Garvey is the first National Hero of Jamaica. He is the first National Hero of Jamaica, that is a fact, and that he is a son of St. Ann is also a fact. And at his boyhood home in St. Ann's Bay ground was broken there to refurbish and rehabilitate the boyhood home of the first National Hero, the Right Excellent Marcus Mosiah Garvey that was done in 2011. To date, absolutely nothing has happened, even though funds had been identified from the CHASE fund to the tune of 22 Million, it might not have been able to carry out all the refurbishing works that needed to be done, but at least you could have been done - we would have gone a significant part of the way. Nothing has happened, the persons who live there, there are persons who live there, Mr. Speaker...

(*Sotto voce* comments by Mr. Samuda)

Mrs. ROBINSON: There are persons who live there that you need to relocate. Relocation is not an insurmountable task, Mr. Speaker.

I met with the people of the Jamaica National Heritage Trust and I made suggestions as to how these people could be accommodated, absolutely nothing has happened. And I indicated at the last birthday celebration that they had for him on the 17th of August that I will not take part in this act of hypocrisy any longer until something is done to the boyhood home of Marcus Mosiah Garvey. (Applause) And I mean that Mr. Speaker.

Mr. Speaker, I can certainly point to many improvements that have enhanced the quality of the lives of many of the constituency in St. Ann North East.

On Monday at Ocho Rios Primary school one class - I refurbished a classroom, actually gave them a new classroom both principals, and teachers, and studies, and parents were happy. We established a parent's room at the Ocho Rios Primary School and we donated an air conditioning unit to the principal so that she can be comfortable, so work goes on.

As we speak, we are doing some upgrading work, some refurbishing at the Ocho Rios Fire Station. In every disaster that we have in Ocho Rios the first responders are the firemen and I believe that it is shameful to see the conditions, the barracks and the conditions in which they live.

(*Sotto voce* comments by a Member)

Mrs. ROBINSON: Yes, so we are currently working on the Ocho Rios Fire

Station to improve the working condition, to boost the morale of the men and women who work at the Ocho Rios Fire Station. (Applause)

We were able to open a state-of-the-art clinic in Exchange; a beautiful new clinic was opened in Exchange earlier this year. (Applause) And those funds were there from about 2010, and to his credit the Minister of Health when he spoke made sure to give credence to the former Minister of Health, the Member from Clarendon. (Applause) So Mr. Speaker, we are working - work continues in St. Ann North East.

The Drax Hall, lights were put in at Drax Hall and so we play night matches at Drax Hall, stands were put in and major improvement continues at Drax Hall. The sponsorship in football, in the constituency is ongoing and it is legendary. We just finished the Lime Hall Community Corner League on Sunday and we move on and we continue to build camaraderie between communities.

Mr. PICKERSGILL: What was the prize money?

Mrs. ROBINSON: None of your business.

Mr. McKENZIE: Leave that alone.

Mrs. ROBINSON: We continue to build camaraderie and good relationship between communities through sports.

Mr. Speaker, this back-to-school, this back-to-school, I don't know if the Members on that side will agree, but this back-to-school seem to me to be one of the most brutal back-to-school that I have ever gone through. (Applause)

(*Sotto voce* comments by Members)

A MEMBER: The worse.

Mr. CHARLES: Can't buy books, can't buy food.

Mrs. ROBINSON: Yes, because so many more people are not working, so they can't - the cost of the books have gone up astronomically through no fault of the people who sell them and the demands were greater this year, Mr. Speaker, but through it all we managed to help people from the tertiary down to the basic school level because we understand that education is one of the best investment that you can make in the people that you serve. (Applause)

(*Sotto voce* comments by Members)

Mrs. ROBINSON: Mr. Speaker, I just want to say that the Minister of Tourism, he came to Ocho Rios last week, we turned on the CCTV cameras along with Minister of National Security which can only enhance the work that the police is doing in Ocho Rios... (Applause) ...and the community of Ocho Rios and North East St. Ann we are on board and we support that. However, I just want to say to the Minister of Tourism that I notice that he is investing in heritage sites in Westmoreland. But Minister we have much more famous heritage sites in North East St. Ann that we urge you to invest in and make this investment in heritage sites be nationally. Seville Marcus Mosiah Garvey…

(*Sotto voce* comments by Mr. Pickersgill)

Mrs. ROBINSON: I beg your pardon when?

(*Sotto voce* comments by Members)

Mr. McKENZIE: Wrong jungle.

Mr. CHUCK: How many rivers in St. Ann?

(*Sotto voce* comments by Members)

(The Speaker gavels)

Mrs. ROBINSON: So, Mr. Speaker, we continue the work in St. Ann North East. And I thank my colleagues on the other side who have cooperated and who have helped, and lend, you know, extended a helping hand in whatever way they can, we thank you. (Applause)

Thank you, Mr. Speaker.

(Applause)

The Deputy SPEAKER: Dr. Bloomfield.

(*Sotto voce* comments by Members)

The Deputy SPEAKER: Members, (Gavels) allow the good Doctor to start his presentation.

(*Sotto voce* comments by a Member)

The Deputy SPEAKER: That remains to be seen.

Dr. BLOOMFIELD: Thank you, Mr. Speaker. I ask permission to speak from a seat other than my own.

The Deputy SPEAKER: Permission granted.

(Applause)

Dr. BLOOMFIELD: Indeed, it is my privilege to speak on behalf of my constituents. (Applause) And like others, we too can quote a scripture. And the Psalmist did say:

"Who shall ascend into the hill of the Lord and who shall stand in His Holy place…."

Mr. SHAW: Angella Moore.

(Laughter)

Dr. BLOOMFIELD:

"He that hath clean hands, and a pure heart; who hath not lifted up his soul unto vanity...

MEMBERS: Yes.

Dr. BLOOMFIELD:

...nor sworn deceitfully...

A MEMBER: Yes.

Dr. BLOOMFIELD:

....but He shall receive blessing from the Lord...

MEMBERS: Yes.

Dr. BLOOMFIELD:

...and righteousness from the God of his salvation"

(Applause)

And it is that God who gives me this blessing today to be able to stand on behalf of my constituents. (Applause)

A MEMBER: That is right.

Dr. BLOOMFIELD: ...and I continue to stand also at the discretion of the Prime Minister, the Most Honourable Portia Simpson Miller.

Mr. CHUCK: And the National Executive.

Dr. BLOOMFIELD: And I continue to stand at the behest of my constituents who have given me the mandate to be here even today...

Mr. PICKERSGILL: Yes, good work.

Dr. BLOOMFIELD: ...and continue to do so. (Applause)

And I thank the hundreds of our noble workers who have afforded me the opportunity to continue to be here. Our councillors...

(Heckling by Members)

Dr. BLOOMFIELD: ...our workers, our support staff, my family...

Mr. JACKSON: Mr. Speaker, can you protect the Member.

(Heckling by Members)

Dr. BLOOMFIELD: ...so that we can continue to do.

Mr. Speaker, the constituency of East Portland is at a cross roads...

(Heckling by Members)

Mr. SAMUDA: Change unno constitution man...

(The Speaker gavels)

Dr. BLOOMFIELD: In September 1929, it was Marcus Mosiah Garvey himself who established the People's Political Party...

(Heckling by Mr. Samuda)

The Deputy SPEAKER: Mr. Samuda.

Dr. BLOOMFIELD: ...and set out a 14 point manifesto inclusive of...

Mr. SHAW: (Chanting)

"We want Bloomfield. We want Bloomfield. We want Bloomfield".

A MEMBER: Mr. Speaker, they are out of order.

The Deputy SPEAKER: (Gavels) Members, to my left...

Mr. SHAW: (Chanting)

"We want justice. We want justice. We want justice".

The Deputy SPEAKER: Mr. Shaw, you are preventing - the time is going for the speaker right, okay, and he will have to get time for interruption.

Dr. BLOOMFIELD: Mr. Speaker, in September, 1929 Marcus Mosiah Garvey established the People's Political Party and set out a 14 point manifesto inclusive of eight-hour work day, minimum wage, land reform and inclusive of city status for Montego Bay and Port Antonio.

Mr. Speaker, the development and integration of Portland is still an event that is waiting to happen. We, like other Members of Parliament, have made attempts to develop our constituencies with the best of intentions. It is also known that Governments tend to have someone categorize it in three main functions; one is:

- Defense of our country;
- The promulgation of laws for the quiet enjoyment of life of our citizens; and
- The provision of infrastructure.

We in East Portland believe this and so infrastructure has been one of our major platforms and pillars going forward.

Mr. PICKERSGILL: Hear, hear!

Dr. BLOOMFIELD: Not only infrastructure, Mr. Speaker, but tourism, agriculture, education and training and so on. Portland's rugged terrain though pristinely beautiful, poses challenges, and so the many hills and mountains and valleys and the flood-prone coastal areas has posed its problems and areas of challenge. Nevertheless, it is this Government that has allowed us to establish the Port Antonio Water Sewage and Drainage Project...

MEMBERS: Hear, hear!

Dr. BLOOMFIELD: ...at the tune of $1.87 Billion. (Applause) And thanks to the Minister...

Mr. PICKERSGILL: Repeat the figure, repeat the figure.

Dr. BLOOMFIELD: One point Eight Seven Billion Dollars. (Applause)

Mr. PICKERSGILL: What!

Dr. BLOOMFIELD: And thanks to the Minister of Water who has facilitated this for the people in Portland.

Among many other infrastructural development projects, the Mount Oakley Road, the Berrydale, Lighthouse Road, the Fellowship to Mooretown which is ongoing even as we speak, at the tune of $145 Million, Millbank which has increased and improved our bridge-stock, seeing that Portland continues to be one of those parishes which is far behind the other constituencies and parishes in terms of the quality and the maintenance of its bridge-stock. And there are many other challenges in terms of how our physical structures, which are to be dealt with.

Quickly, I go on to tourism. We have experienced many changes and improvements in the tourism sector. We all know that Portland was the cradle of tourism, but because of the geopolitical considerations it no longer is the case. In fact, we're now struggling to maintain a tourism product. But thanks to the Minister of Tourism, who has come to our assistance in the repairs of the rafting facilities at the Iconic Rafters on the Rio Grande through the TPDCO and TEF...

Mr. CHUCK: Yuh need more support!

Dr. BLOOMFIELD: ...the Craft Village, the Neville Antonio Park facility and the Boston Beach Rehabilitation to the tune of $30 Million.

(Applause)

Mr. SAMUDA: You know, you sounded much more dynamic last year. They have shaken you and its wickedness! You were much more dynamic and confident.

Dr. BLOOMFIELD: We continue to support culture and sport, and the Member of Parliament's office continues to sponsor the Primary School Football, the Under 17 Football... (Applause) ...the Women's Cricket Competition... (Applause) ...the Corner League, the Domino Competition... (Applause) ...and of course, Speech and Drama Competitions in the constituency in order to encourage our young people to participate and to ease the tensions as they seek to alleviate their situations in terms of employment.

(Applause) (Cross talk)

Mr. SAMUDA: And your Chairman could've helped you.

Dr. BLOOMFIELD: In terms of healthcare, there has been the rehabilitation of the Port Antonio Hospital, its operating theatres, its laundry facilities, various health centres including the Port Antonio Health Centre, the Fair Prospect Health Centre and the Manchioneal Health Centre which is about to be refurbished at the cost of $12 Million.

Mr. PICKERSGILL: Hear, hear!

Dr. BLOOMFIELD: In education, the Boundbrook Primary School we've added a new block, and the Port Antonio Primary has experienced an upgrade. There is the proposal for next year to remove the Port Antonio High School from the shift system as we move forward.

Over $5 Million have been allocated to education each year, and $1.95 Million to the Grade 4 to GSAT Online Study Programme in nine primary schools, and this has greatly improved the GSAT results.

Skills Training Centre in Boston is now being put in a project, and proposed other centres for Manchioneal, Port Antonio and Windsor.

The Early Childhood Section of our education is also receiving attention as Norwich, Windsor, Windsor Forrest and Windsor in Rio Grande are going to be addressed in terms of basic schools. Fencing - security fencing have been done at Manchioneal and Cornwall Barracks.

I have instituted a Steps to Rail Project, given the mountainous terrain of our constituency, and so many steps and rails have been constructed where there was great challenge to our citizens, especially our vulnerable groups, our disabled and indeed, our elderly. (Applause) And so in Shanty Town, in Berrydale, David Lane Port Antonio, Bread Lane Port Antonio, Cemetery Lane Port Antonio, Gully at Cornwall Barracks, have all had their steps and rails established, and we intend to continue that project.

(Applause)

In agriculture, of course we've had our allocations through RADA. We've established a Bee-Keeping Project where we train adults to manage their own business, but much more needs to be done.

An Agro-processing plant is to be established at Millbank very shortly. We continue to encourage the participation of women and young people in agriculture. And the Minister asked us to ensure that there is a 30% increase in bananas, seeing that the UK has now opened up its market. And we are now, through the AIBGA - the All Island Banana Growers Association - intend to continue to expand these products as we continue the path to production and productivity. Our request from the Minister is also to facilitate the global gap certification immediately, so that we can be in tuned with that thrust.

The other niche market agricultural products are also being focused on; for example, coffee, cocoa, coconuts, breadfruits, mangos, ackee and we could go on. We're also strengthening the Bamboo Growers Association going forward. And we intend, through RADA and through the Ministry, to promote new green technologies and to encourage the Minister of Agriculture to strengthen the College of Agriculture, Science and Education, the Premiere Agricultural Academic Institution in the Caribbean, to facilitate greater productivity in Agriculture, and at the same time, create a university town around this Institution.

In Industry and Commerce, we've also invited the Minister of State, and she has come to look at our facilities in Bryans Bay, for refurbishing and resuscitation in order to improve agro processing, cottage industries and even a BPO at that location. (Applause) And we intend to facilitate and make strong representation for the reopening of the Boundbrook Wharf, once our banana production increases to that 30% mark.

There's no doubt that there's also challenges; there's a water crisis as we're all aware, but thanks to the Minister, we are now making strong efforts to confront those challenges.

We intend to continue to attempt to put young people to work. In the next two weeks, the entity that is now charged with business development, the joining up of the JBDC, the MIDA and of course the Self-Start Fund in one entity, we're making good use of it, in the next two weeks to teach our youths the art of business, how to register, business, how to secure loans and how to manage sustainable development.

(Applause)

The Prime Minister has stressed the importance of rural development, sustainable rural development, and so we are stressing the need to be aware of cost capacity building in dealing with our young people who are unemployed, underemployed and at this time even unemployable. And so in empowering our community-based organizations, our youth will be given a new sense of hope as we go through sports and culture, we need a leader who is going to motivate and to mobilize. And so this Government is in place to do just that.

Mr. CHUCK: So why they're not doing it?

Dr. BLOOMFIELD: Sometimes we need to start with the low-hanging fruits, and I've said last year, our Portland Clean Project is one such, where we can not only initiate that kind of hope that should be in our young people who are unemployed, who feel hopeless and helpless, one such thing would be to keep our environment clean and to promote sustainable development.

And so, Mr. Speaker, without saying much more, many other aspects of life have been touched by the constituency and by our representation, and we hope through continued representation, that our constituency will continue to grow, that we will take our rightful place among the community of parishes and that, of course, under the able guidance of this Government and the Prime Minister, that sustainable, economic, political, social and spiritual development will continue to take place to the betterment of this country.

I thank you.

(Applause)

Mr. McKENZIE: Well done!

Mr. SAMUDA: Very good, I hope they will reconsider...

(Inaudible comment)

Mr. SHAW: Nice farewell speech.

Mr. BUNTING: Mr. Speaker, I have permission to speak from a seat other than my own?

The Deputy SPEAKER: Permission granted.

Mr. BUNTING: Thank you.

Mr. McKENZIE: Yu caan talk two time pon di Constituency Debate.

(Heckling)

Mr. BUNTING: 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 Deputy SPEAKER: The question is that there be a suspension of the Standing Orders to allow for notice taken earlier.

Put to the House and agreed to.

The Deputy SPEAKER: Minister.

THE GENERAL CONSUMPTION TAX ACT

Mr. BUNTING: Thank you.

Mr. Speaker, the Resolution which this House is asked to approve is in respect of an Order made under Section 60 of the General Consumption Tax Act, which allows the Minister to amend the Schedules by Order subject to affirmative resolution of the House. The matters in the Order were brought to the House for approval as revenue measures in the 2015/2016 fiscal year, and published in Ministry Paper Number 34/15. The measures were implemented in March, through Provisional Orders under the Provisional Collection of Tax Act. The present Order is proposed to replace the Provisional Orders and make permanent the changes to the Schedules - to the Act.

The GCT Act has three Schedules. The First Schedule contains items which are zero-rated or charged the tax at a nonstandard rate.

The Second Schedule contains items which attracts Special Consumption Tax with the associated rate of tax.

The Third Schedule lists the items which do not fall within the remit of GCT and are considered exempt.

The amendments which are the subject of the Order and Resolution relate to the First and Second Schedules.

Amendments to the First Schedule: This Order proposes to amend the First Schedule to the Act by reintroducing GCT on residential/domestic consumption of electricity above 350 kilowatt hours. The House may recall that this item was recommended to the House on the basis of widening the tax net and reducing distortions in the value added tax system.

In addition, only those households in the higher consumption category would be impacted by the tax. The other amendment to the First Schedule is not a revenue measure, but corrects a discrepancy in the Act, which was created by the deletion of the printed matter item from the exempt schedule of the GCT Act. Printed matter with the exception of religious materials was inserted into the First Schedule at a 2% rate. However, religious materials were inadvertently omitted in the transfer, thereby subjecting it to GCT at the standard rate.

Amendments to the Second Schedule:

The House should also be familiar with a proposed amendment to the Second Schedule, which with a $1.50 increase in the rate of Special Consumption Tax on cigarettes. Cigarettes had last up for the rate increase in 2010.

The other two changes to the Second Schedule relate to increases to SCT on petroleum products. The House may recall the adverse effects of the reduction in oil prices on government revenues. Part of the SCT increase on petrol was also attributable to the need to insure against future contingencies. The oil-hedge programme has sought to reduce the country’s exposure to changes in crude oil prices over the medium term. The programme is funded by the increased SCT

with $5.00 out of every litre or a total of $4.6 Billion this fiscal year, going to fund the initiative.

The other aspect of the increase is not a revenue measure, but a cruise to the Petroleum Corporation of Jamaica, in replacement of a controversial 1% cess that was being levied on petroleum imports by PetroJam. The House is asked to note that this component of the increase in no way affects PetroJam's reference billing prices for petroleum products, as it is replacing a cost that was already accounted for in its pricing.

With that said, Mr. Speaker, I know that the Opposition Spokesman on Finance had very kindly agreed for us to take this resolution, and I commend the resolution to this Honourable House for consideration and approval.

The Deputy SPEAKER: Is there any...

Mr. BUNTING: No.

The SPEAKER: The question is that the resolution be approved.

Put to the House and agreed to.

ADJOURNMENT

Mrs. NEITA-HEADLEY: Mr. Speaker it was intended to have taken - commence the process, the debate on the Civil Aviation Act, having met today. However the Minister had an emergency and so we will have to postpone until the next sitting.

It is therefore not intended to do any further business today and so we ask for the adjournment of the House until next Tuesday, September 15th 2:00 p.m.

The Deputy SPEAKER: The question is that this Honourable House now adjourn until next Tuesday, September 15, 2015.

Put to the House and agreed to.

The Deputy SPEAKER: (Gavels) This Honourable House now stands adjourned.

The House was adjourned accordingly at approximately 3.25 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2015 – 2016

TUESDAY, September 15, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:30 p.m.

PRESENT

THE SPEAKER

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

MEMBERS OF THE CABINET

THE HONOURABLES:

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

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

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

HON. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, Minister of Labour and Social Security

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

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

HON. DAMION ORANDY CRAWFORD, (PNP), St. Andrew, East Rural, Minister of State in the Ministry of Tourism and Entertainment

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

MR. DARYL WESLEY PHILLIP VAZ, (PNP), Portland, 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

PRAYERS

Prayers were offered by Dr. Lynvale Bloomfield.

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

ANNOUNCEMENTS

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

- **Ministry Paper No. 123**
  Cabinet Agenda Issues dated July 27, 2015
- The National Housing Trust (Housing Benefits) (Special Selection) (Perth Housing Development, Phase 1) Order, 2015
- The Provisional Collection of Tax (Licences on Trades and Business) Order (Confirmation) Resolution, 2015
- The Provisional Collection of Tax (Licences on Trades and Business) Order (Continuance in Force) Resolution, 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 11th day of September 2015, Bill entitled: "AN ACT to Amend the Fishing Industry Act" was passed in the Senate with six (6) amendments for which the Honourable Senate desire the concurrence of this Honourable House. The amendments have been circulated.

Signed: Floyd E. Morris,
President of the Senate"

PETITIONS

The SPEAKER: Minister Kellier.

Mr. KELLIER: Mr. Speaker, I now move that the Senate amendments to the Bill entitled: "AN ACT to Amend the Fishing Industry Act" be considered and approved.

The SPEAKER: Is that the wish of the House?

MEMBERS: Aye.

The SPEAKER: So be it.

REPORTS FROM COMMITTEES

Mr. WARMINGTON: Mr. Speaker.

The SPEAKER: Yes, Mr. Warmington, welcome back.

Mr. WARMINGTON: Mr. Speaker, I have been asking this maybe about the 12th time about the resolutions that I brought here that were approved in July 2013; one had to do with flooding in South West St. Catherine and the other had to deal with the - a request to the Government to assume responsibility for roads and those facilities in housing schemes. It was sent - it went to Cabinet and referred to the Minister of Local Government and I have been asking repeatedly what is the status of those two resolutions and the Ministry of Local Government and I just can't get an answer.

You recall that I have been asking repeatedly. The last time when I asked you said I couldn't ask the Minister of Local Government, I should refer it to the House Leader.

The SPEAKER: Yes, correct.

Mr. WARMINGTON: I guess this is an effort to frustrate me or something or frustrate the House.

The SPEAKER: No, procedures, proper procedure.

Mr. WARMINGTON: So I would like to know whether or not...

The SPEAKER: The responsibility for taking the matter to Cabinet lies with the House Leader.

Mr. WARMINGTON: Yes. No, no, I am not saying that you are frustrated with that...

The SPEAKER: Okay.

Mr. WARMINGTON: ...is not being able to get a response from the Ministry of Local Government through the Minister - the House Leader and those are important resolutions. They affect a lot of persons, and the one that has to do with public housing affects every single constituency here.

There are housing schemes in Jamaica that were established 70 years ago, 50 years ago

and when you ask for assistance you are told that those are not the responsibility of the Government. And the House accepted the proposal or the resolution, so I would like to know what is happening in the Ministry of Local Government that a simple issue like those we can't get response from the Ministry, more than two years.

The SPEAKER: Well the Minister of Local Government is here and the House Leader isn't here so I will ask the Clerk to follow up this matter.

Mr. WARMINGTON: Thank you, Mr. Speaker.

There is also another one. This also - Motions numbers 8, 10, 12 and 22 that were approved and accepted by the House on July 29, 2014. One asked for the amendment of paragraph (1) subsection (1) subsection (c) of the Electoral Commissions Interim Act; the other asked for amendment to Section 44 subsection (3) of the Representation of the People Act; the other asked for amendment to 41(a) subsection (1) of the Representation of the People Act; the other asked for amendment to Section 35 subsection (3) of the Representative of the People Act. These were also referred to Cabinet. So I would like to know what is the status of these in that these resolutions they were accepted by the House, referred to Cabinet, I asked for these amendments, and we are hearing this sound of an election coming very shortly, and the purpose of these was to have these amended, you know, that going into an election we can have these amendments to govern what we are doing, because there are basic things we are asking for, serious stuff and it affects the work or the election process on election day. So that's what I have asked for. I don't know if the Deputy House Leader is briefed on it and can tell us something here.

The SPEAKER: House Leader.

Mrs. NEITA-HEADLEY: Mr. Speaker, I am not able to give any further update of this, Member. I will seek to get additional information and report to the Member.

The SPEAKER: Thank you.

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

(MR. RUDYARD CONRAD SPENCER, CD, (JLP), Clarendon, South Eastern, entered and took his seat.)

NOTICES OF MOTIONS GIVEN ORALLY

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

Whereas there are thousands of young people graduating annually from educational institutions; and

Whereas many of these young persons are leaving tertiary institutions owing large sums of monies to the Students' Loan Bureau; and

Whereas these young people are called upon to immediately upon leaving tertiary institutions to begin the payment of these student loans; and

Whereas many parents incurred huge

expenses in educating their children and are now expecting financial support from these young people, some of these educated individuals are forced to return to live with their parents and are again being provided for by their parents:

Be it Resolved that this Parliament call on the Government to immediately establish a special programme geared specifically at providing employment and support for the thousands of students leaving educational institutions annually. (Applause)

Mr. Speaker, I further give notice that at the next sitting of the House I will move:

Whereas the young athletes continue to perform exceptionally well both locally and internationally; and

Whereas these young athletes are only recognized by the Government at the time of their performance or when they return to Jamaica and they are then forgotten:

Be it Resolved that in recognition of the performance of our young athletes, Parliament call on the Government to establish a special programme geared at providing for the further education and welfare of these young athletes.

Mrs. NEITA-HEADLEY: Already in place.

Mr. WARMINGTON: Nutten nuh in place, shut your mouth!

Mrs. NEITA-HEADLEY: Mr. Speaker, on behalf of the Minister of Finance...

(Cross talk)

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

(MR. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, entered and took his seat.)

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

(HON. EVON PATRICK CULLITON ATKINSON, QC, (PNP), Trelawny, Northern, Attorney General, entered and took his seat.)

(REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston, Central, Minister of Education, entered and took his seat.)

(The Speaker gavels)

Mrs. NEITA-HEADLEY: ...on behalf of the Minister of Finance 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 Betting, Gaming and Lotteries (Amendment) Act, 2015".

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. HUTCHINSON: Mr. Speaker.

The SPEAKER: Mr. Hutchinson.

Mr. HUTCHINSON: Mr. Speaker, I beg to give notice at the expiration of 21 days I will ask the Minister of Agriculture and Fisheries the following questions.

Question 1:

Will the Minister state how much coffee was imported by traders during the 2014 season?

Question 2:

Will the Minister state who are the importers of coffee?

Question 3:

Will the Minister state how many persons/companies have export licences?

Question 4:

Will the Minister state who are the Ministry employees who have benefitted from the loans through the Cane Expansion Fund?

Question 5:

Will the Minister state if any of these persons are first-time cane farmers?

Question 6:

Will the Minister state if any of these loans are outstanding?

Question 7:

Will the Minister state how many managers and board members have received loans from the National People's Co-operative Bank of Jamaica (NPCB)?

Question 8:

Will the Minister state if the NPCB is in receivership to the Agricultural Credit Bank?

Question 9:

Will the Minister state how much money has been unaccounted for?

Mrs. NEITA-HEADLEY: Mr. Speaker, just to indicate that the incorrect title was given to you before.

(*Sotto voce* remarks by Mr. Charles)

The SPEAKER: Hold on, hold on. (Gavels) Mr. Charles, Mr. Charles, work with me, work with me.

Mrs. NEITA-HEADLEY: Can't hear you, man. Listen, listen!

The SPEAKER: House Leader.

Mrs. NEITA-HEADLEY: Mr. Speaker, I gave you the wrong title earlier. It should read - should have read a first time a Bill shortly entitled, "The Casino Gaming (Amendment) Act, 2015".

PUBLIC BUSINESS

Mrs. NEITA-HEADLEY: Mr. Speaker, at Public Business today we will commence the debate and take through all its stages, if possible, the Bill entitled, "AN ACT to Amend the Civil Aviation Act", which will be carried by the Minister of Transport and Works. We will also continue the State of the Constituency debate. We'll take presentations from the Honourable Arnaldo Brown MP, Mr. Hugh Buchanan MP, Dr. Kenneth Baugh MP, Mr. Keith Walford MP, Mr. Dwayne Vaz MP and Mr. Joylan Silvera MP. Mr. Speaker, it is also intended to commence the debate on Private Member's Motion No. 38 regarding the role and responsibility of backbenchers.

The SPEAKER: Dr. Davies.

(Applause)

THE CIVIL AVIATION AMENDMENT ACT

Dr. DAVIES: Thank you very much, Mr. Speaker.

Mr. Speaker, this is a very simple amendment.

(Cross talk)

The Civil Aviation Authority is a statutory corporation which was established under the Civil Aviation (Amendment) Act of 1995 and became operational in May 1996. The Civil Aviation Authority's principal role is to regulate Jamaica's aviation industry including *inter alia*, flight safety, air navigation services and the licenses of airlines.

In terms of the composition of the Authority, the Act of 1995 stated the Authority shall consist of the Director General of Civil Aviation who shall be an *ex-officio* member and not less than six nor more than eight other members as the Minister may appoint. Mr. Speaker, over the years the range of responsibilities for the Authority has increased. This has come about both with the growth of the industry in Jamaica as well as in terms of the increase in the demands of the global civil aviation community and the requirements of the International Civil Aviation Organization (ICAO) and hence the workload of the JCAA has increased. What the Authority has sought to do is to appoint several subcommittees but now the range of activities has meant that virtually some of the - the Chairman, for example, virtually works fulltime in trying to carry out all the different activities, both local as well as our international commitments.

Consequently, Mr. Speaker, the Authority came to me and proposed that the number of members should be increased and this is the whole purpose of this Board whereby the number of members of the Board will be increased from nine to twelve inclusive of the Director General of the Authority. So all we are seeking here is approval of this simple amendment to increase the number of the members of the Board of the JCAA from nine to twelve members for the reasons I have indicated, and I simply asking the House to vote in support of this amendment.

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

The SPEAKER: Mr. Henry.

Mr. HENRY: Mr. Speaker, unfortunately I have to, on behalf of the Opposition, disagree with the Minister that this is a simple matter. From the Opposition's point of view there are a lot of issues that would have to be explained as to the status of where we are. I'm a little surprised, for instance, that the Minister - because what are we speaking to here is it an admission of failure of past and present Boards? Is it because we failed to balance the Board of Directors? Because the timeliness of the amendment, Mr. Speaker, comes at a time when the airport/airspace in Jamaica has been shutdown on two occasions.

Air safety is perhaps the most important element of a development and growth plan. So I think the Minister should have come more prepared to advise us as to why you're adding without also looking in more detail at the structure. What are the serious implications

here? We are all aware of the restlessness of the Air Traffic Controllers; we're all aware - and I will equally speak the Minister is a Member of Cabinet - we're aware that the radar issue that exists now is a very, very, very, serious and important one. For instance, the delays in arriving and installing the radars speaks to the emergency attention being given by the Government to this very serious area of our transportation network. It begs who is responsible for where we are?

As I hold in my hand and I speak to the issues, we must remember how we got to this point to begin with, the great expenditure on the development and expansion of airports. When we inherited the Government in 2007 we inherited the privatization of the Sangster [International] Airport. We inherited a large expenditure that was carried out on the Norman Manley [International] Airport and might I remind the public that, for instance, we inherited at that time or the public should be reminded that a company called Qbierto y Formento made a mess of the runaway, which is still not RESA qualified. That company, Mr. Speaker, was followed by another company and I daresay if we remember we imported stones from Canada. All of that cost us a tidy sum till Peel came along to rectify some of that and they are known for the North Coast expansion where they spent 80 per cent of the money but only 20 per cent of the work was done when we became Government.

I had spoken about this matter in a press release and I haven't seen a response about where we are today. And we are here today, Mr. Speaker, because of the Board's responsibility not being addressed as is admitted to by the Member - Minister, because as I speak what is the Board structure right now? For instance, on the Board how many members of the present Board have any aviation experience? What has happened to the Risk Management study that was done from March, which related to the issues we are facing where the radar equipment is not being properly serviced? The procedures are not in place to look into the different methods to keep the airport open, and with new radars being manufactured and all not to be completed till 2017. We have twenty months in which we have to carefully manage the administration of the airport for the safety of passengers. I would have hoped the Minister will be able to answer those questions. I hope he would speak to the fact that the very last two weeks laid on the table is the Cabinet Agenda Issues and I read:

> *"Variation to contract for the provision of project management and client advisory service in connection with the design, construction, the equipping of the air traffic control towers at the Norman international and the Sangster International Airport*"

where Cabinet approved [$353,515,033.00] (sic) as a new contract to erect something for a contract that we signed from 2010.

Four years and nothing much has been done in order to ensure that the airport is properly administered and properly run. So I don't see it as a simply method of extending - I don't know if it's jobs for the boys, but certainly the Minister could sort of come and

equally tell me what are the categories that he's trying to fill against the background of all of these very quick things that I have picked up in the last couple of weeks?

Mr. Speaker, we need to address these matters very urgently. In going forward what are the procedures to manage and balance the administration of the airport? I have to congratulate some of the Air Traffic Controllers because they are working under serious issues that need to be addressed. Mr. Speaker, the monitoring, for instance, of the engineering section of the installation. There's a large transformer that is being placed close to water. The transformer that was brought in is for cooler climates and not for the hot climate we have here in Jamaica. So the Minister should have come here to tell us how he's going to address the deficiencies in the structure by these appointments? How are they going to be manifested in protecting the taxpayers, but more importantly equally to be able to assure the safety of persons travelling?

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

Mr. Speaker, the previous Government spent millions in developing the Norman Manley [International] Airport. When we became Government they had spent all of this money despite the main road sinking below the sea level. We had to build the shoreline protection in order to protect that investment. And if the present radars that are being put in place are not meant to accommodate a developmental plan of the airports then we're in serious trouble, because my understanding is these radars are not, for instance, accommodating the concept of Vernamfield. As I speak, as I said, there's a frequent breakdown because of the quality of what is being installed.

I would have thought that this would have fitted into a national airport policy and if they have changed the one the JLP was putting in place then certainly they should come up and tell us what is that plan? Is this Board of Directors and expansion meant to accommodate a new development in air services agreement? Is it tied to open skies and the development plan which must mean the growth of the country that would equally speak to the development of an airport of Norman Manley which we have spent that money to build it to take 6 Million visitors? It is now only doing 1.4 Million. If it was to grow to 6 Million it would not mean ten flights a day but probably a hundred flights a day, and we still have not addressed the RESA expansion to protect the runway for the length for which the economic - and I assume the logistics is still part of the development. That would mean more movement of cargo and persons.

(HON. EDWARD RICHARD AZAN, (PNP), Clarendon, North Western, Minister of State in the Ministry of Transport, Works and Housing, entered and took his seat.)
(MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern, entered and took his seat.)

The SPEAKER: Mr. Henry, you are all over the place now.

Mr. HENRY: Pardon me.

Dr. DAVIES: He is landing nowhere.

Mr. HENRY: Is landing to the inefficiency of the Minister of Transport and Works, his inability to administrate on it and to ensure that the Board of Directors is so structured that it implements the projects in the interest of the people of Jamaica and protects the foolish expenditure that takes place without a long term development plan.

If indeed you are asking me to get jobs for the boys, add three more directors without knowing what categories they are going to fall in, what is the role they are going to do, and as he says, also ask the Director General not to work for seven days a week, 24 hours a day. Mr. Speaker, it is that kind of thing that has created the lack of development in this country. And I will reserve the right to defend that in term of an administrative position and from the opposition point of view.

So where am I going? Let the Minister tell me what is the qualification for these appointments he is going to make to the Board? Is there room for worker representatives on that Board? Is there engineering and aeronautical experience in the structure of the people within? What are the terms of reference to appoint the people who must protect the country and the developmental plan? And where is the - how is that fitting into the long term plan of all the airdromes in Jamaica?

The SPEAKER: Mr. Jackson.

Mr. JACKSON: Thank you, Mr. Speaker. My question is very brief in keeping with the Memorandum of Objects and Reasons of the Bill. Where the number of Directors, Board Directors are being increased from 8 to 11, my question is simple Minister. Will any of the additional members be worker representative as I understand none is now? And Mr. Speaker, I will encourage the Minister, if he had not so considered to so do in the increase of the Membership - to be increased.

The SPEAKER: Dr. Davies.

Dr. DAVIES: Mr. Speaker, the Opposition Spokesman, give a wide-ranging presentation on several issues none of which is germane to the matter of increasing the number of persons.

(*Sotto voce* comments by Mr. D. Smith)

Dr. DAVIES: We could have a long discourse on it, a multimodal presentation. But I found it astounding that he would see the expansion in the number of board Members to creation of quote: **jobs for the boys.** These people aren't paid, these people aren't looking something for their CV, and Mr. Speaker, this matter is one, I have been very careful not to take on some of the wild statements, some of which have just been repeated, which have banded about in recent times. I have carefully checked in terms of when equipment was ordered whether we have been meeting the international standards and perhaps I should present a full report to Parliament in that regard. But let me assure the public that my checks with the relevant authorities, both

locally and externally confirmed that we continue to meet the international regulatory requirements.

And let me also say, in speaking about the fact that action, industrial action has been taken on two occasions is that this administration is not going to tolerate the abuse of the Essential Services Act....

(*Sotto voce* comments by Mr. D. Smith)

Dr. DAVIES: I will not say anything more than that but abuse….

(*Sotto voce* comments by Mr. Chuck)

Dr. DAVIES: Well, there are persons who are required to abide by the regulation, by the Act, but are finding ways of putting our air-traffic services in jeopardy, and this will not be tolerated.

Mr. CHARLES: Are you closing?

Dr. DAVIES: Yes, I am closing, alright go ahead…

(*Sotto voce* comments by a Member)

Dr. DAVIES: No, he is alright, but as long as it is brief.

Mr. CHARLES: Well maybe what I should ask you to do is to withdraw so that I could make a comment.

Mr. WARMINGTON: Yield.

Mr. SHAW: On a point of clarification.

Mr. CHARLES: Yield. Minister, to come here to threaten Civil Aviation workers is not the right way.

Dr. DAVIES: What is that?

Mr. CHARLES: To threaten Civil Aviation workers is not the right way because governments have not been providing what the Civil Aviation workers need to do their jobs.

Dr. DAVIES: Is that a statement of fact?

Mr. CHARLES: It is a statement of fact.

Dr. DAVIES: Based on what?

Mr. CHARLES: Based on what is exposed by them that they don't have to do their jobs. So if they don't have what is needed to do their jobs and they withdraw, don't come here to threaten them, you are to work with them...

Dr. DAVIES: I don't need a lecture from you.

Mr. CHARLES: …you are to work with them to make sure that they get what is needed to do their jobs. It is a very important job and we all know that. And we will back you if you seek from the Government as a Minister what is needed to have a proper civil aviation operation internationally accepted with lives that they have to protect. So don't come here to threaten them, come here to work and seek cooperation to work with them.

Thank you very much.

Dr. DAVIES: Yes, Mr. Speaker, I don't intend to get into this because it is clear there is an attempt being made to exploit for obvious objectives the matter of the industrial relations.

I have checked, I have personally checked with the relevant - the Board in terms and I have asked for a clear statement as to what are the actions which have been taken to ensure that the services being provided by the Civil Aviation Authority are consistent with the requirements of all our international obligations and consistent with providing those who utilize the services with the maximum protection. There have been

irresponsible statements which have been bandied about; I have chosen deliberately not to dignify them with a response because this would simply give legs to it.

Mr. Speaker, there are several other issues raised, the representatives - the Opposition Spokesperson has spoken on a range of matters, there is no truth in the assertion that the radar is not - the radar equipment which is being installed is not consistent. There are statements about meeting the requirement of - the recent requirements. Let me just indicate that there is a privatization process which is far advanced and by - within a year Norman Manley International Airport will be operated by a private entity. And a critical requirement of all being considered to become the concessionaire is that these requirements will be met. This is just like in the instance of Norman - Donald Sangster Airport; this will be in private hands. Yes, sir.

Mr. SAMUDA: You have just made mention of the divestment of the Norman Manley. Could you advise as to whether or not bids have been submitted, in other words, beyond expressions of interests, but if bids have been submitted are now being considered?

Dr. DAVIES: Bids have not been - there is a timetable which I will make available to you, and they are maintaining - they are adhering to the timetable. I believe bids will be submitted in October/November. They had been brought out to examine the facility *et cetera* which it is a necessary pre-condition before they actually submit bids. But we are on schedule with the timetable.

So, Mr. Speaker, if I may return to the essence of the amendment....

(*Sotto voce* comments by Mr. D. Smith)

Dr. DAVIES: As soon as they have fixed some - the working...

(*Sotto voce* comments by Mr. D. Smith)

Dr. DAVIES: Yes, they have started.

But, Mr. Speaker, as soon as the full schedule is available in terms of the privatization, I will make this available. But as regards what we are trying to do here this afternoon, is to allow the Minister the authority to increase the number of board members from the present.

Now a question has been posed as to will it include a worker representative? It is under consideration but I am not at this stage able to give you a definitive response, and I have heard your recommendation in this regard.

Mr. Speaker I think – I was just looking at the points raised. I assure you that I am not here trying to threaten any worker; all I am here to assert with your support is that persons must observe the rules of the Essential Services Act. And whatever can be done, and I may speak to one issue. One of the issues raised by the Air Traffic Controllers or their representative is that they should be paid consistent with what is being paid in other areas.

(*Sotto voce* comments by Mr. D. Smith)

Dr. DAVIES: That is not true, that is not true. But there are many professionals in Jamaica who could make a similar claim. There are many professionals who could make that similar claim and one has to recognize that within a society there are certain rules

which obtains in the society and if you pull out any particular group to be treated in a different way…

(*Sotto voce* comments by Mr. D. Smith)

Dr. DAVIES: We are open to negotiation, but we are not open to blackmail, we are open to negotiation but not to blackmail okay.

(*Sotto voce* comments by Mr. D. Smith)

Dr. DAVIES: Yes, and I am doing this deliberately, I am doing this deliberately.

So, Mr. Speaker, on this basis I ask that this amendment be approved by the Parliament.

The SPEAKER: You want to ask for second reading, Minister?

Dr. DAVIES: Mr. Speaker, on that basis, I ask for second reading of this Bill.

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 Civil Aviation Act",

read a second time.

The SPEAKER: The House will now resolved itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

The CHAIRMAN: Yes, Minister is there any amendments/corrections?

Clauses 1 and 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 the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage without any amendment.

Dr. DAVIES: Mr. Speaker, I now ask that the Bill be read a third time.

The SPEAKER: The question is that the Bill be read a third time.

Put to the House and agreed to.

Bill entitled:

"AN ACT to Amend the Civil Aviation Act"

read a third time and passed.

(Applause)

CONSTITUENCY DEBATE

The SPEAKER: Mr. Brown.

(Applause)

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

Mr. CHUCK: Mickey, ask him if he's still on his cell phone.

Mr. BROWN: (Laughs) I won't be distracted by you.

Mr. Speaker, it's a pleasure to stand here and to participate in this Constituency Debate for the very first time, and I want to thank the Members of my constituency whose vote it is

that have brought me into this Honourable House.

I also want to recognize the presence of members of my constituency who are in the Chamber. I'm aware that the Councillor for the Portmore Pines Division is present, Councillor Claude Hamilton and I also think that the Councillor for the Gregory Park Division is here, I'm not seeing very clearly, and I also want to recognize the Principal of the Cedar Grove Academy...

(Applause)

MEMBERS: Well done! Well done!

Mr. BROWN: ...and also Mrs. Wylie from the Gregory Park Baptist Church, and I will speak a little about these two institutions in this presentation.

Mr. Speaker, the constituency of East Central St. Catherine is a new constituency, having been established in December of 20 - or in the year 2011, and therefore it is only four years old.

Notwithstanding that fact, Mr. Speaker, the constituency comprises areas that were in other constituencies such as South East St. Catherine, South St. Catherine, South Central St. Catherine and those communities would've been of longstanding. Therefore as the first Member of Parliament to be elected in that seat, and the first Minister of State to be appointed in that seat, I would've inherited a number of challenges and issues from other areas.

But I'm happy to report, Mr. Speaker, that in the very short four years that I've been Member of Parliament, more than approximately J$3 Billion have been spent in the constituency, seeking to upgrade and to address the various infrastructural challenges of the...

Dr. DAVIES: How much billion?

Mr. BROWN: I am going to come to that.

Dr. DAVIES: Okay, okay.

Dr. SPENCER: Three Billion?

Mr. BROWN: Three Billion Jamaican Dollars, Mr. Speaker.

Dr. DAVIES: You get more than that.

Mr. McKENZIE: US Dollars?

Mr. BROWN: Jamaican Dollars.

Mr. McKENZIE: No! No! Mi get $1 Million.

Mr. BROWN: Mr. Speaker, in seeking the nod of the people of East Central St. Catherine, I produced a manifesto. And based on that manifesto, we got a mandate from the people to focus on the critical areas and the key areas of sports, housing and infrastructure, education, employment including economic enablement and training.

On the matter of sports, Mr. Speaker, I'm happy to report that $24 Million was spent under the Sugar Transformation Initiative, to refurbish the Lime Tree Grove and Lakes Pen Sports Complex, putting in a number of amenities in that area. The pitch was upgraded, changing room added, a mobile police post, a multipurpose sport was also put in and spectator stands, Mr. Speaker that could host about a thousand spectators, transforming that area and giving opportunities to young people. (Applause)

Mr. André HYLTON: Working! Working!

Mr. BROWN: I want to take this opportunity to pay tribute to the late Minister Roger Clarke, because it is under his watch that this was made possible. (Applause)

Mr. Speaker, a second project that we did in seeking to address the issue of sport, and in this particular context, Mr. Speaker, our objective was to address the infrastructure that was lacking in the constituency. With the aid of the Government and the people of New Zealand through a small grant of CAN$20,000, we were able to establish the Hamilton Gardens Cricket Oval and have spent in total up to now, $7 Million on that facility, and it is a facility that we'll continue to spend money on. And Minister Omar would be pleased to hear that some of the money spent on that facility was also out of the JEEP funds.

Mr. Speaker, in terms of youth engagement, we committed to establishing a marching band, and I'm pleased to report that from the CHASE Fund we were able to secure $2 Million to purchase well needed equipment and we do have a band that is in place and keeping young persons engaged and active.

On the issue of housing, Mr. Speaker, I am happy to report that the Minister of Transport, Works and Housing has initiated the first housing development in East Central St. Catherine, and that is in the Bernard Lodge area where 61 one bedroom units and 276 studio units will be built in Phase 1 of that project, which is a larger project that will impact three constituencies in that particular area.

Mr. CHARLES: Built by who?

Mr. BROWN: Mr. Speaker, under the...

Mr. CHARLES: Government?

Mr. BROWN: Yes!

...under the JEEP Project, we were able to move into the communities of Newlands, Daniel Circle, Portmore Terrace, Adventist Close, Power Avenue; and we spent $29 Million there removing zinc fences and improving the aesthetics of that community, Mr. Speaker, to the benefit of the residents in that area.

Mr. Speaker, as I indicated earlier, although the constituency is four years old, prior to its establishment there were existing communities such as Watson Grove and these communities had serious infrastructural challenges, particularly as it relates to road. And I'm happy to report that through the Ministry of Transport, Works and Housing through the JEEP Project, we've been addressing some of these road challenges. The most recent is the repair to Dippa Avenue where $3 Million was allocated for that project. And through the Ministry of Transportation, Works and Housing, we're pleased to report that the Christian Pen main road is currently being serviced and resurfaced with patching taking place. (Applause)

But, Mr. Speaker, of all these interventions that have been made, I think that the Cottage Drive road is one of the most important, because this road has been in a state of disrepair for more than a decade and currently this road has been repaired to the tune of $17 Million and I'd like to signal my appreciation to the...

(Inaudible comment by a Member)

Mr. BROWN: Cottage Drive, that's in Gregory Park.

...Minister of Local Government and Community Development, Minister Arscott, who made this possible. (Applause) And I also want to express congratulation to the Councillor for the area, Mr. Oral Gunning who was also very instrumental in ensuring that this road was repaired. (Applause) I'm pleased to advise, Mr. Speaker, that we also supported the repair of this road with committing $1 Million from our JEEP allocation to ensure that the road was completed as best as possible.

Also, Mr. Speaker, an important service road in the constituency is the Lakes Pen service road. For those of you who are familiar with Portmore, you know that when you exit the Dyke Road and you take a left or right onto the parallel road beside the Highway 2000, that road services the industrial belt along the Spanish Town bypass, but on the rear of that bypass. This road has been repaired to a tune of $56 Million, and again I want to say thank you to the Minister of Transport, Works and Housing who has made this possible, and also Minister Azan, who has toured the constituency on a number of occasions and as a result of his tour, these roads are now being addressed fully.

Mr. Speaker, in relation to the Port Henderson Road, many persons would be aware that that road was in a state of disrepair as a result of damage by flood rains. And I want to say that immediately upon becoming Member of Parliament I made representation to Minister Omar Davies, who made available $100 Million not only to repair this road, but to also do river training. And this road services both myself and my colleague from South St. Catherine, and we were able to repair on both sides of the constituency. And again we want to express gratitude to the Minister of Transport, Works and Housing. (Applause)

Mr. Speaker, you know, prior to taking the tour, the Member from South West St. Catherine made reference to a Private Member's Motion that is in this Honourable House and that has been directed to the Minister of Local Government and Community Development. And I must say that as a Member of Parliament I am sympathetic to the particular submission, because I have in my constituency, communities that are not yet handed over to the parish council. Some of these communities were joint venture communities with Government and private persons who, essentially, have short-change the residents and there is an absence of adequate road infrastructure in these communities and it is creating a problem for the Local Council; it is creating a problem for Members of Parliament and it is my view that the Central Government should lend some support in relation to rehabilitating these roads. And I speak to communities like Cedar Grove; I speak to communities in my constituency that are experiencing this challenge, and I would certainly urge us to address this matter as a matter of urgency.

And in that same breath, Mr. Speaker, I want to again thank the Minister of Transport, Works and Housing, because one such

community was able to address all the roads in those communities and that is the Lime Tree Grove community where we spent $5 Million. And I'm pleased to say that there's not one pothole in that community right now as a result of the work that we've done in that community. (Applause) We want to replicate this in other communities that are having these challenges, and we believe that it is important for us to take charge of this situation in the interest of the residents.

Mr. Speaker, I could not address this House without making reference to the Soapberry Project, which impacts the wider Portmore. This is a project having to do with the improvement of sewage disposal and treatment; this is a project that is valued at J$2.3 Billion. And I want to say thank you to the Minister of Water, Land, Environment and Climate Change, for this very important project... (Applause) ...because it will enhance the environment in the area and it will also deal with the longstanding challenges of proper sewage disposal for Portmore. So in my particular constituency...

Mr. McKENZIE: Victimization!

Mr. BROWN: In my particular constituency, Mr. Speaker...

Mr. McKENZIE: In a three years yuh get $3 Billion.

Mr. JACKSON: Be careful! Be careful!

Mr. BROWN: ...Independence City Treatment Plant, the Hamilton Gardens Gas Station, the Portmore Villa and the Pier 1 Gardens...

(Cross talk)

(The Speaker gavels)

Mr. BROWN: ...communities will be impacted by this project. But more importantly, over three - over 200,000 residents of Portmore will be impacted by this important project.

(Cross talk)

Mr. Speaker, in the same breath, I want to draw attention to the Water Improvement Project. I know that Minister Pickersgill has come under a lot of pressure, but the reality of the situation is that in the Portmore area he has embarked on major infrastructure upgrade in relation to water, and $1.2 Billion has been spent in Portmore to improve and upgrade the water supply chain there and for that we're grateful to the Minister, Mr. Speaker.

Mr. Speaker, I could not address this House, Mr. Speaker, without making reference to education, and here I want to thank the Minister of Education, Minister Thwaites, for the establishment of the Cedar Grove Academy in the constituency of East Central St. Catherine, which is another spend of J$660 Million, Mr. Speaker.

(Applause)

Government MEMBER: Well done, well done.

Mr. BROWN: And we are quite pleased, Mr. Speaker, to have in the House the principal of this very important institution which is supposed to be a Centre of Excellence and has already began to make its mark on the education system here in Jamaica and in the constituency.

Mr. Speaker, one of the things that I have attempted to do as Member of Parliament is to ensure that whatever is happening at the

global level in terms of our national policy is replicated in the constituency and in this regard, I am pleased that we have the tablets and laptops in school programme in the constituency of East Central St. Catherine where the Cedar Grove Academy has over 400 laptops and we were able through donation from the people and the government of Chile, to place laptops in the Independence City Primary School, and I want to thank the Minister of Science, Technology, Energy and Mining, for that, Mr. Speaker.

(Applause)

Mr. Speaker, employment has been a critical issue in Jamaica, and I want to say that the JEEP has been very active in East Central St. Catherine and through that project we have been able to employ over 3,000 persons over the last three years on a range of projects: sidewalks, fence removal…

Mr. CHARLES: Employ? Two day work you call employ? Two day work? $1,600 a day?

(Heckling)

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

Dr. DAVIES: Mr. Speaker, I ask that the Member's time be extended by the maximum.

(Heckling)

The SPEAKER: Five minutes.

(Heckling) (Laughter)

(The Speaker gavels)

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

Motion put to the House and agreed to.

Mr. BROWN: Thank you very much.

The SPEAKER: Hold on Mr. Brown. Mr. Charles and Mr. McKenzie.

Mr. McKENZIE: I am not doing anything, so how you calling my name, sir?

The SPEAKER: Let us hear the Member's presentation. It's a constituency report. All of us are entitled to that privilege.

(Heckling by Mr. McKenzie)

All of us are entitled to that privilege.

Mr. CHARLES: Mr. Speaker, I am just asking the Member something, that he said he had $3 Billion and another $2 Million, to tell me whether it is $3 Million plus the $2 Billion make $5 Million or the 2 Billion is with the…

Dr. DAVIES: The answer is $5 Billion.

Mr. CHARLES: Five Billion.

The SPEAKER: That's not how you ask…

Mr. CHARLES: We have a water thing for $2 Billion.

The SPEAKER: Mr. Brown.

(Heckling)

Mr. BROWN: Thank you, Mr. Speaker.

Mr. Speaker, I said that approximately $3 Billion was spent in my constituency…

Mr. CHARLES: Run with it.

Mr. WARMINGTON: But it's not showing.

Mr. BROWN: …and I want to outline the various projects under which the funds have been spent, Mr. Speaker, so the Member can check with **Hansard** if he didn't hear me very clearly.

So Mr. Speaker, I want to also indicate that in the area of training, that we in East Central St. Catherine have established three community access points, one at the Victory

Open Bible Church, one at the Tent City Seventh-day Adventist Church, and one at the Gregory Park Baptist Church, and here, Mr. Speaker, I want to specially mention the Gregory Park Baptist Church, which has a programme of training young people in the constituency who may have fallen through the educational system, and they have enrolled over 600 students per year that they don't charge a cent, and they have 40 volunteer teachers on staff and I think that this is a very important initiative in the constituency of East Central St. Catherine that we have identified it. (Applause)

I also want to express gratitude to the people and the government of Japan, Mr. Speaker, where we were able to fund 80 persons with disabilities in training and draw down J$5 Million to implement that training programme, Mr. Speaker. Over the three years we have spent in excess of $23 Million in back-to-school support, Mr. Speaker, we have given scholarships for persons wanting to become netball coaches, and we have 170 students who are enrolled in the Unattached Youth Programme in East Central St. Catherine and train 290 persons, Mr. Speaker, in the Logistic 101 Course, because we believe in the Logistic Programme and we want to ensure that the residents of East Central St. Catherine are ready and able to take up the opportunities when the Logistic Hub becomes operational.

(Applause)

Mr. SAMUDA: Member, Member, may I ask you to yield? Without compromising his time, could you, before you close indicate where the $25 Million in three years came from for the back-to-school?

Mr. BROWN: Mr. Speaker, those funds are primarily from the CDF.

Mr. SAMUDA: The CDF for the three years is 45?

Opposition MEMBER: Fifteen.

Mr. SAMUDA: Is $15 per year $45 Million, are you telling us that you have spent more than one-half of your CDF on back-to-school?

(Heckling)

Mr. BROWN: Mr. Speaker, in addition to the CDF, clearly there are contributions and donations that would have been made to the Back-to-school Programme which the Member is very much well aware of.

Mr. SAMUDA: But, Mr. Speaker, from where?

Mr. BROWN: But in my particular instance, in my particular -

Mr. SAMUDA: What is the source? What is the source of the money?

Mr. BROWN: No, but I don't need to do that.

Mr. SAMUDA: What is the source of the money is what I am asking.

(Heckling) (The Speaker gavels)

Mr. JACKSON: No, no, he can't do that. This is not Committee.

The SPEAKER: We don't operate like that.

(Heckling)

This is not a Question and Answer.

Dr. DAVIES: Mr. Speaker, I would like to crave your indulgence. The questions are eating away at the Member's time…

The SPEAKER: No, his time will be…

Dr. DAVIES: …so I'll certainly wish him to have his five minutes.

The SPEAKER: His time will be compensated.

Mr. WARMINGTON: No, no!

(Heckling)

The SPEAKER: This is a presentation that the Member is making it's not a Question and Answer period.

Minister Brown.

Mr. BROWN: Mr. Speaker, since he went down that road…

The SPEAKER: No, no, no!

Mr. JACKSON: Don't let him lead you down that road.

Mr. BROWN: No, no, no, that's all right. Since he went down that road, Mr. Speaker, let me just point out that in my constituency of East Central St. Catherine, during the course of this summer we had what was called Camp Summer Plus which was a US$250,000 project islandwide but a segment of it was held in the constituency of East Central St. Catherine where Grade 9 students were put through literacy and numeracy programmes, and as I said, Mr. Speaker, there are contributions that are made from persons, well-wishers, people who live outside of Jamaica overseas, in relation to the Back-to-school Project, Mr. Speaker. So there is no doubt in relation to where the source of the funds come from.

(Heckling)

But, Mr. Speaker, I just want to point out that this is a Member of Parliament….

(The Speaker gavels)

…who has been working, working, working for the people of East Central St. Catherine…

(Applause by Government Members)

….that have a platform to stand on going forward and will remain the Member of Parliament in the next term.

Thank you very much, Mr. Speaker.

(Applause)

(Heckling by Mr. Warmington)

The SPEAKER: Mr. Warmington, not in here, not in here. Not in here, not in here.

Mr. WARMINGTON: You are all hypocrites because you talk behind his back. They are hypocrites.

The SPEAKER: The Member from South West St. Elizabeth, Mr. Hugh Buchanan.

Mr. WARMINGTON: They are hypocrites.

(Heckling by Opposition Members)

The SPEAKER: Mr. McKenzie, behave yourself.

Mr. McKENZIE: Mr. Speaker, I am sitting down here and you calling my name, Mr. Speaker. I am not doing anything.

The SPEAKER: It was a mistake, a mistake.

Mr. McKENZIE: Oh, well please to correct that for the records, Mr. Speaker. Please.

The SPEAKER: It was Mr. Warmington I was addressing.

Mr. Buchanan.

(Applause by Government Members)

Mr. WARMINGTON: Saved by 14.

Mr. SHAW: Him going to sink by 13 and barely hold on to the delegates by 14.

(Heckling)

Mr. H. BUCHANAN: Trending upwards.

(Heckling) (The Speaker gavels)

Mr. WARMINGTON: Saved by 14.

Mr. H. BUCHANAN: Mr. Speaker, good afternoon Members, let me firstly thank the Lord for providing me with the health and strength and the opportunity to speak in this noble House and present on the state of the constituency of South Western St. Elizabeth. Let me thank the constituents for having elected me to be their Member of Parliament in December 2011…

Mr. WARMINGTON: You trick dem.

Mr. H. BUCHANAN: …and I am sure that when they listen to today's debate they will be assured that work has indeed been taking place in our beloved constituency.

Let me acknowledge, Mr. Speaker, the presence of my mother, Mrs. Dorothy Buchanan….

(Applause)

…who is sitting in the Gallery, and other friends and family who are here to listen to me today.

As it is, Mr. Speaker, I will start with education and training as I make my report. We have had construction of a new classroom block at the Crawford Primary School through the help of the Jamaica Social Investment Fund as well as basic schools in New Town on West Street. Other than that basic school through the Food for the Poor and Helping Hands Jamaica, I was able to as Member of Parliament, build an additional five state-of-the-art basic schools in the constituency of South West St. Elizabeth. These basic schools include what was formally called the Arlington Basic School, Knoxwood Basic School, Williamsfield, and Lewis Town Basic Schools. The Mountainside Basic School in collaboration with JSIF and CHASE was done as one of the Jamaica 50 legacy projects, and we want to thank everyone that was involved in that project, the basic school is indeed a state-of-the-art institution.

The former Arlington Basic School was put on the premises of the Fullerswood Primary School, Mr. Speaker, and the Ministry of Education saw it fit to upgrade that basic school from just being a basic school to the Fullerswood Primary and Infant School. So it's now an infant department of the Fullerswood Primary School, and I believe that that is moving in the right direction so that the kids there at Arlington can get access to good quality early childhood education.

From my constituency development fund, Mr. Speaker, we have been able to give GSAT scholarships to the top boy and top girl in each of the 19 primary schools in South Western St. Elizabeth. They have gone on to the high schools and the contribution from the Constituency Development Fund has gone directly to those schools to either help the students with their tuition fees or with books.

Mr. CHARLES: Unuh not clapping?

Mr. H. BUCHANAN: We have constructed, Mr. Speaker, at the Brompton Primary School, well we implemented and put in new toilet facilities at that school. I got a call one Friday evening, Mr. Speaker, and I understood that the school had gotten a visit from the Health Department and by Monday

morning we were able to have four new toilet bowls put in to the school, doors repaired and roof repaired to the toilet facilities so that the Health Department didn't have to close down that school. That is quick representation by the Member of Parliament.

(Applause by Government Members)

Mr. WARMINGTON: That's good plumbing, good plumbing work.

Mr. H. BUCHANAN: The Newcombe Valley Primary School was also a recipient of new toilet facilities. It used to have pit latrine, Mr. Speaker, and I partnered with some good folks from down in the constituency: 21st Century Supermarket, Junction Building Depot, Pedro Cross Building Depot, and other hardwares around the constituency, and we were able to complete a brand new sanitary convenience for the students there at Newcombe Valley Primary School, to a total of J$ 1.5 Million.

We have given black water tanks to Black River Primary School, Vineyard Early Childhood Institute, and we also, Mr. Speaker, helped with the sporting aspect of the kids' development. We provided gears for the Black River Primary School, medals for their sports day, and contribution of funds to sport programmes at Brompton Primary School, in collaboration with the Donald Buchanan Foundation. We also gave a sport scholarship to a student at the Fullerswood Primary School, who was not only achieving well in his academics, but was also doing well in the field of sports.

Before the GSAT examinations this year, Mr. Speaker - I believe that this, although doesn't carry a monitory value, I went around to several schools, especially in the Brompton division: Brompton, Fyffes Pen, Crawford - some of the schools that I went to, and gave motivational speeches to the students. And I believe that that also helped them to settle their fears and to go through and accomplish their goals in the GSAT examinations.

Moving on, Mr. Speaker, in terms of infrastructural development - and I believe that this is where, as Member of Parliament, I have done a whole lot to be proud of. We have done the major road construction of the Dalintober to Fustic Grove Road to the tune of $89 Million, Mr. Speaker, (Applause) major repairs to the Shrewsbury Road, Mr. Speaker, through JEEP Phase III, major repairs to Brompton Lane Road through the assistance from the Ministry of Local Government, and with help in terms of representation, from the Councillor for the Brompton Division, Sandra Whyte, road rehabilitation in Long Acre, Galleon Beach to the tune of $6 Million from the Tourism Enhancement Fund - and I want to take this opportunity to thank Minister Crawford and Minister McNeill for their assistance in repairing these roads, (Applause) repairs to break away at Cotterwood/Content intersection, patching of road from Newcombe Valley to Watchwell, patching of road from Pedro Cross to Short Hill, rehabilitation of the Point Road, erection of box culvert and road rehabilitation in Big Woods to Claremont Park. This box culvert, Mr. Speaker, was done to the tune of $10 Million, (Applause) major water supply extension, Mr. Speaker, from Knoxwood to Mountainside, major water

supply extension from Williamsfield to Newell and rehabilitation of the Hopewell, which has assisted and benefitted members of the Vineyard and Arlington communities by getting them access to water.

We habilitated, Mr. Speaker, the Vineyard Community Centre, rehabilitated drains in Fyffes Pen, erected a sidewalk at the Pedro Plains Primary school, also under JEEP, Phase I, rehabilitation of roads in New Town, namely, Exchange Drive, Zinnia Way, Peacock Heights, Allen Crescent, Sunflower Street, and Great Bay. All of those came under JEEP, Phase II, (Applause) rehabilitation of Logwood Avenue, patching of the roads from Mountainside going along to the Lacovia corridor; Mountainside to Park, Southfield to Williamsfield, Williamsfield to Dhakis, Williamsfield to Park, Scott's Cove to Luana and Luana to Tombstone, also under JEEP Phase III, Mr. Speaker.

We also completed the rehabilitation of the Black River sea wall. There was a section of the sea wall, Mr. Speaker that was becoming unsafe beneath the road surface. The road was giving way, and if we hadn't acted swiftly through the Road Maintenance Fund, and representation from myself to Minister of State, Richard Azan and Minister Omar Davies, we were able to spend some $30 Million there on the sea wall that is there now, is indeed a state-of-the-art work that everyone can look at and be proud of. (Applause)

(*Sotto voce* comment by Mr. Hutchinson)

Mr. H. BUCHANAN: We completed, Mr. Speaker, the Black River market and the fish market. When I took over the helm of power in South West St. Elizabeth, Mr. Speaker, in December 2011, the Black River Market had recently been demolished, and there was only $30 Million...

(The Speaker gavels)

...there was only $30 Million, Mr. Speaker, at the Parish Council.

Mr. WARMINGTON: Disgrace!

(*Sotto voce* comments)

Mr. H. BUCHANAN: What we have been able to do, Mr. Speaker, myself in collaboration with Mayor Fisher, the Mayor of Black River, we were able to raise three times that amount of money, and we are still not yet done, but the people have moved out of the bus park where they were put temporarily, and they are now working from inside of the market, a state-of-the-art market in the centre of Black River that everybody can be proud of.

(Applause)

A MEMBER: Working, working, working.

Mr. WARMINGTON: From what I am hearing, only PNP get... (Inaudible)

Mr. H. BUCHANAN: Mr. Speaker, as it relates to electricity... as it relates to electricity, Mr. Speaker, there is a sore point right here. Through my Constituency Development Fund, I did give $1.5 Million to Energy Solutions, formally, the Rural Electrification Programme...

Mr. CHARLES: Let the puss *outta di* bag.

Mr. H. BUCHANAN: ....with the intention to do some extensions into Round

Hill. This, however, Mr. Speaker, has not yet been completed, but the work has started because they came in and they put the pegs in, but they are a little bit jealous, Mr. Speaker, because I was able to complete the Reservoir Lane in Newcombe Valley and Poncha Lane in Newcombe Valley, and those areas they already have light, but I am waiting on Minister Julian Robinson who has given me his word that he will come there and officially turn on the lights, Mr. Speaker.

(Applause)

Mr. Speaker we have achieved a lot also, in terms of health services. The Black River Hospital is the parish hospital, Mr. Speaker, and I am very proud that it is in my constituency.

Mr. L. BUCHANAN: Hear, hear!

Mr. H. BUCHANAN: We refurbished the new maternity ward at Black River Hospital, provision of modern standby generator at the Black River Hospital, and those things that we have put in there, Mr. Speaker, have helped to enhance the experience at the hospital for those women who are pregnant, and are bringing our young Jamaicans into the world.

We did some free medical checkups, Mr. Speaker, during the last three to four years. With the assistance of my fellow Member of Parliament, Dr. Dayton Campbell, we were able to give free medicals to hundreds of students in South West St. Elizabeth. (Applause)

In terms of employment opportunities, Mr. Speaker, myself, like Member Brown who spoke before me, have found innovative means of employing our tertiary students. While they were off on summer holidays, we have been able to give them jobs so that they could help with their tuition and back to school. I want to thank the different agencies that have helped me with these summer programmes: Transport Authority, Tourism Product Development Company, Petroleum Corporation of Jamaica, and the Development Bank of Jamaica, who have all employed students from South West St. Elizabeth in the different Summer Employment Programmes that they have had over the years - periodic employment at Christmas, Mr. Speaker, through the NSWMA, Parish Council, and National Works Agency.

As it relates to agriculture, Mr. Speaker, this is one of the sectors that is poised for another take-off in South West St. Elizabeth, but there is the need for the expansion of the irrigation system. We have provided fertilizer, seeds, chemicals, feeds, spray pans to small farmers; provided small livestock to small farmers, and black tanks to farmers, Mr. Speaker. We have also provided fishing vouchers to fishermen who were affected by Hurricane Sandy. Distribution and trucking of water, Mr. Speaker, is...

Mr. WARMINGTON: Where *im* get so much money?

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

(*Sotto voce* comment by Miss Hanna)

A MEMBER: Five minutes...

Mr. VAZ: Fourteen minutes for the fourteen votes.

(Laughter)

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

Put to the House and agreed to.

Mr. H. BUCHANAN: Thank you very much, Mr. Speaker, and thank you colleagues.

(*Sotto voce* comment by Mr. Charles)

Mr. H. BUCHANAN: Mr. Speaker, for these final five minutes, there is so much more that I could speak about in terms of accomplishments, but I wanted to spend some time in today's presentation to speak about some of the visions that I have for South West St. Elizabeth. And the vision is a continuing one. It is one that has already started, Mr. Speaker.

I want to speak about the Treasure Beach Sports Park and the Donald Buchanan Sports Tourism Centre that was opened on December 14, where former Prime Minister PJ Patterson was there to open that Sports Tourism Centre. It is indeed, in my view - and I would like to invite everyone here to come down and take a look at it. It is a state-of-the-art sports park, and I believe that the only better park in Jamaica would be Independence Park.

(Applause/*Sotto voce* comments)

Mr. HUTCHINSON: You going next.

Mr. H. BUCHANAN: Mr. Speaker, the Treasure Beach Sports Park and the Sports Tourism Centre, named off former Member of Parliament Donald Buchanan were all possible because of a public/private partnership that has taken place, and that I want other communities to emulate. Through BREDS foundation, working with Scotia Bank, Digicel Foundation, working with UNICEF, former US Ambassador Pamela Bridgewater on her visit, when she saw what we did. We named the obstacle course off Mr. Colin Powell who, of course, you know, has roots in St. Elizabeth, and she had also committed, and gave US$10,000 to what we were doing there at the Park. (Applause)

Mr. Speaker, the drought that we experienced on the southern side of the island did affect the Park and the quality of the field. So, through the Constituency Development Fund, I gave $1 Million to help with an irrigation system for the sports park so that the field can maintain the quality that is necessary, so that the kids that participate in sporting activities on that field don't hurt their ligaments and their tendons, but that they can practice and participate without fear of injury because of a bad field. (Applause)

Mr. Speaker, the Treasure Beach Sports Park, just today, has opened a forty-foot container with a tractor in it, and much equipment. The container came packed with equipment to the Sports Park to help with the ground-keeping and landscaping of the Sports Park. But it doesn't stop there, Mr. Speaker. What we have decided that we are going to do is that we are going to engage HEART. They have already accepted, and they are willing to come and train the grounds people there at the Treasure Beach Sports Park so that they can be certified in groundskeeping and landscaping. By using these equipment, they will be able to do all of their practical as it relates to the landscaping theme.

Mr. Speaker, $150 Million has been allocated, through the Tourism Enhancement

Fund, and in collaboration with National Works Agency, we will be doing the Mountainside to Watchwell Road, and that is in the tender process right now... (Applause) ...and when that road is completed, Mr. Speaker, what it will do for the attractions in St. Elizabeth is that it will link all of them so that you can move easier from Treasure Beach to Holland Bamboo, or to YS Falls, to the zoo in Lacovia, or you can come back across and come to Treasure Beach, or the Lover's Leap attraction in Southfield, Mr. Speaker.

As it is, Mr. Speaker, I believe that a cruise ship pier in Black River would do a lot for the town, and we have the attractions already there in St. Elizabeth with the YS Falls, the Safari, Treasure Beach, Lover's Leap. Having tourists come to the South Coast, I want to say here, must become a priority for the Government, for us to see greater earnings on the south coast from tourism, Mr. Speaker. (Applause)

Mr. Speaker, I want to thank you all for listening to the State of Constituency Debate as I presented on South West St. Elizabeth.

Thank you very much.

(Applause/*Sotto voce* comments)

The SPEAKER: The next Member will be the Member from South West St. Ann, Mr. Walford.

Mr. WALFORD: Mr. Speaker, permission to speak from a seat other than my own.

The SPEAKER: You may proceed.

Mr. WALFORD: Mr. Speaker, I must first say thanks to the Most Honourable Portia Simpson Miller, Prime Minister of Jamaica, for giving me this opportunity to serve the people of South West St. Ann, and I must also thank the people of South West St. Ann for electing me as their representative in this noble House. (Applause) I also want to thank my Councillors, caretakers and the entire team that continues to work very hard around me, Mr. Speaker, for the development of South West St. Ann.

When I listened to my colleagues speak to their constituencies, Mr. Speaker, I remain convinced that South West St. Ann is the most underdeveloped constituency in the island of Jamaica. The truth, Mr. Speaker, I inherited a constituency that has basically no basic infrastructure. Mr. Speaker, our roads have more potholes than level surfaces and in spite of fixing numerous amounts of these roads we still have lots of that have not yet been touched; Nestle Castle, Plantain Walk, Brown's Town to Cave Valley, Cave Valley to Two Meetings Bridge, Madras, Alexandria to Murray Mount to name a few, that have been fixed. But, Mr. Speaker, we continue to beg for help. In Lime Tree Gardens, Benin to Summerton, Green Hill, Cascade to Boroughbridge and so many others, Mr. Speaker, that time will not allow me to mention.

However, Mr. Speaker, I must say that recently some preparation was done for patching from Inverness to Greenock Bridge. And the potholes, Mr. Speaker, were dug wider, marl thrown into them and this, Mr. Speaker, has been over two months. I am now begging the National Works Agency that by all means please complete what you started as

the holes are bigger and the marls are washed out, so I am begging for assistance to complete this road from Inverness to Greenock Bridge, because really the preparations have only made the holes bigger and we continue to suffer, my constituents are complaining and I am under pressure from this unfinished project.

Mr. Speaker, for the first time ever in South West St. Ann we now have an ATM machine; first time ever in South West we have an ATM machine. (Applause) This was put into service earlier this year and our constituents, Mr. Speaker, are now getting use to this new technology. The machine - and the rate of the current usage, Mr. Speaker, I am sure that another machine will be needed soon. Ironically, Mr. Speaker, I happened to have been standing nearby when one of my constituents who had only recently acquired a bank card was having difficulty using this new technology machine. So, of course, after showing the constituent what to do he looked at me as if I had just done a miracle. So backward we are when it comes to these technologies, Mr. Speaker, South West St. Ann is begging for help.

Mr. SAMUDA: What a contrast!

Mr. WALFORD: Mr. Speaker, for the first time also in South West St. Ann our constituents have been blessed to put their foot on a sidewalk. (Applause) Mr. Speaker, students from our only high school, because we only have one high school in South West, are now able to walk safely from school to a point where they can take the bus or from the bus to school. Our constituents, Mr. Speaker, also enjoy this facility very greatly, they can now walk down into the town without fear of getting hit down because they now have sidewalk. Our recent beautification funding, we had to spend it constructing a retaining wall because the dirt was coming down on the sidewalk and pushing people back in the street so we had to use the beautification to upgrade and certainly, to keep our sidewalk looking smart in the town.

Electricity, Mr. Speaker, again I had inherited a constituency that had numerous communities without electricity, and I must speak of the only one that I have had so far, switched on, getting lights into, which is the community of Douglas Castle where that community, Mr. Speaker, only had lights in a half of it. I am very thankful to Minister Paulwell and the Rural Electrification Team that we were able to switch on lights in Douglas Castle (Applause) and so, Mr. Speaker, those constituents are now getting electricity. But I again beg for help because we have other communities that would love to see electricity, lights turned on in these communities.

Mr. SAMUDA: We have not represented South West from Independence.

Mr. WALFORD: Mr. Speaker, a proper education continues to be our objective. And it is through a proper education that we know we can move the development of South West St. Ann.

A Government MEMBER: Hear, hear!

Mr. WALFORD: We recently got a basic school through Food for the Poor, that basic school in Grants Mountain. And I am very

happy to say that we have only received word recently from CHASE that approval has been granted for a second basic school that is going to be constructed in Douglas Castle, and I am assured that we will be breaking ground in short order.

Mr. Speaker, a retaining wall, as we see there, was built at the Bohemia All-Age School and I am very happy to report that we are still doing work on it because the ground was moving away endangering the lives of our students, and we are now constructing a fence on that retaining wall for the safety of our students at Bohemia.

I want to thank the Ministry of Education, Mr. Speaker, because our only high school and I keep saying that, our only high school was built to accommodate some 650 students. To date, Mr. Speaker, there are almost 1,500 students attending that school. So I want to thank Minister Ronnie Thwaites for his contribution of six new classrooms that were put into service late last year. (Applause) Mr. Speaker, this certainly has given a tremendous boost to our high school and we are hoping that with time we will get another high school. Because what is happening now, Mr. Speaker, is that our students have to be travelling as far as St. Mary, Clarendon, getting up at 5 o'clock in the morning to see the bus to take them to school. These things, Mr. Speaker, are not how we would want our children to get an education, because travelling so early in the morning and then going to school all day, we certainly would hope that we can, in time, achieve another high school in South West St. Ann.

Mr. Speaker, when I became Member of Parliament almost all of our schools, Mr. Speaker, had pit toilets. We are happy to say that through my CDF funding, through contribution from the Missionary Group from Atlanta we were able to put new toilet facilities in some of our schools. And along with Food for the Poor and Ministry of Education we were able to replace or put in - replace eight pit toilets in eight schools and, of course, make a contribution from my CDF that we are now going to have nine schools that have modern toilet facilities; and when I inherited it, Mr. Speaker, there were none in these constituencies.

Mr. Speaker, we have moved the basic school at Lindale/Retreat to a bigger and better location and in so doing, Mr. Speaker, we have been able to fence that facility keeping our early childhood students safe. We have also been able to pave the school yard at the Charlton Primary School and also, Mr. Speaker, to contribute to other educational possibilities in our schools in South West St. Ann. We have been able to also contribute to the upgrading of the Tobolski Basic School in terms of my CDF funding.

Mr. Speaker, this year we are going to be opening doors for the first time ever in South West St. Ann, we are going to be opening the doors to our skills training centre. (Applause) This facility, Mr. Speaker, and I want to thank the Minister of National Security, was given to us on a leased agreement for us to use, of course, we don't think you will be getting it back, sir. (Chuckled) But we have now embarked, we have done all the renovation,

we have done all the painting and for the first time ever, Mr. Speaker, in South West St. Ann we are going to be opening doors for a skills training centre which will initially carry five skills and able to accommodate 100 students. (Applause) And of course Mr. Speaker, we have to remember that this facility was a correctional centre for girls that got burnt down and seven of our young Jamaican ladies lost their lives. So we want corporate Jamaica to get on board because we are again seeking help, Mr. Speaker, for furnishing this facility. We need desk, we need chairs, we need equipment for practical skills and we are reaching out to the Ministers for help because we think that facility can be a world-class facility, but we need to furnish and have it properly done that we can make the best of this opportunity.

Recruiting, Mr. Speaker, has started and an administrator has been chosen for the school. We also have a committee in place, the Armadale Skills Training Committee and we are hoping that in short order we will be opening these doors and launching this facility. And I have already spoken to the Honourable Prime Minister; as soon as she has a date available we hope that we will have this facility up and running.

(Applause)

Mr. Speaker, South West St. Ann again, when I became Member of Parliament, never had a drop of running water; not one drop of running water, Mr. Speaker. Since taking over three of our communities now have this precious commodity. And of course, as you see there we want to thank Minister Pickersgill for turning on water in the Cascade area (Applause) and, Mr. Speaker, I must say though that 95% of our constituents still has no running water.

Mr. PHILLIPS: Progress.

Mr. WALFORD: We are indeed - yes, we are making some stride but snail's pace.

So, Mr. Speaker, I just want to say, because every year when I speak, I speak to the injustice that is done to South West St. Ann, the people of South West St. Ann in that the sources of water that we have serve neighbouring constituencies and we in South West still are not getting a drop. Of course, under this challenging drought, Mr. Speaker, we have to be doing our best to contain our people because their cries are getting louder and louder. And, Mr. Speaker, we want to ask the powers that be that some urgent attention should be put in this direction as far as getting running water, because I am fearing the day, Mr. Speaker, when I can no longer reassure these people, because they are saying in drought conditions they cannot see why our water is feeding other constituencies and we cannot get any. So certainly, Mr. Speaker, this needs to be looked at.

Mr. Speaker, our health care has seen some improvements. We relocated the health centre at Clarksonville to a bigger and better location, opened a health centre at Madras and refurbish the health centre at Bohemia and we continue to give free medicals every year to students going back to school. I want to commend Mind Body and Soul that is an organization in the Diaspora, overseas organization that has continually helped to

provide free medical to our students. (Applause)

The Deputy SPEAKER: (Gavels) The speaker's time for completing his presentation has expired.

(Cross talk)

Mrs. NEITA-HEADLEY: Mr. Speaker, I ask that the Member's time be extended for five minutes to allow him to complete his presentation.

The Deputy SPEAKER: The question is that the speaker's time be extended so that he can complete his presentation.

Put to the House and agreed to.

(Cross talk)

Mr. WALFORD: Thank you colleagues.

Mr. Speaker, one of the most important projects for South West St. Ann continues to be the Alexandria Hospital, Mr. Speaker, and we have been having discussions and negotiations with the Minister of Health and we're hoping, Mr. Speaker, that pretty soon an agreement can be made between the Government and the investors from overseas to put funding into the Alexandria Hospital. And Mr. Speaker, I must add that these people they have been here, they have given free limbs to people who have lost their limbs; they have given eye surgeries and certainly, Mr. Speaker, because of the lack of the facilities in Alexandria this group has had to be operating out of Mandeville and have given free eye surgeries to the people of Jamaica, Mr. Speaker, with numerous people now being able to see.

Mr. Speaker, we have opened a new police station and we want to again thank Minister Bunting for coming by to cut the ribbon...

Mrs. NEITA-HEADLEY: Yes, yes, yes! (Applause)

Mr. WALFORD: ...but, Mr. Speaker, the police station in Cave Valley is found very wanting, Mr. Speaker, and the officers there complain to me on a daily basis of the conditions there, because one of the police station that was originally housing the officers fell into major disrepair and so they now have to be *kotching* in a little two-bedroom place. Ironically though, Mr. Speaker, we identified a container in Mount Moriah that was a polling station and on sending letters to Ministers asking for us to use this container to assist the police in Cave Valley. We only this week got a response that after some twenty years this container sitting there and not being used the response we've gotten is that somebody bought the container about a week before our letter came in. It really sounds hanky-panky, but that is what has been said to us, Mr. Speaker, so we now have no container to help the police. So we again beg and reach out for our police in Cave Valley that they can be more comfortable.

Mr. Speaker, Food for the Poor housing. We have only been able to do some twenty units and we are begging for more, because South West St. Ann generally, Mr. Speaker, is considered one of if not the poorest constituency in our island. Mr. Speaker, we have assisted some 2,000 students with back to school. We have football, cricket, netball, all sporting competitions, Mr. Speaker that we do every year and we rotate these sports,

because we do believe that community networking through sports is certainly a way of discovering new talent for national programmes. (Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. WALFORD: Mr. Speaker, we are building a new playfield at Davis Town and this is a very big community, Mr. Speaker, and again, we have used funds from our CDF and in amazement these funds have been at the parish council for two to three months all sort of red tapes, green tapes and procurements and only now we are going to be able to start this week I am told, Mr. Speaker. We have proposals in for the construction of a tourist rest stop and attraction in our main town Alexandria, which in the way to the Bob Marley Museum. A location has been identified, Mr. Speaker, for a fire station. The Sports Development Foundation has visited our playfield and has promised to do some major improvements, Mr. Speaker, and we must seriously look into a housing project which I'm told by Minister Guy that as soon as we get water he will be taking into serious consideration a housing project for South West St. Ann.

Mr. Speaker, South West St. Ann is at long last seeing a light at the end of the tunnel and by the powers that be and hear our cries for help, Mr. Speaker, certainly we'll be looking to Mr. Speaker, the place to live, place to do business, raise wi families, retire and enjoy the best of what Jamaica has to offer.

Thank you.

(Applause)

(Cross talk)

Mr. SHAW: When you going talk more about that thing? (Laughter)

The Deputy SPEAKER: Mr. Shaw, do remain quiet, please. (Laughter) Go ahead, Mr. Vaz.

(Applause)

Mr. Dwayne VAZ: Mr. Speaker, as you know this is my first contribution as Member of Parliament in this Honourable House. (Applause) let me first thank the Almighty God for giving me the opportunity to make this day possible.

Mrs. NEITA-HEADLEY: Yes!

Mr. Dwayne VAZ: Also want to thank the Most Honourable Prime Minister, Portia Simpson Miller, for giving me the opportunity and for guiding me every step of the way throughout the term so far. (Applause)

(Cross talk)

I want to thank my colleagues for welcoming me with open arms and making me feel comfortable and at home while in Parliament.

(Applause)

Government MEMBERS: Yes, yes!

Mr. Dwayne VAZ: Let me thank my Councillors and constituency executives who have been fully supportive and who have continued to make sure that our executive stays and represent Central Westmoreland to the best of our ability. (Applause) My family, and there is my father upstairs (Points in the direction of the Gallery) (Applause) and my friends who have never cease to be by my side in my time of need.

Miss HANNA: Where?

Mr. Dwayne VAZ: They are all up there. (Applause) I must also thank the former

Member of Parliament Dr. Karl Blythe who is also always there when I need some advice. To all members of our great constituency who gave me this mandate to direct the traffic in Central Westmoreland for us to get to that stage where we want to see Central Westmoreland and last but by no means least...

(Cross talk)

Mr. DALLEY: Yuh cousin Vaz over there.

Mr. Darryl VAZ: ....cousin.

Mr. Dwayne VAZ: And of course, mi cousin, but last but by no means least special thanks to my godfather, my mentor and friend, the late great Roger Clarke (Applause) who guided me and taught and made me prepared to take up this mantle to lead Central Westmoreland the state we all desire it to be.

(Applause)

Mr. Speaker, Central Westmoreland is the largest constituency in Jamaica by the amount of registered voters, over 42,000 on the voters list. It's also one of the largest constituencies geographically speaking in Jamaica.

A Government MEMBER: After Lisa.

Mr. Dwayne VAZ: One of. (Laughter) And we're also one of those unique constituencies that have part rural and part urban which makes it more difficult with these challenges. We know we have our difficulties like any other constituency, but we make the best use of the limited resources that are afforded to us each year. Like many of the Members of this House who spoke earlier spoke to the fact that we all are happy that we get the amount of money from the CDF and the JEEP, but we all would desire to have more money.

A Government MEMBER: Yes.

Mr. Dwayne VAZ: And I want to extend the discussion by saying that for a constituency like Central Westmoreland who has the most people and is one of the largest we from our constituency don't think it is fair to be getting the same allocation like constituencies that has half the amount of people and half the size of us.

(Applause)

A Government MEMBER: Good argument.

Mr. Dwayne VAZ: Mr. Speaker, it is much more challenging for us to find creative ways to channel the resources in the most effective and efficient way but, Mr. Speaker, as I stated earlier, we make the best use of our resources. And I will the spend in this presentation talking about the significant strides that we have taken in the ten months that I have been at the helm in Central Westmoreland. (Applause) And I will start at education and as evident with our administration we know that education is the key to success.

A Government MEMBER: Yes.

Mr. Dwayne VAZ: And what we did first was organize a tour with the Minister of Education and he came down and toured our secondary schools and our lone tertiary institution.

Mrs. NEITA-HEADLEY: Yuh going good Dwayne, yuh going good.

Mr. Dwayne VAZ: And after that tour, we have been planning with the Minister how

we're going to move forward and get some work done in some of these schools. But to show how committed this administration is to education, Mr. Speaker, I can announce that a brand new basic school has just been built in Whithorn through Food for the Poor. (Applause) We have just opened a brand new library at the Savanna-la-Mar Infant School. The George's Plain Primary School is at this moment being given a brand new resource centre and a road from the beginning of the school to the - right to the front of the school.

(Applause)

A Government MEMBER: What!

Another Government MEMBER: Working, working!

Mr. Dwayne VAZ: We must thank the Minister of Science - well, he's not here today, but certainly Sir Clifford Primary is one few primary schools and the only in Central that was a part of the Tablet in Schools Programme.

Mr. André HYLTON: Good project, good project!

Mr. Dwayne VAZ: From our CDF allocation we awarded the top student from every primary school in the constituency with educational grants to assist them with their tuition going to high school. (Applause) And I must state that one of the students, Candice Owens, is the top girl in the entire island of Jamaica. (Applause) We also awarded thirty-six college students with educational grants to assist them with tuition fees.

(Cross talk)

Over 700 students benefited with items from our back-to-school programme.

Also, Mr. Speaker, we have embarked on a programme - we're developing educational centres across the constituency. The idea is to bring educational access closer to each community. The vision is to have it in each community, but we have to start somewhere.

Miss HANNA: That's right.

Mr. Dwayne VAZ: And we're starting with two community centres that were refurbished by Roger Clarke and we'll now transform them into educational centres.

(Applause)

A Government MEMBER: Hear, hear!

Mr. Dwayne VAZ: We're already in active discussions with HEART and the Universal Service Fund has already approved one project, which is the Hatfield Educational Centre. And this project, Mr. Speaker, will be used to facilitate training through HEART to students who want to further their education and who want to improve their skill levels. (Applause) It will also be used as a homework centre for students at all levels and, of course, be used as an access centre for people who want to use internet facilities. The projected opening is in January 2016. So Mr. Speaker, you know we have a long way to go, but we're already on our way. (Applause)

When we speak of land regularization, the residents of Westmoreland have always have this problem of lack of land ownership. This is the reason why there are so many wooden structures across the constituency, because people *neva* want to build permanent structures on land that don't belong to them. But this administration believes in ownership

society, and we are on a drive to ensure that every opportunity be given to each resident to have the opportunity to own their own land.

So, Mr. Speaker, again we started with a tour with the Minister responsible for housing, then we made representation to the Minister responsible for agriculture because we realize that the majority of the lands in Central Westmoreland is owned by sugar.

Mr. Speaker, since this representation was made over three hundred certificates of positions were handed out to the residents of Hartford and Morass. (Applause) To continue the progress, Mr. Speaker, 37 land titles were handed out in the Whithorn and Gallaway area. (Applause) Mr. Speaker, as I said we have a long way to go but we are already on our way.

(Applause)

Mr. Speaker, the cry for roads in Central Westmoreland has been loud and clear, there are a number of roads that need full rehabilitation and there are some that need repair.

Mr. Speaker, we don't just like to talk, we would like to bring the Ministers and show them what we are talking about, and thus we brought Minister Azan to look at the road conditions. And since that tour, Mr. Speaker, a commitment has been made to rehabilitate the road from Smithfield to Dunbars River in this calendar year, the - Mackfield to Whithorn Roads which we have been lobbying for as long as I can remember is now set to begin early in the next financial year.

Mr. Speaker, the JEEP has rolled out in five communities in Central Westmoreland, and areas such as Sharlene and Waterworks Content Lane which has never seen asphalted road before will now have asphalted roads in some parts of their communities. (Applause) Areas like Geneva and Grant Town will also benefit from new surfaces. Mr. Speaker, as I said we have a long way to go, but we are already on our way.

When we speak of rural electrification, when we speak of rural electrification, Westmoreland is one of those parishes that falls a bit higher than the national average, not for a good way, but we have less electricity than a lot of places in the island, thus we have been lobbying to ensure that we get this level of electricity in these communities through the CDF, through STU and through the REP, and I can proudly say that so far we have been able to implement this programme in a couple of communities - Bamboo Walk in Georges Plain, Llandilo Phase 5 and 6 and in Stevens Crescent work has already begun... (Applause) ...and Mr. Speaker, we have already done estimates for other areas because we are looking funding to ensure it continues the progress. Mr. Speaker, we have a long way to go, but we are already on our way. (Applause)

Mr. Speaker, we know that water is life and we have a lot of issues in Central Westmoreland when it comes on to water and that is why the Minister of State took the time out last week to come and tour these affected areas, and he has assured us along with his Senior Minister that we will be getting some assistance in short order. And just to say that, Mr. Speaker, I have to announced also that the water project from Dunbars River to

Mannings will be started in short order because the contract has already been awarded. (Applause)

However, Minister, I just want to ask kindly for the next financial year, that that major water project that we did the tour for a couple years ago with Roger Clarke, we still want it to happen. That water project will solve the majority of problems we have in Central Westmoreland. So I am begging Minister that this be put on the agenda for the next financial year.

Mr. Speaker, as you hear I said about water, you hear the condition, so you know there is a long way to go, but we are on our way. (Applause)

When we speak of health, we have not yet toured the hospital with the Minister because I have not arranged the date as yet, but we have toured it as an executive and we understand the conditions and we understand the needs that the hospital has. However, Mr. Speaker, while touring we got a list of items that the hospital will need to function efficiently and effectively as best as possible.

However, as I speak there are major works being done at that same facility. There is a bio-digester system being put in right now at over $100 Million value. (Applause) A laundry block is being refurbished at over $29 Million and that is 90 per cent complete. (Applause)

Fencing of the premises to ensure that our nurses, and doctors and patients and all staff remain secured has begun. The Dental Unit at the Savanna-la-Mar Health Centre is being refurbished and expanded. A brand new health center was opened at Williamsfield and Georges Plain just before I came in office and that signifies how important health care is to this administration. (Applause) The Cornwall Mountain Health Center will begin refurbishing in another two months and I must also say special thanks to the Minister for the twenty (20) wheelchairs that he provided to the constituency which were given to needy residents across the length and breadth of this constituency. (Applause)

We also recognize that the Government won't be able to do it alone, so we have formed the Dwayne Vaz Foundation which will be launched soon and this will be responsible for raising funds to assist the Savanna-la-Mar Hospital. (Applause) Mr. Speaker we have a long way to go but we are on our way. (Applause)

When it comes on to sports, Mr. Speaker, we know it is an important vehicle to engage our youths. And under my watch we have been embarking on a comprehensive programme for sports which will involve various sporting disciplines. We can boldly say we have already successfully completed our netball competition, our domino tournament which will be in honour of Roger Clarke who we all know is a great dominion player will start in early October. Our football league will commence at the end of October. And Mr. Speaker, we also assisted the Reno Football Club at the end of last season with some much needed funds through the CDF to remain in the Premier League, and I know my friend from Central Clarendon will know that we are still there because Humble Lion was

the first victim of Reno in this particular season. (Applause)

Mr. Speaker, we are continuously seeking outside sponsors to assist with our sports programme because we know that what we are able to contribute from the CDF is not enough. But Mr. Speaker, we have a long way to go, but we are on our way.

When it comes to tourism, Mr. Speaker, we have a lot of potential in Central Westmoreland and we want people to realize that when you come - want people in Westmoreland and Jamaica and the world to realize that Negril is not the only tourist place in Westmoreland. And after touring with the Minister he told us that our dream can become a reality. And in the midst of this, Mr. Speaker, I have to let you know that the general repairs to the Roaring River Park and Cave has basically now been completed and we are just waiting now to open and begin operations. (Applause)

We are also about to start work in Frome because we understand how Frome is significant in the history of Jamaica. And we want to teach tourists coming in the area about our Parish and our country. But we have a long way to go, Mr. Speaker, but we are on our way.

When it comes to Local Government we have five Councillors who continue to represent their divisions to the best of their ability and they bombard the Local Government ministry with different request all the time, the Minister has signalled to me that he has gotten the last set of resolutions from the Councillors and he said he will be speaking to me in short order because they are on his desk at the moment. (Applause)

Mr. Speaker, with Local Government though, we must report that we have just received a fully refurbished fire station in Savanna-la-Mar. (Applause) We have just broken grounds for a brand new parish council building in Savanna-la-Mar so that we can satisfy the needs of our constituents.

Mr. Speaker, there is a long way to go, but we are already on our way. (Applause)

Mr. Speaker, we believe that effective leadership and sustainable development must come through consultation. We have embarked on a series of community meetings.

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

Mrs. NEITA-HEADLEY: Mr. Speaker, I asked that the Member’s time be extended for another five minutes 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: Mr. Vaz

(Applause)

Mr. Dwayne VAZ: Mr. Speaker, as I was saying, we have embarked on a series of community meetings across the constituency aimed at involving our constituency in the decision-making process. To date, Mr. Speaker, we have facilitated over forty community meetings across the constituency. Mr. Speaker, as I said in the beginning we have a very large constituency so we have a

lot of grounds to cover, but we are already on our way.

Our on-going programmes like housing assistance where we assist needy residents with housing repairs, economic enablement where we encourage entrepreneurship because we understand that is the creativity and intuition of our residents that will asset in building our constituency.

Our agriculture programme where we assist farmers with agricultural inputs to increase production; welfare, where we continue to assist needy residents with funeral and medical expenses, we know these programmes will always be demanded, Mr. Speaker, we are chipping away at it. We have a long way to go, but we are already on our way.

Also, Mr. Speaker, I must mention a major significant project, a comprehensive social infrastructural project that will be done in the community of Russia in Savanna-la-Mar. Russia is the only community in Westmoreland of 18 communities chosen across Jamaica for this programme. The Integrated Community Development Programme. This programme will see some $200 Million being spent in Russia over a five year period. (Applause)

In closing, Mr. Speaker, I acknowledge that we have a lot of work to do in Central Westmoreland to bring it to that state that we all dream of. However, the progress is ongoing and we will continue.

We have achieved a great deal in this term and the progress has increased significantly in my 10 months at the helm.

The future is bright for Central Westmoreland and with the expectation that our dear Prime Minister will successfully lead the administration into a new term there is no doubt that the progress will continue. (Applause)

Mr. Speaker, we have a long way to go, but we are already on our way.

Thank you.

(Applause)

(*Sotto voce* comments by Members)

(The Deputy Speaker gavels)

The Deputy SPEAKER: Members, please be seated.

ROLE AND RESPONSIBILITY OF BACKBENCHERS

Mrs. NEITA-HEADLEY: Mr. Speaker, we will commence the debate on Private Member's Motion No. 38 regarding the Role and Responsibility of Backbenchers.

The Deputy SPEAKER: Dr. Bloomfield are you the - Dr. Bloomfield is that your seat?

Dr. BLOOMFIELD: Permission - Mr. Speaker, thank you and permission to speak from a seat other than my own.

The Deputy SPEAKER: Permission granted.

Dr. BLOOMFIELD: Mr. Speaker, it is indeed, again my privilege to stand in this Honourable House, thanks to the consideration of the first among equals in this House, the Most Honourable Prime Minister, the Most Honourable Portia Simpson Miller, the constituents of East Portland, my colleagues in this Honourable House, my

family and supporters both here and in the diaspora. The Motion simply speaks to the greater targeted involvement in the parliamentary process of backbenchers who do not hold portfolio responsibility or specific ministry responsibilities.

Mr. Speaker, I could easily pronounce benediction right now seeing the display here this afternoon of our backbenchers, in seeing their visions, hearing their aims and aspirations and indeed the very positive achievements that have been achieved in their activities, in their own constituencies.

Indeed, this manifest the *raison d'etat* of the backbenchers committee that I hope to be established and their activities today personifies and manifest their energy, their vision and begs for more of their participation in this noble House. And that is exactly why the backbenchers committee is a necessity going forward.

I will say what this motion is not. It is not an attempt to create controversy; it is not an opportunity for grandstanding; it is not an attempt to create another burdensome bureaucratic layer in the parliamentary process; it is not an attempt to hide behind a committee to give formal voice to any hidden agenda; it is not about using parliamentary structures to advance any specific particular interest group for those who have an angst or anxiety about the *status quo* and what it can do to achieve the sustainable development that we so desire.

The Motion is intended rather, to draw attention to the need for new input in strengthening the autonomy and management of this very Parliament. It is all about constructive engagement and it is about effective confrontation.

This country, Mr. Speaker, has been making many good strides in a positive direction over the last few years and that is undeniable. Our credibility and good standing among the communities of nations has been restored. There is evidence of more robust and effective management of the country's affairs to come. In fact, I can use one example, Jamaica has improved its ranking in the world and economic forum and global competitive index is a case in point.

In the 2014 Report, Jamaica jumped eight places, and it was simply, based on the 12 pillars that were proposed; our institutions, infrastructure, macroeconomic environment, health and primary education, higher education and training, labour market efficiency, goods market efficiency, financial market development, technological readiness, market size, business sophistication and innovation. Jamaica has been doing well and will continue to do well. We've done well in some areas, but not in all, but we're trending in the right direction.

In fact, it was the Global Competitiveness Report which states:

> *"The role of institution goes beyond just the legal framework. Government's attitude towards markets and freedoms and the efficiency of its operations are very important. We have to contend with excessive bureaucracy and red tape over regulation, corruption, dishonesty in dealing with the public contracts, lack of*

transparency and trustworthiness and inability to provide an appropriate service for the business sector and political dependence on judicial systems. These impose significant economic cost to business and the slow process of economic development".

So a backbench committee establishes a needed platform in a formal setting for further dialogue between Government and the various stakeholders, about the actions that will be required to improve economic prosperity *via* the growth agenda.

As we increase our efficiencies, further checks and balances, Mr. Speaker, become necessary. As we move up the ladder of economic and social prosperity, one of the stumbling blocks that can in fact improve our resistance to falling from that ladder will be such a committee, as our young people with vision and energy and new creative ways will seek to add to the volume of work that is done by our executive.

The groups which tend to push forward our - what we would call our private interests, as one journalist noted the other day, that there is the group of 22, they call themselves the 22. So as far back as 1922, in the United Kingdom, there were these groups which attempted by their own private interest, to advance their agenda. Our group, Mr. Speaker, clearly is to be set up to advance transparency and accountability and to build trust among the population.

As Barack Obama once stated:

"If people cannot trust their Government to do the job for which it exists, to protect them and to promote their common welfare, all else is lost".

And he said that in 2006.

So one of the fundamentals to change is self-critique and self-revaluation. And what better way, without being antagonistic, than to establish such a committee which will fulfill the very role and responsibility of our backbenchers.

Mr. Speaker, the increasing complexity of the functions of Government requires fine tuning as we go forward. And the capabilities and capacities must be fine-tuned and tweaked in order to meet the emerging trends and the emerging demands. The argument that the numbers of backbenchers might be small at any given time - we are conscious yes that it's a reasonable critique, but this number could fluctuate.

But who says we need more than four or half-a-dozen strong, energetic, vibrant, visionary backbenchers to make the Committee work? The world was not changed by an army, it was changed by the vision and strength and forward-thinking of a few people who were motivated to make it happen, so there would be no problem in finding a quorum to make this happen.

As a matter of fact, some would argue that the decreasing - the size of Government in its executive way could actually mean an improvement in the efficiency of Government, and would allow more persons to be in the backbench, to be able to supply this kind of critique that would lead to further agitated type of development. It is no wonder that our beloved Prime Minister continually says, and I

tend to agree, that among our backbenchers there are so many people who are equipped and capable and have the capacities to enter upon that group of executive members called the Cabinet. And so this kind of committee would be preparatory to many of these - us taking up these roles as a training ground through our committee.

Mr. Speaker, our parliamentary process and our quest for sustainable development is not just about fiscal consolidation, it's not just about institutional reform, it's not just about public debt restructuring or financial sector reform, in fact, it is also about social cohesiveness and social progress.

Miss DALEY: Hear, hear!

Dr. BLOOMFIELD: It was Michael Porter, Scott Stern and Michael Green, who released the so-called Social Progress Index and this includes basic human needs, foundations of well-being and opportunity. Among the basic human needs, nutrition and basic medical care, air, water and sanitation, shelter, personal safety and among the foundations of well-being we could include access to basic knowledge, access to information and communication, health and wellness and ecosystem sustainability.

Mr. SHAW: This is about backbenchers you know.

Dr. BLOOMFIELD: And so backbenchers...

(Heckling)

...and so backbenchers...

Mr. SHAW: You are not supposed to be here? What is this!

(Inaudible comments/Laughter)

Dr. BLOOMFIELD: And so to attain this more efficient government, it's indispensable, because government must be closer to the people and it is in fact what we need at this time. Backbenchers and Backbenchers Committee is contributing to standing in the gap, which will deliver focus on the people's agenda. A Backbencher's Committee which meets regularly and which brings to the table its deliberations and its consultations, which raises its voice and its concerns adds value to the parliamentary process.

A direct benefit of such a committee would enhance our progressive and professional capacity of its own members in bringing them into executive offices, and would lead to improve the executive functions in the future. It would also improve our parliamentary efficiency. It is not because we have a PAC why we do not need a PAAC, they complement each other and they're both absolutely necessary, they're not mutually exclusive. It also would provide an oversight, as it promotes greater participation, accountability, transparency and gives value for money performance.

An anonymous writer once said: it is not because things are difficult that we do not dare, it is because we do not dare that things are difficult. So we do not attempt to do a thing unless you're sure of yourself, but we cannot relinquish it simply because someone else is not sure of us.

I trust that others here among the backbenchers will think on these things, add value to this debate and move forward to the

development we envision for this wonderful country that we love so much.

Mr. Speaker, I thank you.

(Applause)

Miss DALEY: Very good, very good!

A MEMBER: Hear, hear!

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 tomorrow, Wednesday, September 16, 2015.

The Deputy SPEAKER: The question is that this Honourable House now adjourns until tomorrow, September 16, 2015 at 2:00 p.m.

Put to the House and agreed to.

The Deputy SPEAKER: (Gavels) This Honourable House now stands adjourned.

The adjournment was taken accordingly at 4:54 p.m. to Wednesday, September 16, 2015 at 2:00 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2015 – 2016

WEDNESDAY, September 16, 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. PHILLIP FEANNY PAULWELL, (PNP), Eastern Kingston & Port Royal, Minister of Science, Technology, Energy and Mining and Leader of the House

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

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

OTHER MEMBERS

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

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

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

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

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

MR. DARYL WESLEY PHILLIP VAZ, (PNP), Portland, 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

PRAYERS

Prayers were offered by Mr. Keith Walford.

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: House Leader.

Mr. PAULWELL: Mr. Speaker, I beg to give notice that at the next meeting of the House, I'll move the following Motion on behalf of the Minister of Finance: The Provisional Collection of Tax Act - the Provisional Collection of Tax (Licences on Trade and Business) Order (Confirmation) Resolution, 2015.

Whereas by virtue of subsection (1) of Section 3 of the Provisional Collection of Tax Act, (hereinafter referred to as "the Act") the Minister may, by order, publish in the *Gazette*, provide for the variation, renewal, or imposition of any tax;

And Whereas the Provisional Collection of Tax (Licences on Trade and Business) Order, 2015, was made by the Minister, and published in the *Gazette* on the thirty-first day of March 2015;

(HON. LLOYD BARNES SMITH, (PNP), St. James, Central, Deputy Speaker, entered and took his seat.)

And Whereas it is provided by subsection (3) of Section 3 of the Act that an order made under that section, subject to its confirmation with or without modifications by 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 order - in the *Gazette*;

And Whereas by virtue of subsection (3) of Section 3 of the House of Representatives, authorize the continuance in force of the Provisional Collection of Tax (Licences on Trade and Business) Order, 2015, for an additional period of three months;

And Whereas subsection (4) of Section 3 of the Act provides that every order made under subsection (1) of that section shall cease to have effect unless it is confirmed with or without modification by resolution of the House of Representatives within the next thirty 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 (Licences on Trade and Business) Order, 2015, be confirmed;

Now Therefore Be it Resolved by this Honourable House of Representatives as follows:

1. This Resolution may be cited as the Provisional Collection of Tax (Licences on Trade and Business) Order (Confirmation) Resolution, 2015.
2. The Provisional Collection of Tax (Licences on Trade and Business) Order, 2015, which was laid on the Table of the House on the 15th day of September 2015, is hereby confirmed.

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

Mr. L. B. SMITH: By your leave, Mr. Speaker.

The SPEAKER: Yes, my Deputy.

Mr. L. B. SMITH: It is in relation to Notices of Motions Given Orally. I have... are you still there, sir?

The SPEAKER: Yes.

Mr. Daryl VAZ: You ready to file the Report?

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

Be it Resolved that the National Housing Trust, (Housing Benefit) (Special Selection) (Perth Housing Development Phase I) Order Resolution under the National Housing Trust, which was laid on the Table of the House on the 15th day of September, 2015, be referred to the Regulations Committee of the House of Representatives for consideration and report.

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

The SPEAKER: Thank you.

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Yes, Mr. Smith.

Mr. D. SMITH: Mr. Speaker, on behalf of the Member of St. Elizabeth North Western, I would like to give notice, sir, that at the expiration of 21 days, he intends to ask the Minister of Transport, Works and Housing, the following questions, and on that date also, to ask the Minister of Science, Technology, Energy and Mining the following questions:

Questions for Minister of Transport, Works and Housing:

Question 1:

The road from Maggotty to Mocho via Arcadia is in a deplorable condition; will the Minister state when this road will be rehabilitated?

Question 2:

The road from YS to Ginger Hill to Pisgah to Springfield is in a deplorable condition; will the Minister state when these roads will be rehabilitated?

Question 3:

The road from Middle Quarters to New Market is filled with pot holes; will the Minister state when will this road be fixed?

Question 4:

The road from Mulgrave to Red Gate is impassable; will the Minister state when this road will be fixed?

Questions, for the Minister of Science, Technology, Energy and Mining:

Question 1:

Regarding the extensions of electricity supply to areas in North West St. Elizabeth, will the Minister please state when will:

a) Johnson Bush Road, and,
b) Red Hills/Ten-Foot Road be completed?

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Mr. PAULWELL: Mr. Speaker, on behalf of the Minister of Finance, I move to introduce and have read a first time, a Bill shortly entitled: "The Casino Gaming (Amendment) Act, 2015".

Bill shortly entitled:

"The Casino Gaming (Amendment) Act"

read a first time.

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

Mr. PAULWELL: Mr. Speaker, I beg to give notice on behalf of the Minister of Transport that at the next meeting of the House, I will move to introduce and have read a first time, a Bill shortly entitled: The Transport Authority (Amendment) Act, 2015.

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, we will continue the State of the Constituency Debate. Today is the final day for the presentations, and we will start today with the Member from South East St. Elizabeth.

Mr. SAMUDA: Mr. Speaker...

The SPEAKER: Yes, Mr. Samuda...

Mr. SAMUDA: Just as a - if you would permit me, just as a matter of interest, and based on historical references, it has always been traditional, and certainly when the People's National Party is in Office, that the week of their Conference, they usually reserve that for non-parliamentary activities. I note that today there are some seven, or so, speakers. I wonder if, by chance, that is - that the Leader of Government Business would just enlighten us as to the reason for that diversion.

Mr. PAULWELL: Mr. Speaker, I think the Member is trying to evoke some mirth, but we do have business to do, and this Constituency Debate...

A MEMBER: Working, working, working...

Mr. PAULWELL: ...is very important. We had announced...

(*Sotto voce* comments)

(The Speaker gavels)

Mr. PAULWELL: We had announced, Mr. Speaker...

Mr. SAMUDA: Previously, you never had.

Mr. WARMINGTON: Nonsense! One man a get $3 Billion to spend in constituency and *nah* get none. Madness!

Mr. PAULWELL: We had announced, Mr. Speaker, that the Cabinet is actually meeting next week, over two days, and one of the items to be considered by the Cabinet are the proposals coming out of this Debate. When we discussed this in Standing Orders Committee, it was felt that this was so important a matter for us to have in the Parliament that it should be timed to coincide with the analysis that the Cabinet will be giving on this year's Budget, and also for next year's Budget. So, it is a most important activity, and no party conference would take precedence over this.

(*Sotto voce* comment by Mr. McKenzie)

The SPEAKER: One at a time, one at a time.

Mr. McKENZIE: Mr. Speaker, $5 Billion?

The SPEAKER: Mr. McKenzie... Mr. McKenzie...

Mr. McKENZIE: (Inaudible) ...first time MP.

The SPEAKER: Mr. McKenzie, take it easy. If you want to ask a question, do it properly.

Mr. McKENZIE: I can ask a question, sir?

The SPEAKER: Yes.

Mr. WARMINGTON: Mr. Speaker, it is encouraging to hear that the Cabinet is going to meet two days next week to discuss and consider the proposals.

The SPEAKER: Hold on, Mr. Warmington. You do remember there is a new format to...

Mr. WARMINGTON: No, just hear me out, Mr. Speaker; just hear me out a little.

The SPEAKER: Okay.

Mr. WARMINGTON: I was a part of the Committee that dealt with this...

The SPEAKER: I do recall.

Mr. WARMINGTON: ...so don't - you don't have to remind me. The issue is, it's encouraging to know that they are going to meet two days next week to consider, yet, there are Private Member's Motions which are far more important than some of what has been presented as what they call State of...

The SPEAKER: No, don't do that, don't do that.

Mr. WARMINGTON: All right, let me tell you, there are Private Member's Motions that are critically important to constituencies and to the nation that are brought here. And one in particular dealing with housing schemes and you know, roads and infrastructure to be taken over by Government that was approved by this House more than two years ago. And I keep on asking every day what is the position and I can't hear from the Leader of the House or the Minister for Local Government. So, I can understand, if Cabinet is going to discuss those, yes, but why can't we get something done on the Private Member's Motion?

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

Community Development, entered and took his seat.)

Secondly, there were several amendments approved here...

Mr. PAULWELL: Mr. Speaker, on a point of order. We are under Public Business now.

Mr. WARMINGTON: No, no, you just say some...

Mr. PAULWELL: We are under Public Business...

Mr. WARMINGTON: Can I ask permission then, Mr. Speaker, just to...

Mr. PAULWELL: No, no, no, please...

The SPEAKER: You made the point.

Mr. McKENZIE: I can't ask him, I can't ask him. Why, Mr. Speaker, this is a serious matter.

The SPEAKER: No, no, no, we are... (Inaudible)

Mr. PAULWELL: Mr. Speaker, this Debate is too important for us to trifle with it, and we are going to conclude it today.

(*Sotto voce* comments by Mr. Warmington)

Mr. McKENZIE: I know it is important.

Mr. PAULWELL: And you had the full 20 minutes as well.

Mr. McKENZIE: One man alone a spend $3 Billion... (Inaudible)

(The Speaker gavels)

Mr. PAULWELL: Mr. Speaker, may we proceed?

Mr. WARMINGTON: Mr. Speaker, I take the point, but can I ask him then...

(The Speaker gavels)

He was absent yesterday when I asked about the several amendments to the Representation of the Peoples Act.

A MEMBER: Nothing like that.

(*Sotto voce* comment)

Mr. WARMINGTON: But you went to Cabinet.

The SPEAKER: The next time we meet, he will...

Mr. WARMINGTON: But he is brushing me off; that's what he is trying to do.

The SPEAKER: No, no, no...

Mr. McKENZIE: So *im* mislead the House then.

The SPEAKER: Mr. Parchment, your time.

(Applause)

Mr. McKENZIE: …explain why im misled the House. If Soapberry is not a part of it, go and talk about it.

The SPEAKER: Mr. McKenzie, we cannot tolerate this kind of behaviour, man.

Mr. McKENZIE: Mr. Speaker, I don't sleep last night because of the Member. I don't sleep.

The SPEAKER: You have to control yourself, man.

Mr. McKENZIE: But Mr. Speaker, it is not fair for all of us are elected representatives of the people and one Member of Parliament can speak that in less than four years he has spent over $3 Billion in his constituency.

(*Sotto voce* remarks by Government Member)

Mr. McKENZIE: It's not about representation, Mr. Speaker, something must be wrong.

The SPEAKER: Nothing is wrong with that project. That project is a project that covers the Corporate Area.

Mr. McKENZIE: So, Mr. Speaker, if that project is not a part of his representation, if it is a project that has been there long before he should not talk about it then, misleading the House.

The SPEAKER: The project is in his constituency.

Mr. PAULWELL: A point of order, Mr. Speaker.

Mr. McKENZIE: *Oonu a* expose *oonu* self to *di* people.

Mr. PAULWELL: Under what agenda item is the Member speaking because it is inappropriate?

Mr. McKENZIE: I am raising the concerns about...

Mr. PAULWELL: It is not appropriate to do it now.

Mr. McKENZIE: ...what is being said in the Constituency Debate.

Mr. PAULWELL: It is not appropriate for him to do it now.

Mr. McKENZIE: The misrepresentation, the misinterpretation, the bogus facts that *oonu* giving to the public.

Mr. SAMUDA: Mr. Speaker, you will recall yesterday I made an issue of the announced $23 Million spent over three years for back-to-school through the CDF.

Mr. PAULWELL: Mr. Speaker, under what agenda item are we speaking on?

Mr. McKENZIE: Constituency Debate.

Mr. PAULWELL: Yes, but it is inappropriate.

Mr. WARMINGTON: He is on constituency issue.

(*Sotto voce* remarks by Mr. Samuda)

The SPEAKER: No, no, Mr. Samuda.

Mr. SAMUDA: I am appealing to you because I made an issue and I am accusing the Member of misleading the House.

The SPEAKER: No, no, no!

Mr. SAMUDA: That's a serious allegation. I brought evidence to show where it was impossible for him to have spent $23 Million in three years.

Mr. PARCHMENT: Four years.

Mr. WARMINGTON: Mr. Speaker, he is accusing the Member, but I am accusing the Government of assisting only PNP with the expenditure; we don't get none.

The SPEAKER: No, I have not heard him. Mr. Parchment, you have the floor.

(*Sotto voce* remarks by Mr. Samuda)

The SPEAKER: No, Mr. Samuda, have a seat.

(Applause by Government Members)

Mr. SAMUDA: You are being unreasonable, you are being unreasonable today.

The SPEAKER: I am following the Standing Orders.

CONSTITUENCY DEBATE

Mr. PARCHMENT: Mr. Speaker, today I rise to give my report on my stewardship in the constituency of South East St. Elizabeth. Firstly, let me thank the Almighty God for his mercies. It is through Him that I get the strength to carry on. Let me also thank our

dear Prime Minister Portia Simpson Miller for her continued confidence in me and also for her wise counsel. Her leadership of this country has been exemplary. She has served with a quiet dignity and a befitting grace. Her journey as a public servant has been an inspiration to this grateful nation.

(Applause)

To my wife, Lavern, who is not here today. She has chosen our son over me today; she is at school with him. I thank her for her love and support. To my constituency and especially my Councillors and my constituency management team I want to say thank you for your loyalty and your support.

(*Sotto voce* remarks by Mr. Warmington)

Mr. PARCHMENT: Mr. Speaker, today I rise with mixed emotions. I am heartened by the tremendous progress that has occurred in the constituency but somehow heartbroken because of the unrelenting drought that has decimated the incomes of many farmers and has caused untold hardships to some of our residents.

Mr. Speaker, in keeping with the developmental objectives of the founders of the People's National Party, I have chosen education as my main area of focus in the constituency. (Applause) Since January 2012, Mr. Speaker, when I assumed the leadership of this great constituency, every objective criterion that we use to measure educational attainment has shown remarkable improvement. Our Grade Four Literacy and Numeracy Tests results are up by an average of 10%; GSAT passes are up by an average of 8% - we have gotten four Government scholarships in the last three years, Mr. Speaker - CSEC and CAPE passes are at an all time high and matriculation into university has also spiked during this time. Mr. Speaker, these improvements did not come as a result of chance, they came by leadership and by proper representation.

Mr. WARMINGTON: You are the teacher, stop talk rubbish.

Mr. PARCHMENT: Mr. Speaker, when I assumed the role I chose to do a number of things. One, I recommended quality individuals to serve on the School Boards to improve the governance. My aim also was to develop a more comfortable and secure environment, also to lead by example and develop good relationship with the school communities and also to recognize and motivate - to recognize, motivate and award both teachers and students for exceptional service and for good work.

Mr. Speaker, over 50 specific achievements have been attained in education during the last three and a half years. I wouldn't have the time today to speak of all of them, but I will just highlight a few. Twenty-seven Million Dollars ($27M) was spent from JSIF for upgrade of Austin Primary; $17 Million on Bethlehem Primary; from the Ministry $40 Million was spent at Hampton High School to construct a new classroom block which has eased the overcrowding and has already increased enrollment. Mr. Speaker, I never stopped there. The school has decided now to raise an additional $25 Million on their own to go on top of that classroom block to put up another eight classrooms. And

I have donated $1 Million from CDF to that initiative. (Applause)

Mr. Speaker, the B.B. Coke High School which has been a source of worry for me over the years. When I became Member of Parliament, hardly any parent wanted to send their children to that school but over the last three and a half years Mr. Speaker, B.B. Coke has changed and it is now a centre of academic excellence in South East St. Elizabeth. (Applause) Mr. Speaker, $40 Million was spent to construct new classroom block; it is now off the shift system. The classroom block is not fully finished, but I was pleased last week Mr. Speaker, when I went to the school; the teachers said they are not turning back, schools (sic) were being held under tent and in the storerooms so classes were being held under tents. And I want to say thanks to the leadership of that institution, they have shown great courage.

(*Sotto voce* remarks by Mr. Warmington)

Mr. PARCHMENT: Mr. Speaker, for the first time at B.B. Coke High School there has been the introduction of Sixth Form. Nain Primary and Junior High has been upgraded to a high school; pit latrines have been removed from Brinkley and from St. Mary's Primary. New computer access points have been installed at Bull Savannah Primary, Ballards Valley Primary, Epping Forest Primary and Refuge Temple Academy; an average of over 20 computers per centre. At Munro there is a conversion of the old Football Academy into the new Sixth Form block. This has increased capacity. We have fenced Seaview School, built sidewalk at Mayfield and paved Top Hill school yard under the JEEP programme. Mr. Speaker, my CDF Scholarship Programme is one of the very best out of any 63 in Jamaica.

Mr. WARMINGTON: You don't know nothing.

Mr. PARCHMENT: I want to tell you two weeks ago it never occupied one page of the Observer, it occupied two pages, the whole centre-spread and for who read it could see what is happening.

Over the last three and a half years, over 3,000 individuals have received specific grants in school, over 3,000 individuals, Mr. Speaker. (Applause)

Mr. Speaker, I want to say thanks to our - to the principals and the management of the schools and also permit me to specifically thank our Minister of Education who has been with me on the journey all the way. (Applause)

Mr. Speaker, with respect to education, South East St. Elizabeth has climbed a great hill. There are many more hills left to climb, but we have powered-up the progress and we are moving forward in the right direction.

When we speak of energy, Mr. Speaker, when we speak of energy, mining and energy - when we speak of mining and energy, South East St. Elizabeth was literally brought to its knees in 2009 when Alpart refinery was closed. But Mr. Speaker, 12,000 workers were laid off at that time and sent home. But after months of tough negotiations, in December 2004, a determined Minister, Minister Paulwell announced the restart of mining activities at Alpart (Applause) where 2,000,000 metric tonnes of monohydrate

bauxite were to be shipped to Russia. Mr. Speaker, some of my colleagues from across the floor scoffed at this, they said it was just another grand announcement. One even remarked that the plant was being scrapped and shipped to Guyana. But, Mr. Speaker, I am glad, I am glad that you were there, Mr. Speaker, last Monday, at 10:30 a.m. where you assisted Minister Paulwell in cutting the ribbon to signify the reopening of Port Kaiser and to witness the loading of the 35 metric tonnes of bauxite on that boat. (Applause)

Mr. Speaker, there is talk in the constituency and there is something to prove it that JLP locked down Alpart and PNP is reopening it. (Applause) Mr. Speaker, normally I would not be celebrating export of bauxite, but to date it has provided employment for 350 persons and the fulfillment of part of an agreement to open the plant by 2016. And Mr. Speaker, one thing that we want to note to this Honourable House is that the full levy is being received on this shipment of bauxite; there was no rate concession, no rate cut, the full levy, and that is an indication, that is an indication that we are well down on the road to 2016 when the plant will reopen and then 1,300 persons will be employed. Mr. Speaker, this is progress, mining operations is moving in the right direction. What the constituency, Mr. Speaker, lacks...

Mr. McKENZIE: Is you.

Mr. PARCHMENT: ...in rainfall it is made up in wind and sunshine.

Mr. Speaker, in 2013 I reported to this Honourable House that there was a proposal to construct a wind farm in Munro. In 2014, I introduced to this Honourable House Mr. Bruce Levy, the Principal of BMR Wind Energy who sat in the Gallery when I made my presentation. Today, Mr. Speaker, I am pleased to announce that work is progressing rapidly on J$11 Billion wind farm in Munro (Applause) that will supply 36.3 megawatts of electricity at the cheapest rate to the grid, twelve point eight nine US cents per kilowatt hour. (Applause) So important was this project, Mr. Speaker, that the Vice President of the United States announced it when Honourable Prime Minister visited the White House earlier this year. (Applause) And it was spoken about when President Obama came to Jamaica earlier this year. South East St. Elizabeth is on the map, Mr. Speaker. Thank you Minister Paulwell for your progressive energy policy that has brought about this investment to Jamaica. (Applause)

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

But, Mr. Speaker, the first day I met the principal of BMR Energy I told him that if this project goes ahead - when this project goes ahead there must be a legacy project for the constituency. And I want to say that three weeks ago Minister Bunting received the keys to a brand new 2015 Toyota Hilux pickup for exclusive use to the Agro Enforcement Team in St. Elizabeth to combat praedal larceny, an investment of over J$5 Million.

(Applause)

Mr. Speaker, BMR Energy is doing a lot of things. They have even widened the roads to facilitate the movement of materials and these - the widening of these roads, I have asked Minister Davies, he has come and he has looked at it and he wants to make them permanent because it's going to help the constituency a great deal.

So Mr. Speaker, it might come as a shock to some of us that there are many communities in rural Jamaica without electricity. In 2012 I did an audit and I had sixteen communities that had no access to proper electricity; the Home Sweet Home lamp was the order of the day. But let me put on record, Mr. Speaker, that with the activities of REP we have - partnered with me to put electricity in Powell Town, Top and Bottom, Nembhard Town, Cheapside, Lucky Valley, Bromington Hall, Dalton, Roseberry, Links Hill, Bongo Lane. Mr. Speaker, we are still a long way to getting complete electricity cover, but we're moving in the right direction. (Applause)

Miss DALEY: Yes.

(Cross talk)

Mr. PARCHMENT: Mr. Speaker, as a MP I have to confess there is rampant electricity theft. In order to get around that, Mr. Speaker, we have to find a way to wire the houses because this is one of the expenses which is prohibiting the persons from getting proper electricity and I want to say with the activities of the REP again a number of communities have gotten house wiring and have now established legitimate relationship with JPS.

(Cross talk)

Mr. Speaker, over the last three and half years, Mr. Speaker, we have been able to repair forty-one roads in South East St. Elizabeth.

Mr. André HYLTON: Forty-one. (Applause)

Mr. PARCHMENT: Forty-one roads and road segments in South East St. Elizabeth. (Applause) Some of the main ones, Mr. Speaker, would be Exton to Ridge, Nain to Amos, Brinkley, Cheapside, Portsea, Lane Heights. I must specifically…

(Cross talk)

Mr. Speaker, I just want to say thanks to Minister "Butch" Arscott. There was one particular road that was washed out from 2005 that caused the death of five persons and after many, many resolutions from the parish council it remained unfixed. And I want to say this year for the first time in ten years that roadway was repaired and we have a good roadway now to the cost of $10 Million.

(Cross talk)

Mr. Speaker, the JEEP has been the vehicle of choice in South East St. Elizabeth. (Applause) It has caused significant improvement in the road infrastructure. Mr. Speaker, we have many roads still left to be repaired, but the JEEP is driving in the right direction. (Applause)

(Inaudible comment by Mr. Warmington)

Mr. PARCHMENT: Mr. Speaker, the water problem in South East St. Elizabeth has reached crisis proportion. We are now experiencing problems and over reliance on rainwater harvesting and also decades of policy neglect with respect to domestic and

irrigated water system. Mr. Speaker, only 15 per cent of the constituency currently has access to intermittent supply of domestic water and 0 per cent irrigation.

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

Mr. PARCHMENT: Thank you very much Mr. Speaker. Thank you very much colleagues. The time is running out so I would encourage my colleagues to just spend a little time and listen to what we have to say.

Mr. Speaker, in the districts of Cheapside, Brinkley, Fairfield, Steven's Run, Content, Bromington Hall, no rains have fallen from November last year. The current situation would have been much worse had it not been for specific initiatives from the ministry. For example, Mr. Speaker, the repair of rainwater tanks at Rose Hall, Portsea, Melksham, Genius, Northampton Mountain to name a few. The provision of one rapid response water tank dedicated to the constituency. The provision of over $12 Million in the last three and half years between the Ministry and the CDF to truck water to affected persons and also the upgrade of pumps at Duff House that increased domestic water supply to areas like Junction, Bull Savannah and Thatch Walk. Mr. Speaker, let me thank the Minister for his assistance and also for the restart of the Essex Valley water supply system. It's a $400 Million project which is designed to increase supply to about additional 12,000 residents of South East St. Elizabeth. I must also thank the management of NWC for working with my suggestion to commission that system in phases that areas such as Myersville, Austin and Hall Valley can get water before the completion of this system.

Mr. Speaker, the Ministry of Water and NWC has come under a lot of criticism over the present water situation, Mr. Speaker the NWC and the Ministry of Water is only responsible for 30 per cent of water production in Jamaica. The bulk of the water produced in Jamaica is by NIC, National Irrigation Commission. Mr. Speaker, for us to see significant improvement in the water delivery, there must be an overarching water policy and I would recommend that the Ministry of Water take under its wing now NIC and we deal with one water policy instead of a NIC water policy instead of a NWC water policy, instead of a rural water policy. We want one overarching water policy to deal with the water.

(Applause) (Cross talk)

Mr. Speaker, please permit me to just spend a minute to just talk about the Farm Work Programme. What I…

(Cross talk)

The Farm Work Programme. The Farm Work Programme has been a good programme for many residents in South East St. Elizabeth. Over the last few years too many persons have been failing the test and I want it to be set out

exactly must happen in order that these people when they go to do the test. Mr. Speaker, what has been happening is that a lot of money has to be spent to do the travelling, the eye scan and the things and sometimes Mr. Speaker, the persons don't get through and you're talking about poor people losing $30 and $40,000 that they cannot afford. So I'm asking the Government, don't ask them to put no money upfront. Let them do whatever they have to do and you can withdraw it from them when they go aboard and start to work. (Applause)

Miss DALEY: Hear, hear!

Mr. PARCHMENT: If they do not get through it must be a cost to the Government.

Mr. Speaker, there have been other significant achievements, for example, the completion and the opening of the brand new Malvern Police Station. The completion of sixty housing lots at Bellevue and Gazeland, the upgrade of the Junction Health Centre which is now our centre of excellence; completion of the maternity wing is scheduled for later this year. The reopening of Lover's Leap Attraction has - expenditure of over $20 Million to upgrade the facility.

(Cross talk)

The approval of $17 Million to complete a nature's trail to the sea. The provision of a fire truck this year to the Junction Fire Station, Mr. Speaker. These, Mr. Speaker, have been significant achievements. The time won't allow us to go through all of it, Mr. Speaker, but I want to say what I have presented here to this Honourable House today is irrefutable evidence, Mr. Speaker, that the constituency of South East St. Elizabeth is powered-up and progressing despite the challenges. (Applause) The constituents are resolute, Mr. Speaker, that they are standing firm with Parchment for the second term.

I thank you, Mr. Speaker. I thank you colleagues for your attention.

(Applause)

The SPEAKER: Miss Daley.

(Cross talk)

No, Mister [Spencer] not yet. Miss Daley first.

(Cross talk)

(Applause)

Miss DALEY: Mr. Speaker today marks another milestone for me in Parliament as I present my State of Constituency Debate. I thank the Creator for sustaining me to carry on with the work I was entrusted to do. I thank the Honourable Portia Simpson Miller, Prime Minister of Jamaica for her leadership of Jamaica land we love, to the Speaker and Deputy Speaker for the effective way in which you have carried out your duties, to my fellow parliamentarians on both sides, members of staff of the Houses of Parliament, and my constituents who will never leave me nor forsake me. To my four Councillors: Councillor Enos Lawrence, Councillor Donavan Guy, Councillor Norman Scott, Councillor Keisha Lewis, and my Caretaker Fabian Headley. (Applause) To my entire staff who are here with me today, my executive members, my family, especially my son, Mr. Speaker, who is visiting this Parliament for the first time. (Applause) My sincere thanks to all who have worked with me to make Eastern St. Catherine a better place to live, work and raise families.

Mr. Speaker it was Leonardo *da* Vinci who said:

> *"I have been impressed with the urgency of doing. Knowing is not enough; we must apply. Being willing is not enough; we must do".*

So today, Mr. Speaker, I will give an account of my stewardship in the Constituency of Eastern St. Catherine, a united and transformed community. Let me express my deepest sympathy to the residents who have lost their loved ones. Heartaches and void can only be healed by the grace of the Almighty God, the willingness of individuals to rise up, speak out and take charge of their communities. This is why we will strengthen our interactions with the Community Security and Justice Programme and non-government organizations as we address crime and violence through social and economic transformation. Mr. Speaker, just look at what is being done at Emancipation Square in the old Capital as was promised. Tour Guides have been trained for this emergence and developmental work continues as I speak, Mount View and Burke Road to name a few.

Mr. Speaker through the Social Investment Funds, we will be carrying out repairs to the sidewalks in Central Village. We will also be in partnership with the Minister of Justice and the Parish Council with the removal of the zinc fences from the entrance of Windsor Heights.

In our united and transformed community of St Catherine Eastern, Mr. Speaker, we have distributed over fifteen 'Food for the Poor' houses, 136 persons received building materials to complete minor repairs to homes in the tune of $3 Million. Mr. Speaker, there are 900 titles now ready for residents of Windsor Heights, Gravel Heights and Lauriston Communities. (Applause) By December of this year residents of New Nursery will be awarded with new instrument of land ownership after over 30 years of waiting. (Applause)

Mr. André HYLTON: Well done, well done.

Miss DALEY: Some of these residents will receive also Food for the Poor houses from the JEEP Programme.

Mr. Speaker, in terms of education, we have over 1,000 persons who have benefitted from the Back-to-school Programme from the primary and tertiary level. (Applause) They are six active homework centres that are fully computerized, and Mr. Speaker, I am now looking at a location to do hospitality training for 100 youths. Also we have been getting good results from the GSAT Homework Centres which continue to shine. In 2015 students were placed at traditional high schools such as St. Jago High, Kingston College, and Campion College with an average of over 95 per cent. (Applause) Mr. Speaker, these children are coming from homes of parents from poor economic backgrounds. I want to salute Miss Joan Black from the De la Vega Benevolent Society, Grace Kennedy and the parents for reaching out to these students.

Mr. Speaker, some only talk about the negative of the constituency but I must tell those persons that there are students from St.

Catherine, Eastern, from the communities of Windsor Heights, Jones Avenue, Twickenham Park, Greendale, New Nursery to name a few with over 16 subjects of CXC and CAPE subjects. (Applause)

Mr. André HYLTON: That's good. Excellent progress.

Miss DALEY: I am also pleased to report, Mr. Speaker that the first batch of trainees at the Windsor Heights Heart Trust Center that I mentioned in 2014 presentation has completed Level I in their training and now certified in masonry and carpentry.

We are now looking forward to offering Level II along with new courses in hospitality and housekeeping.

In partnership with the Universal Access Fund, there is a fully operational computer access point in Windsor Heights, Mr. Speaker, - and if you know Windsor Heights you would understand - which was opened by the Minister of Science, Technology, Energy and Mining. I want to thank you Minister and your staff for the work that you have being doing. (Applause)

Mr. André HYLTON: Well done, well done.

Miss DALEY: Mr. Speaker, we continue to use sports as a medium to unite comminutes that are divided along political lines. The sporting clubs and teams in Eastern St Catherine are very disciplined and making an impact in this regard. Respect and self-esteem are boosted as youngsters reject crime and violence.

I contributed to eight football teams, seven netball teams, two cricket clubs and to the annual sports-day activities that unite communities in a way never been seen before. I want again to thank the Benevolent Society along with Mr. Joslyn Miller for the hard work that they are doing. Congratulation is once again extended to the players of the Rivoli Football Club for retaining their position in the National Premier League in which I am a chairman for. (Applause)

Youth is of paramount importance and my aim in the next financial year is to set up a constituency registry at our main library to enable young persons to get firsthand knowledge of the skills and resources that are available to them.

Mr. Speaker, where persons are not engaged in meaningful activities such as employment, there is loophole for crime and violence and other social ills. We have therefore embarked on a serious employment programme to get more persons actively engaged in employment and entrepreneurial skills.

Over 500 persons got start-up capital under the Economic Enablement Programme, another 15 persons got employed in the transport sector, 500 persons were employed to the China Harbour Engineering Company CHEC on the North/South leg of the highway. When this is finished, Mr. Speaker, we are looking for greater employment and tourist coming to visit our historical sites.

Under the - Mr. Speaker, under the Unattached Youth Programme with HEART Trust, another 100 persons are already processed for training and employment placement. (Applause)

Mr. André HYLTON: Good progress, wonderful.

Miss DALEY: In the agricultural sector, Mr. Speaker, I continue to give assistance with tools, fertilizer, and chicken and assist them in farm work and the Farm Work Programme. Welfare, Mr. Speaker, we continue to unite and transform as we work closely with community-based organizations to facilitate smooth running of our Constituency Welfare Programmes, in catering to the need of the poor and the destitute.

Mr. Speaker, over 80 shut-ins were visited by me personally, another 150 visited by representatives of my office and my community association leaders on my behalf with gifts of goods, foods and of good words of comfort.

Mr. Speaker, it must be mentioned that we have over 100 shut-ins that we feed from my office every month. (Applause) A very big thank you goes out to Food for the Poor and Lasco for their contribution to this programme.

Mr. Speaker, two health fairs were held for the period 2014/2015 and as I speak one is being carried out in Windsor Heights at the health centre which takes in all of Central Village with over 30 health practitioners coming out of the United States. They are doing eye care, granting free test glasses, medical care, medication and they are expecting to see over 1,000 persons today. (Applause)

Mr. Speaker, as the Member of Parliament for St. Catherine Eastern, I continue to enjoy the unity of my constituents working, sharing, and hoping together in making Eastern St. Catherine a model community, transform for the benefit of all. And so, Mr. Speaker, regardless of their political persuasion or religious belief I am committed to serve and to represent all citizens of my constituency.

In closing, Mr. Speaker, I refer to the American businessman Steve Jobs - the only way you do great work is to love what you do. Mr. Speaker, without a doubt, I love serving my people, my constituency and my country Jamaica.

(Applause)

Mr. Daryl VAZ: What a difference to Richie man, nice docile speech.

The SPEAKER: Mr. Spencer.

Mr. Daryl VAZ: I want everybody to give Ruddy full attention, him need it. Don't trouble Ruddy.

Mr. SPENCER: Mr. Speaker...

(Heckling)

(The Speaker gavels)

The SPEAKER: Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I rise to make a contribution to the State of the Constituency that I have the distinct honour and privilege to represent. And I do so with mixed feelings. I do so, Mr. Speaker, because today, Monymusk and I want, sorry - today, Monymusk is on the brink of closure. The workers demonstrated this week. There is supposed to be another meeting today to determine what is to happen. When you view that against the background that Monymusk is the only employer of labour in that entire region, apart from Jamalco that employs some technical people. You can understand the

frustration the people are feeling and what is going through the minds of those people in the community offering services, opening their bars, their shops and everything. And so today, it is with mixed feelings that I speak here today.

Mr. Speaker, sometime ago, Dr. Davies who was the Minister of Finance, chided me for not doing anything about the bridge at Longville Park. I had the sore experience of travelling from Mitchell Town to Longville Park and it was raining, I had to stop and travel all the way around to Lionel Town come back to Mitchell Town and then come back, and when we reached the bridge all the people there had drawn blanket, they had to sleep because there was no way. And I am telling you, I vowed that night that it would be corrected. Thank God today Longville Park boast a lovely bridge and road that takes the people quite comfortably to their destination. (Applause) So I don't have to come here and boast about was has happened in Longville Park.

Mr. Speaker, another thing that I looked at when taking over the constituency was the number of schools with pit latrine. And I vowed that that wasn't to be. Thank God Rocky Settlement School has a new tile-filled and a very, very modern bathroom facility. (Applause) Rosewell has a new toilet facility that one should be every aspect proud of it. Today Longville Park, today Rocky Settlement, today Rosewell are all beneficiaries of the representation of the Member of Parliament.

(Applause)

We look at education, we look at education, and in Longwood we put up a brand new basic school housing a number of children that is very modern, Minister Thwaites, and one in which we are real pleased.

In Longwood, we put also a brand new community centre. In putting up that community centre, we entered into a partnership with the people of Longwood that it was theirs to be taken care of and we would do the rest. Today, Longwood has a basis school that they can be truly proud of and they are moving steadily in progress.

At Watsonton Primary school in Lionel Town, additional classrooms. We have constructed new markets at Rocky Point and upgraded the fishing beach at Rocky Point. We have built a brand new health centre in Rocky Point. We have built a brand new community centre in Rocky Point, we have extended the road in Rocky Point, and the only regret that I have about all this is for the last three years we are unable to open the community centre I went to the Prime Minister and the Prime Minister called the CHASE Fund in my presence and asked them to pay attention to the community centre that is seven months ago, up to now nothing has been done.

And I want to tell you something, the Prime Minister told me that she landed at that centre, when she was opening the fishing beach and she was very, very concerned. She was more concerned because the community centre bears the name of former Prime Minister Hugh Shearer. And I am telling you,

Mr. Speaker, until today nothing has happened to that centre.

They gave me, they told me at CHASE Fund that they will do an estimate, when the estimate came back the estimate was to fence around the community centre itself not to include the playingfield and all that. And I am telling you, if it is not disgraceful I don't know what is disgraceful.

Mr. McKENZIE: You are not a comrade that is your problem.

Mr. SPENCER: We have extended the health centre, the sugar transformation has built a brand new health centre at Lionel town, but there is something else I want to tell this House about Lionel Town. When we were the Government we entered into partnership with the University of Technology to train Pharmacy Technicians. What has happened, the first batch, Mr. Speaker, once they graduated after the nine months they were able to get employment.

I am telling you, since that time, they have trained another set and for two years now, two years, they keep complaining they can't get any employment. But worse than that, I called the Minister of Health, they closed down the centre that we were in partnership with the University of Technology, it was closed down without one word to anybody. I am telling you, Mr. Speaker, if that's not disgraceful, I don't know what is disgraceful. (Applause)

Mr. WARMINGTON: Hear, hear!

Mr. CHUCK: The Minister knows about it?

Mr. SPENCER: See the Minister there.

Mr. CHUCK: He knows about it?

Mr. McKENZIE: Yu not a Comrade.

Mr. CHARLES: Only di PNP satisfy wid dat health care.

Mr. SPENCER: Expansion of the Mitchell Town Health Centre, upgraded and asphalted Green Park Road in Sandy Bay...

Mr. WARMINGTON: Hear, hear!

Mr. SPENCER: Upgraded and asphalted Waterman Street in Hayes.

Mr. WARMINGTON: Hear, hear!

Mr. SPENCER: Upgraded and asphalted Lionel Town Housing Scheme.

Mr. WARMINGTON: Hear, hear!

Mr. SPENCER: Upgraded and asphalted Powell Drive in Rocky Point.

MEMBERS: Yes!

Mr. SPENCER: Upgraded and asphalted Sherway Drive in Rocky Point.

Mr. WARMINGTON: Hear, hear!

A **MEMBER:** Progress!

Mr. SPENCER: Upgraded and asphalted Hares Lane in Rocky Point.

Mr. WARMINGTON: Hear, hear!

Mr. SPENCER: Upgraded and asphalted 350 metres of all streets in Mitchell Town.

(Applause)

Mr. WARMINGTON: Hear, hear! Hear, hear!

Mr. André HYLTON: Progress that man, Government working.

Mr. SPENCER: We have also upgraded and asphalted all sections of roadway, as Minister Arscott will tell you in Longwood.

A MEMBER: Working MP! A working MP!

Mr. McKENZIE: Dat come to half a billion dollars?

Mr. SPENCER: No, no!

Mr. McKENZIE: And one man alone get $3 Billion.

Mr. CHARLES: And one man do one hundred and one projects.

Mr. SPENCER: We have also constructed a perimeter wall around the school in Palmers Cross and whilst doing that, we have constructed and expanded a number of classrooms at that school in Palmers Cross. (Applause)

Mr. WARMINGTON: Hear, hear!

Mr. CHARLES: And Falmouth get three Billion.

Mr. SPENCER: In Gayle, we have expanded and asphalted all streets, upgraded and asphalted Downer in Alley.

Mr. WARMINGTON: Working! Working!

Mr. PAULWELL: The Government is working.

Mr. SPENCER: Upgraded and asphalted Dry Hill Road and School Street in Portland Cottage; upgraded and asphalted Baldwin Cottage in Portland Cottage.

Mr. Speaker, we have done what we are supposed to do, the only difficulty I have with that is that much more could be done only if we had the support of the Government.

Mr. McKENZIE: Yuh not a Comrade! Yuh not a Comrade! Yuh just get a token!

Mr. WARMINGTON: And Arscott get all a it on the other side of the fence! Arscott get all a it on the other side of the fence!

(Cross talk) (The Speaker gavels)

Mr. SPENCER: Mr. Speaker, talking about infrastructure, we have done the main road leading through all the communities to Moores that has been upgraded and asphalted. We are still...

(Cross talk)

Mr. WARMINGTON: Victimization!

Mr. SPENCER: I want to reservedly thank Minister Azan for the token that he has given me. We are very grateful.

(Applause) (Cross talk)

Mr. McKENZIE: Yuh spend a billion dollars pon road in a di constituency?

Mr. SPENCER: Let me tell you something, for the last seven or eight years, we've asked for the roads from Mineral Heights to Lionel Town to be upgraded...

(Cross talk)

Mr. SPENCER: ...and finally, it was done. And I want to tell you, it was only done to Dawkins Pen, half the roads to Lionel Town haven't been done.

Mr. WARMINGTON: What about the bridge?

A MEMBER: Arscott, stop it!

Mr. WARMINGTON: What about the bridge?

Mr. SPENCER: I want to say a very special thank you...

Mr. McKENZIE: A him job, yuh nuh fi thank him!

Mr. SPENCER: Shh! No, no, no, no, because if mi nuh *dweet* dem a come victimize mi.

(Cross talk)

Mr. SPENCER: I want to say a very special thank you to Mr. Azan because when I appealed to Mr. Azan about the bridge where the people had to drive round, he came there

with me and he told me it would be done...

A MEMBER: And it was done.

Mr. SPENCER: ...and I must say special thanks, it was done. (Applause)

Mr. McKENZIE: Di name Azan is Labourite yuh nuh, him have lickle Labourite blood in a him das why him stay like dat.

Mr. CHARLES: Weh yuh clapping over?

Mr. McKENZIE: Him 'ave lickle Labourite blood in a him.

Mr. SPENCER: But I'm going to tell you, the main road from Rocky Point needs to be...

(Inaudible comment by Mr. Warmington)

Mr. SPENCER: Please, sir. ...the main road from Rocky Point needs to be upgraded. The Rocky Point main road, we sent in an estimate for $135 Million; it wasn't given.

Mr. VAZ: Arscott nuh gi weh prayers!

Mr. SPENCER: If you noticed what we have done with $18 Million, and we're asking for some more so that we can finish the roads.

(Cross talk)

Mr. McKENZIE: Mek Brown gi yuh sum out a di $3 Billion wha he get in a him constituency.

Mr. SPENCER: Dawkins Pen to Water Lane is in a deplorable condition, Minister. I'm asking that we do some more work from Dawkins Pen to Water Lane so that those residents can enjoy the road.

Mr. WARMINGTON: Hear, hear!

A MEMBER: Yuh need to audit with CVM.

Mr. SPENCER: But I'm going to tell you something, we have a monumental problem with water, a major problem with water. When we left the government, we left in place a programme to deal with water. Water would be taken care of at Mitchell Town, Portland Cottage...

Mr. Daryl VAZ: Give him an hour more fi bawl!

(Laughter)

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

Mr. Daryl VAZ: Give him an hour more fi bawl!

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.

Mr. Daryl VAZ: Him doing a good job.

The SPEAKER: (Gavels) 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. Spencer.

Mr. SPENCER: I thank the Parliament very much, sir. I'll just wrap up.

Mr. Speaker, there was a Free Zone Complex at Hayes and since 1989 it has been closed down. I am asking if we are to do any activity, we need to return to the Free Zone. That by itself has employed and can employ 3,000 people.

Mr. CHUCK: They need it!

Mr. SPENCER: Factories Corporation owns the building and the building is there now doing absolutely nothing. Goats and cows are in it.

Mr. CHUCK: (Laughs) They're sheltering.

Mr. SPENCER: I want to also plead with the Minister of Water. Whilst we upgraded the water and when the pump was turned on at Monymusk, Minister Arscott knows about this, whilst the pump was turned on, water sprayed up in the air because the mains were bad. We started putting in the mains four years ago; nothing has happened and the people continue to languish without water. And I'm asking, sir, for something to be done to Mitchell Town. But worst of all, Mitchell Town road, we sent in an estimate for $123 Million, we called upon the Minister, myself and the residents of Mitchell Town, he promised that something would be done, he gave us $10 Million to satisfy $123 Million demand. Nothing can be done.

Mr. McKENZIE: A $10 Billion he gi yuh, a yuh cyah count.

Mr. SPENCER: I am telling you, the Mitchell Town Road is at its worst and I'm calling on this Government to ensure that something happens to the Mitchell Town road.

Mr. Speaker, finally, when we took over, there was a community centre in the heart of Lionel Town; it had a playfield that only goats and cows could wander in. Today, we have fixed that community centre, we have put up a brand new perimeter fence around the complex and today, the people are proud of it; they use it and it is under the management, it is under the management of a community team where Mr. Arscott himself has people on that team and we are proud the way they are running the Lionel Town Community Centre.

Mr. ARSCOTT: It's the Government.

Mr. SPENCER: It's not the Government.

Mr. ARSCOTT: Is who? Where the money come from?

Mr. SPENCER: So finally, Mr. Speaker, I want to ask and I want to beg passionately, I want to plea with the powers that be, in giving to your Ministers, in giving to your Members of Parliament, if you could only give us half of what you give them, we would accomplish a lot more. And I'm asking you, sir, in the name of Hugh Shearer, I'm asking the PNP, Minister Paulwell, Minister Paulwell, the Prime Minister asked him to finish that community centre and today, nothing has been done. In the name of Hugh Shearer, in the name of what is right and what is just, I ask the Government to do something about the Hugh Lawson Shearer Complex.

I thank you.

(Applause)

Mr. McKENZIE: Gwaan back goh sing yuh tune now and dance; put on back yuh wide skirt and all dem sort a ting deh.

(Cross talk/Laughter)

The SPEAKER: Minister Ffolkes-Abrahams?

Mr. SAMUDA: Yuh did well Ruddy, don't mek dem... (Inaudible)

Mr. McKENZIE: (Inaudible) ...skirt and ting.

Mrs. FFOLKES-ABRAHAMS: I wish to thank God from whom all blessings flow. As a Member of Parliament, I'm accountable first and foremost to the constituents of West Central St. James who...

Mr. McKENZIE: Mr. Speaker, on a point of order, Mr. Speaker. Is it appropriate that in the Parliament we can have a sign, PNP

Progressive Agenda for Jamaica? Mr. Speaker, what is taking place in the Parliament, Mr. Speaker? Are we using the Parliament to promote the People's National Party? Is this about the PNP or about the people's business? Mr. Speaker, what is happening, Mr. Speaker?

The SPEAKER: Take it easy, take it easy.

Mr. WARMINGTON: We don't talk about PNP and JLP, we talk about Members of Parliament. Take it off!

Mrs. FFOLKES-ABRAHAMS: Sorry, that was not supposed to be on the screen.

Mr. McKENZIE: Excuse me? Excuse me?

(Laughter/*Sotto voce* remarks)

Mr. WARMINGTON: Take it down!

Mrs. FFOLKES-ABRAHAMS: As a Member of Parliament, I'm accountable first and foremost to the constituents of West Central St. James.

Mr. McKENZIE: Is a joke business dis man, unoo a tek dis ting fi a joke.

(*Sotto voce* remarks)

Mr. WARMINGTON: Mr. Speaker, I'm asking that it be removed before she continues. I'm asking that the sign be removed before she continues.

Mrs. FFOLKES-ABRAHAMS: But the sign is removed.

Mr. WARMINGTON: This House is supposed to be nonpolitical. We are Members of Parliament. We do not represent party in here.

Mr. McKENZIE: Is foolishness!

Mr. WARMINGTON: So I ask that it be removed before she continues.

The SPEAKER: Okay.

(Inaudible comment by Mr. D. Smith)

Dr. CAMPBELL: Shut yuh mouth Smith, yuh know better than that!

(Laughter)

The SPEAKER: Mrs. Ffolkes-Abrahams, let's hope we can proceed now.

Mr. WARMINGTON: You should leave it outside before you come in here.

Mr. McKENZIE: We can't get no money to - PNP not the Parliament.

(Heckling) (The Speaker gavels)

The Parliament don't belong to the PNP, it belongs to the people of Jamaica and you being disrespectful.

Mr. HENRY: It's an insult to Parliament.

Mr. McKENZIE: Yes. You are being disrespectful.

Mr. WARMINGTON: They are more than disrespectful; they are victimizing, have the money all to themselves.

(Heckling)

We got nothing as MPs. This is as an example to show what is happening out there.

Mrs. FFOLKES-ABRAHAMS: As Member of Parliament I am accountable first and foremost to the constituents of West Central St. James, whom I wish to thank for their support.

(Heckling)

Mr. CHARLES: There is a Standing Order that we are supposed to follow.

Mrs. FFOLKES-ABRAHAMS: I wish to thank my Councillors, for Michael Troupe and councillors in waiting, Carey Thomas, Derrick Robinson, my consultants, my

constituency committee and all those present. I wish to especially thank the Most Honourable Prime Minister for her wonderful leadership and granting me this precious opportunity. May you continue to live in the blessing of the Lord like Esther. You have been called for such a time like this and like Deborah you shall lead the nation yet for another term. Most of all I would like to thank my husband, Peter who is here with us, for his love and devoted support.

(Applause)

My parents Greta, my late father Eugene Fflokes, my brothers and sister whose help and support I could not do without.

Mr. Speaker, I rise as a proud representative of the West Central St. James constituency, one if not the fastest corridor of growth in the entire Caribbean. This growth, Mr. Speaker, is fueled by the progressive policies of the Government of Jamaica facilitated by the Ministry of Industry, Investment and Commerce, which I am honoured to serve as Minister of State and also by the Ministry of Science, Technology, Energy and Mining.

The positive outlook of the constituency is based on a number of strengths, Mr. Speaker, namely the Business Process Outsourcing industry, the augmentation of the tourist industry in general, and cruise shipping in particular and allied services such as banking, insurance and the construction in the constituency.

With growth and expansion of the Business Process Outsourcing, more than 17,000 jobs have been created. The Government is pushing ahead with plans to construct 63,000 square feet of space in the Montego Bay Free Zone, which will provide additional facilities for the expansion of the sector. The industry has been on a steady growth path, Mr. Speaker, and the Government has developed a five-year strategic plan for the sector, which will see thousands of Jamaicans gaining meaningful employment.

The strategic plan for the sector is expected to deliver some 15,000 new jobs over the next five years. Two of the world's leading Business Process Outsourcing companies have officially opened new plants at the multiple million dollar Barnett Tech Park in Montego Bay, promising close to 2,000 new jobs before the end of this year. Xerox, and Advanced Call Centre Technologies have announced that they will be doubling their investments with the creation of a combined 75,000 square feet, each of productive space. They have added, in fact, 600 new seats and 1,000 by the year 2016. Construction continues to play an integral part in the growth and development of the West Central St. James constituency from high-end properties in Montego Bay, Freeport and Reading area and the Spring Gardens area.

Barnett Park plans to invest US$5 Million or J$600 Million to provide 500 dormitories by June, 2016.

(Applause)

This will open, Mr. Speaker, access to cheaper housing to the typical BPO employee that falls within the 19 to 30 age range. Construction

should commence shortly to build 1,300 houses by Gore Homes on the vast Bellfield Estate.

Integrated development programme under JSIF.

Mr. Speaker, we take an even-handed approach to development as not only do we cater to business interests in the constituency but also to community and human resource development. A country's most vital resource is its people. Under the recently launched Integrated Community Development Projects, the Jamaica Social Investment Fund and infrastructure projects are now taking place in Granville, Retirement Phase I, and Phase II. Under the ICDP some $600 Million will be spent over the next five years to transform the communities and work has already begun in a number of areas.

In keeping with the Prime Minister's focus on children and youth, Mr. Speaker, summer school was provided this year for over 100 children. In Granville over the summer 20 young people were trained at our Youth in Agricultural camp, and were exposed to greenhouse technology, hydroponic, apicultures and plant propagation. The Retirement summer camp where over 70 children were treated to self esteem, character and personal development, drama and inspirational messages. Also, the NCU camp included entrepreneurship opportunities in water sports for about 20 young persons. Persons from the Tucker, Granville, Retirement and Pitfour and adjourning communities were also involved. Refurbishment of the Granville school is taking place right now. The old 1955 structure is completely demolished and making way for a new structure. In addition, there is also provision at the school for a farm and farm equipment along with seedlings.

Thanks to the Minister of Water, Environment and Climate Change, Robert Pickersgill and State Minister Ian Hayles, the residents of Friendship and St. Johns now have access to pipe water through a $26.3 Million project officially launched by Rural Water Limited to entomb two springs and the laying out of the distribution main to serve the underserved communities within West Central St. James. The water supply was officially commissioned into service on May 22nd this year and now 550 persons are now supplied with running water in their homes at - (Inaudible comment) - Retirement Phase II, Gutters and St. Johns for the first time.

(Applause by Government Members)

On the note of education, Mr. Speaker, shipping logistics and the supply-chain sector accounts for 35 per cent of the value of global trade. As global efficiency increases, the need for specialized businesses to service the growing demand in the maritime and general logistics sector also increases. This is why I am proud to announce to this Honourable House that after years of struggle I was able to initiate the successful opening of the Western Campus of the Caribbean Maritime Institute to provide quality maritime education for the constituents of western Jamaica, and this has been done through my constituency fund. More than 60 students from my constituency have benefited from scholarships through the

West Central St. James Constituency Development Fund to attend the institute where the following programmes are attainable: Marine and professional studies, degrees in industrial systems engineering, supply-chain management, cruise shipping, and marine tourism, logistics and supply-chain management, just to name a few.

We have allocated, Mr. Speaker, this year, $5 Million for back-to-school grants and scholarships from this year's CDF. Thanks to Minister of Science, Technology, Energy and Mining and Minister of Education, West Central St. James received tablets for Granville All Age School, Herbert Morrison and Sam Sharpe Teachers' College under the pilot project.

Mr. Speaker, back-to-school treats were also held in the three divisions - Granville, Mt. Salem, Tucker and Spring Garden. For education this year, 130 persons received tuition grants totaling $2 Million; 610 persons received uniform grants totalling $1.4 Million, 1,211 persons received books totalling $4 Million, 116 persons received scholarships for over $1 Million. Over 2,000 persons, Mr. Speaker, received assistance for education for 2014 and 2015. Sixty persons were trained at Granville HEART Trust/NTA and 102 students trained at the Culinary Arts and Plus Catering. One of our noteworthy students, Shanice Thompson from the Granville Division, had attained ten CSEC distinctions, eight CAPE distinctions and is currently pursuing Medicine at the Western Jamaica Campus at the University of the West Indies…

(Applause by Government Members)

…thanks to our fund. Another student Melaine Thompson has nine distinctions in the CSEC examination and Associate Degree from Montego Bay Community College and is now pursuing her Bachelors Degree and majoring in Finance and minoring in Accounting. Another young boy attained an overall average of 99 per cent who is attending Howard Cooke Primary. Another student from a voluntary community in the constituency states that she was a scammer but is now a trained chef through one of my programmes from my CDF.

(Applause)

She now works as a chef at one of the major hotels in Montego Bay. In my work throughout the constituency, Mr. Speaker, I met and interviewed some of the at-risk youths who are now currently enrolled in the Caribbean Maritime Institute from the CDF along with other programmes. Mr. Speaker, this is progress.

(Applause by Government Members)

With respect to the Health, Mr. Speaker, the state-of-the-art G-West Medical Complex is expected to be completed later this year at the Fairview Business Centre in Montego Bay, St. James. This 60,000 square foot complex when completed will be the largest dedicated medical facility outside of the Cornwall Regional Hospital in the area with four levels; according to developers it is expected to be the choice for ambulatory medical needs.

We received donations, Mr. Speaker, to the Granville Clinic from the Diaspora which we use to upgrade the equipment in the facility; we also assisted in the Labour Day

clean-up. The Diaspora from Canada gave a day of service to clean and repaint the Catherine Hall Medical Clinic.

With regards to sports, Mr. Speaker, we have noticed over the past years our young people have made us proud on the international scene. West Central St. James constituency boasts a range of sporting opportunities; we are pursuing at the moment an Olympic size swimming pool to complement Catherine Hall's Stadium located in the constituency, Mr. Speaker.

(Applause by Government Members)

And we have also identified green spaces in the constituency to develop sports and recreation facilities in Gutters and Retirement through JSIF. During the coming financial year we will be expanding the Bogue playfield and upgrading the Irwin Sports facility.

Mr. Speaker we are happy to announce the renovation of the community centre at New Ramble in Bogue, at the train line in association with the USAID and myself as Member of Parliament, through my CDF fund, we are providing toilet facilities for the community centre along with homework and community facilities which will be breaking ground next month.

We wish to thank the Minister of Transport and the Jamaica Railway Corporation for agreeing to accommodate the renovations on the already existing lands and also Melvin Ottey, former Councillor and Mr. Arthur Nelson, former Member of Parliament, for his engineering acumen and assistance. It also built a skip in the Ramble Hill area for garbage; we have provided renovations to the Bogue Hill Basic School, including roofing and new bathroom facilities along with a fan and exhaust system for the Bogue Hill All-Age School.

Mr. Speaker, we are making sure that we have a computer literate society in West Central St. James, as a result we have procured 40 computers for the constituency out of donations, and we have delivered these computers to the Belmont Basic School, Unity Hall Basic School, Tower Hill All-Age School and we plan to deliver another set to the Catherine Hall and Howard Cooke Primary schools very shortly.

With respect to entrepreneurship, Mr. Speaker, we are currently building community institutions and capacity to carry out our development goals driven by entrepreneurship, training skills, mentorship and inculcating appropriate values and attitudes. We are also strengthening our governance structure to ensure transparency and accountability. Over the past two years some 123 members of our community were trained in entrepreneurship while some 200 youth at-risk along with adults were trained by HEART-NTA in building construction and hospitality skills. Members of the community are in the final stage or registering the Greater Granville Development Corporation designed to develop small and medium sized businesses. We are working assiduously, in partnership with the Mount Salem community and LAMP, to hand over titles to more than 100 occupants in the Mount Salem Division.

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 for five minutes to allow her to complete her presentation.

Put to the House and agreed to.

The SPEAKER: Mrs. Ffolkes-Abrahams.

Mrs. FFOLKES-ABRAHAMS: Thank you very much, Mr. Speaker. In our continuous drive to build an ownership society, we are working assiduously in partnership with the Mount Salem community and LAMP, to hand over titles to more than 100 occupants of Mount Salem. In addition, we have already handed 150 land titles to the Retirement area, through Project PRIDE in 2012.

We continue the entrepreneurship thrust, Mr. Speaker, to persons who have been assisted in the Agricultural Entrepreneurship Assistance Programme with chickens, weaners, pigs, medication and feed. We continue to work with RADA to identify all available arable land to put into production on the government-owned 1,800 acres in the Retirement area.

We have introduced a number of agricultural initiatives, such as backyard gardening to 40 persons in the area; we have advanced the concept of national food security, and we have trained eight at-risk youth in nursery operations, seedling production at RADA greenhouse nurseries.

We have also established apiaries for the production of honey. Eight colonies were disbursed to four persons, with protective gears, hives, tools and smokers as well. (Applause) We also have a pepper farm in the Retirement area, and we sold over 1,000 pounds of West India red peppers to the hotel industry in the area. (Applause)

Mr. Speaker, we are pleased to inform you that the community of Granville now enjoys a commendable reduction in crime and violence, reduced from 42 murders in 2010 to 12 in 2015 - still too many, but nevertheless we are moving in the right direction.

We are also meeting with the police - Chief of Police, SSP McGregor, and the community, and we are working with the Minister of National Security to make sure that we bring down the level of crime and violence in our community.

The JEEP, Mr. Speaker, has driven through the constituency several times, and I am pleased to announce that a number of roads have been fixed, and are now in very good condition. I want to thank Minister of Roads here right beside me - Ramble Hill, Bogue Hill, Piggott Street, repairs were done in Mount Salem, Mount Salem roads, Barnett View Heights, Jarrett Terrace, Phoenix Avenue, Catherine Drive, Rhynie Drive, Moy Hall, Tower Hill, Bay View Drive, Granville Drive, Gunns Drive and Gordon Crescent. New drains were constructed at Crawford Street and Clarke Street, and a main drain was constructed on Granville Drive as well.

Repairs were done to community centres and basic schools at Gutters where the roof was leaking and badly in need of repair. Clarke Street, Westgate Hills in Mount Salem

have just recently been fixed; Gunns Drive, Riverside Drive in Granville, Wales Pond main road, Rhynie Drive in the Spring Gardens area.

I would like to report, Mr. Speaker, that over 1,000 persons have been employed in the constituency through the JEEP Phases 1 to 5. I would like to thank the Ministry of Transportation and Works for their assistance with this project.

Social housing: 525 members of the constituency were assisted with house repairs for a total of $5 Million; Emergency and Welfare - a total of 585 shut-ins were assisted; 180 indigents were cared for; 130 persons were provided with medical assistance; 800 persons benefited from children's treats, and a number of funds were utilized for emergency and welfare, amounting to $5 Million, and the number of persons who benefited is 1,695.

I want to say, Mr. Speaker, that 52 persons were enrolled in the Maritime Institute, 60 persons trained at Granville Heart, 102 students trained in the culinary arts, plus catering.

Bearing in mind the construction of the UWI Western Campus on the grounds of the Bellfield Estate, we expect transformation of the community into a knowledge-based economy. The race is not for the swift nor the battle for the strong, but those who endure to the end.

Thank you very much.

The SPEAKER: Thank you, Mrs. Ffolkes-Abrahams. Dr. Green.

(Applause)

Dr. GREEN: Thank you, Mr. Speaker.

Mr. Speaker, it is indeed an honour and a privilege to be given the opportunity once again to speak on behalf of the constituency of South East St. Mary, that I have the privilege of representing now, and will represent after the imminent elections. (Applause)

I want to thank the people of the constituency, not only for electing me in December of 2011 but who continue to put their trust and faith in me to assist them in moving them from poverty to prosperity. They understand well, Mr. Speaker, what we are going through, as a nation, but they are thankful for the progress we have made in the 43 months.

The progress, we are confident that we will make in going forward, and they are willing to work hand-in-hand with me to create a better constituency and a better Jamaica. The journey of a thousand miles has started, and has reached somewhere.

I want to thank those workers who believed and participated in the development of their communities who worked tirelessly with me to bring progress and development to their communities. Thanks to the members of my Executive who stood with me: the office workers, the councillors - Councillor Kevin Golding of the Annotto Bay Division, Mayor Levan Freeman of the Belfield Division and Councillors Danvers and Creary who played their role in their respective divisions.

I want to thank my family, especially my children Wade and Ashley, who are still in University, but who allow me to stay or to spend time to serve my constituents to the

extent of living in my constituency, only seeing them a few days per week.

I wish to thank the Prime Minister, the Most Honourable Portia Simpson Miller, a person of many hugs and kisses, but an astute and stern, no nonsense Leader; one who has no favourites; if you slip, you slide, and the fact that I am still here, either means that she is also merciful and forgiving, or I have not slipped so far.

A MEMBER: Well done!

Dr. GREEN: Last but not least, thanks to God Almighty who gives me daily health and strength, wisdom and understanding; one who says to me on many occasions: Stand still and see the salvation of the Lord.

A MEMBER: Amen!

Dr. GREEN: I quickly want to commend the first term Members of Parliament who have participated in this Constituency Debate, especially the younger Parliamentarians, and to say, from what I have witnessed, our country will be in good hands. (Applause)

A MEMBER: Hear, hear!

Dr. GREEN: Mr. Speaker, I would not be a good representative of the people if I should come here today and pretend that everything is rosy out there. Although the journey of a thousand miles has reached somewhere, there is much more remaining to be accomplished.

As I stand here this afternoon in this cool, air-conditioned building, I empathize with the thousands of residents in my communities - in many communities in the constituency, who, as I speak, are out at their gates with drums, awaiting the water truck, who, on many occasions have returned home disappointed because the trucks did not turn up for one reason or the other. My conscience would not allow me to come here and not say it.

Mr. Speaker, since my tenure as Member of Parliament, we have put in, and have commissioned the Broadgate Water System that supplies water to the community of Broadgate and surrounding communities. (Applause)

We have established and improved the Enfield water systems. We have built and commissioned the Seaton water system. In spite of all of these steps, Mr. Speaker, there are still many more rivers to cross. Among the major one is the longstanding plan to commission the wells at Agualta Vale with the running of pipe lines and smaller connecting systems to provide water to many communities such as Lewis Store, Ranch, Clonmel, Belfield, Cromwell Land, and as far as Highgate and Richmond, are to benefit. This has not been realized as yet, and the residents are still waiting. As a result of this delay, Mr. Speaker, at least four housing developments have been put on hold.

As a consequence, it is even hindering a major repair to the road that runs from Westmoreland Bridge to Highgate as they are awaiting the NWC to do their digging and pipe laying. It adds insult to injury and the commuting public is at their wits end with the situation. Water is life! Let us deal with the long proposed plan; let us deal with it with dispatch, Mr. Speaker.

Mr. Speaker, I speak a little bit on Health. After Hurricane Sandy did some damage to the Annotto Bay Hospital, some nearly $100

Million was spent on repair and refurbishing that went beyond the damage that was caused. The road to the hospital was repaired. We moved from one broken down ambulance to three ambulances and a multipurpose bus. The hospital now has a complement of 270 workers, including seventy (70) nurses, four (4) Medical Technologists, forty two (42) doctors, including eight (8) different specialties.

It also provides health coverage to the adjacent health facilities and now has the first batch of interns from UHWI to come to the Annotto Bay hospital. For these reasons and more, we continue to put forward the position that it should be officially recognized and given the type B status.

Some amount of money was spent at the Annotto Bay Health Centre. The Brainerd Health Centre was built at a cost of $13 Million and for this I want to thank the Minister of Health, the Honourable Fenton Ferguson for the attention that he has given in that area in the constituency. (Applause)

Mr. Speaker, with all of that, a tour of the health care facilities was done last year and it revealed that much more is needed to be done to improve upon the conditions of these facilities. Among them are:

- the proposed extensions of the accident and emergency and outpatient area at the Annotto Bay hospital;
- the extension of the pharmacy to accommodate the volume of clients;
- the construction of proper waiting area for which plans have been drawn and approved; and
- a perimeter fencing of the hospital to make the compound more secure.

Mr. Speaker, in the area of sports. Sports continue to be the unifying factor in the scheme of things in the constituency. It plays the important role as an avenue for the youth to expend their energies in a positive and friendly way and for this reason, I continue to substantially support sporting activities from the grading of playingfield, the purchase of sporting gears and equipment, trophies, and cash prizes; the contribution of $700,000 from the CDF as part of the Budget to develop Gray's Inn Sports Complex in partnership with two other Members of Parliament from St. Mary, and the Jamaica Producers. This is evident of my commitment to sport.

Mr. Speaker, I touch on the area of land and I am looking at the time on housing. Mr. Speaker, this area unfortunately, I must say again, is sort of disappointing. While we are grateful for the persons who have received land titles under the LAMP Programme and also grateful for the start-up of the - Nashville Housing Scheme, but for more than two years ago no building activities are taking place while there are many persons who have applied and awaiting this development.

I wish to point out that a meeting was held sometime last year with the relevant Ministry and a delegation from the constituency where we identified available lands for housing solutions such as Gray's Inn, Charlottenburgh, Fort George, Fort Stewart, Epsom, Dover and others. We need to look to these lands for housing solutions which is so badly needed in the constituency.

Mr. Speaker, as far as tourism is concerned, St. Mary has a rich heritage and great potential in this area. From the ancient (graves) of the colonial days to the Great House, the Castleton Botanical Garden, the Battle Monuments to the Scott's Hall Maroons. The Minister of Tourism and Entertainment along with his delegation and myself as part of the St. Mary tours we visited the Scott's Hall Maroons and I must say that he was well impressed, he was well entertained there, yes, well entertained, and coming out of this he has made a commitment to build a museum at the maroon site in Scott's Hall. (Applause)

This tour bore more fruits, Mr. Speaker, as the Annotto Bay Roundabout was cleaned and is maintained daily. The beach, on entering Annotto Bay, will be cleaned and beautified and a travel halt-type facility will be put in place. The Richmond Community Centre will also see some repair. The first step of a thousand miles has reached somewhere.

In the area of agriculture, Mr. Speaker, St. Mary is a rural or South East St. Mary is a rural constituency which for the great part depends on agriculture for income and is also a way of life for many. In this area, Mr. Speaker, the farmers have gotten blows after blows and we know of it. When it is not hurricane or flood rain destroying the banana, plantain and other crops and even livestock, it is the yearly drought and bushfire.

Just a few weeks ago some 100 acres of crops owned by 10 farmers were completely destroyed by fire. This has replicated in many areas of the constituency. These farmers have children in schools and families to feed and have lost most of their livelihood and need urgent help. But I am happy to report that I have made representation to Minister of Agriculture, Minister Kellier, and he is looking at it and we are seeking some assistance.

Beside what I have given to the farmers in the constituency from the CDF - seeds, fertilizer, farming implement, water tank, mist blower, livestock for rearing, much more assistance is required from Central Government.

It is discouraging, Mr. Speaker, when constantly for many years now the cocoa farmers have complained of the difficulty in obtaining payments for cocoa they sell, to the extent where they are cutting down the trees and leaving the pods to rot. It is discouraging when you ask RADA for a tractor with a plough to assist the farmer and you are constantly told that the lone tractor is not working. It is discouraging when we seek to increase production in agriculture but yet we have hundreds of acres of government land suitable for cultivation like that at Cape Clear, Devon Pen, Waugh Hill to Luna Field, Gray's Inn, Fort Stewart, Mount Regale, Elliot to Montrose and acres upon acres of Richmond Prison land laying idle after representation has been made by me on more than one occasion to lease these lands to existing and potential farmers. I am yet to see that we are serious about agriculture and food security in St. Mary.

Mr. Speaker, on roads, I have managed to make a few major steps within the thousands

of miles within this area. Patching has been done to parts of Aleppo Road to Elliot, Richmond to Highgate, Cane Heap, Junction main road from Tom's River to Annotto Bay; Purcell Lane was rehabilitated by the Council with my assistance, Fairweather Avenue the same; Lyndale Heights, Minister Arscott, thank you very much for that. Retaining wall was built at Elliot, Gibbs Hill, Long Road, Camberwell at Junction Road and Lewisburg. The JEEP has rolled into Epsom and has repaired part of the road. It has rolled into Rosemount; it has rolled into Luna, Brainerd, Bellfield, Mount Regale, Zion Hill and the JEEP is now actively working in the Gibbs Hill area, ready to work in Timsbury Road and ready to work at Fort Stewart at Board Villa. Mr. Speaker, we are thankful for the JEEP and the employment that it has created over these years.

The SPEAKER: House Leader.

Mr. PAULWELL: I move that the Member's time 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: Dr. Green.

Dr. GREEN: Thank you very much, Mr. Speaker and Members.

Mr. Speaker, what I left for the last is what is most important to me and it is the area of education. What I have discovered, Mr. Speaker, is if it is that we don't give our constituents an opportunity of education and skills training we will ever remain in the doldrums that we are in; we will ever have persons coming to us for simple assistance. But if it is that we educate their children - I always say that they will be so proud that maybe they don't even look at us sometimes as Members of Parliament. So I believe that education is very, very fundamental and it is one of the - it is the main cog that will turn the wheel that will pull us out from where we are.

So in this area, Mr. Speaker, I am happy to report that we have continued our CSEC Programme where we have given opportunities to many or a second chance to many of our students to do evening classes and we have paid for the CSEC. It brings great pride, Mr. Speaker, when a simple young man who operates a bar can come to you and say to you that the four subjects that you paid for I have done them and I have passed them, can I do three more and you can gladly say, yes, Mr. Speaker. (Applause)

We have 140 unattached youth that we are training; the annual back-to-school programme - vouchers, the assistance to tertiary institutions of which we have two medical doctors that graduated.

Mr. Speaker, St. Mary Technical High School is now constructing their Sixth Form block and they have received assistance from the Member of Parliament. The Annotto Bay High School has completed their Sixth Form block. I gave them the building material and from the CDF I have constructed that Sixth Form block. And just this morning they welcomed the first pioneer of Sixth Form students. (Applause) This is the way forward, Mr. Speaker.

I want to thank this Honourable House for allowing me the opportunity to make this presentation today.

Thank you very much. (Applause)

The SPEAKER: Mr. Hylton.

Mr. André HYLTON: Mr. Speaker, I'd like to thank the Members - permission to speak from a seat other than my own.

The SPEAKER: You may proceed.

Mr. André HYLTON: Thank you, Mr. Speaker.

Mr. Speaker, I'd like to thank the Members from both sides of the House for their contributions in the Constituency Report Debate. I'd like to also thank and commend the House Leader for this creative initiative.

Mr. D. SMITH: House Leader or the House Committee?

Mr. André HYLTON: This has been a very worthwhile exercise, Mr. Speaker, which gives Members of Parliament from both sides an opportunity to report on their stewardship and, of course, their performance generally in the constituency.

Over the past three weeks, Mr. Speaker, Members of this Honourable House have provided updates on various areas such as infrastructure, education and training, healthcare, water, electricity, service delivery, social projects, housing and land, agriculture, national security and employment. Both positive developments and prevailing challenges were brought to the fore along with recommendations. And I will now highlight for you, Mr. Speaker, some of these.

In the area, Mr. Speaker, of infrastructure development, one of the consistent recommendations and achievements we have heard from various Members of Parliament, Mr. Speaker, is in the area of what they were able to do through JEEP. Most Members of Parliament have spoken about JEEP and from both sides of the House, and have done tremendous infrastructural development such as construction and installation of bridges; reinforcement of gullies; rehabilitation of roads; construction of sidewalks among others.

I also note, Mr. Speaker, that in the area of healthcare and the Member from Eastern St. Thomas is here, but throughout the presentations we heard the great works that have taken place, Mr. Speaker, in the area of healthcare. The refurbishing and opening of health centres and enhancement of several health facilities in such areas; we heard our Member - where is he – from Central Westmoreland; we heard from Member in South East St. Andrew; we heard from our Member here from East Portland; St. Andrew West Rural; South West St. Elizabeth among others, who all spoke of the various achievements in the area of the health service and the improvement of that sector. And the Ministry and the Minister must be commended.

(*Sotto voce* remarks by Mr. Jackson)

Mr. André HYLTON: Of course.

In the area of tourism, Mr. Speaker, one of the things we have noted is the new attractions that are being developed in the tourism sector. The expansion of community tourism is of note. And, Mr. Speaker, if tourism is one of our major foreign exchange earners then we

must seek to expand that industry because we have an enormous potential for expansion in that area. So our Member from East Portland for instance spoke about the repair of the rafting facility at the Rio Grande, which is one of the best rafting facilities in Jamaica, through TPDCo, of course, and TEF, the development of communities in North West Manchester. I note, Mr. Speaker that North West Manchester sees itself as having the opportunity to grow tourism there and the MP for that area, working with the government agencies, is working to develop that. Even in my own constituency, Mr. Speaker, which I have spoken to sometime ago, the opportunities in community tourism in areas like the University Campus, the Hope Zoo and, of course, August Town.

Another area, Mr. Speaker, that we must highlight, is in the area of education both what is done centrally in the Government with the cooperation of the Members of Parliament, but also what they have been able to do with the CDF on both sides. Members of Parliament have done extremely well, Mr. Speaker, in providing scholarships and grants through their CDF every year to thousands - the Member from South East St. Elizabeth just spoke of over 3,000 in the last four years who have received help, Mr. Speaker. A huge achievement also is our Member from West Central - no, not West Central - St. Catherine at the Cedar Grove Academy, Mr. Speaker...

Mr. JACKSON: St. Catherine East Central.

Mr. André HYLTON: …East Central, St. Catherine Mr. Speaker, an academy that has just been completed at the cost of over $660 Million. This, Mr. Speaker, is a huge achievement that has been realized in that constituency and which will affect positively the lives of many of our Jamaicans.

Several new basic schools by MPs on both sides have reported that have been upgraded and constructed. New primary schools and the expansion of primary schools, we have had reports from various constituencies. Adult graduates of skills training programmes in areas ranging from ICT, cashiering, merchandizing, event management and some, Mr. Speaker, who have actually found jobs. We must commend those efforts from the various Members of Parliament that reported on these in this Honourable House. Armadale Skills Training Centre huge success in South West St. Ann. Just a few - two years ago or a year and a half ago we had a travesty there, but of course, it has been converted to a positive and we must commend the MP from that constituency.

We also heard from West Central St. James today, Mr. Speaker, that the Maritime Institute has established, through her agitation and other representation, a campus in Western Jamaica and what that means, Mr. Speaker, this kind of training which is essential to our development is now taking root in the west and I think we have lots to celebrate today.

Training and educational initiatives have been undertaken in several constituencies, Mr. Speaker, huge initiatives and we speak of South East St. Elizabeth; we speak of East Rural St. Andrew, North West St. Ann and, of course, Eastern St. Catherine. Not to mention,

Mr. Speaker, in the areas of employment as we know one of the greatest challenge that we have as a country and I was listening throughout the Debates what is happening in terms of employment; what the MPs were doing in terms of employment. And we have heard from many MPs - we heard from our Central Manchester MP who speak of the - well, in fact, I was watching a debate last night which had a previous candidate debating the now MP for that area. And he did mention in his debate that one of his visions at the time was to build a Call Centre in his constituency. And when you hear these kinds of pronouncements by a politician and come - less than four years later it is done.

A Government MEMBER: Promise made, promise kept.

Mr. André HYLTON: I say promise made, promise kept. A solid achievement.

Mr. JACKSON: Are you saying the Opposition was commending him for that achievement?

Mr. André HYLTON: Well, I'm not sure, but I certainly have to commend the Minister of National Security, Member from Central Manchester. So, of course, Mr. Speaker, we have to look at North St. Ann, for instance, where our Member there has done a lot of training to facilitate the tourism sector and has found jobs for many hundreds, if not thousands and so we must commend these kinds of initiatives that are taken on by Members of Parliament and Mr. Speakers, I'm happy that these things came out in the debate and in the report.

Energy, Mr. Speaker. The Rural Electrification Programme which has a new name now, several communities have been without electricity for many years, for example, constituencies like North East Manchester and a Member is here Central Westmoreland, South East St. Elizabeth, South East St. Andrew can boast, Mr. Speaker, the achievements in providing electricity for those areas. What's also interesting, Mr. Speaker, renewable energy is a major thing in this area. So, for instance, in South East St. Elizabeth we heard about the wind farm; South East St. Andrew the solar energy programme in that constituency. This, Mr. Speaker, is a move in the right direction.

You know, Mr. Speaker, as simple as you take this, Mr. Speaker, I thought it is important to say and on both sides of the House we represent constituencies that expect sometimes miracles from us, but when we see our MPs providing some basic amenities not just the big projects but my MP here from South West St. Ann I listened to him yesterday and a simple thing, Mr. Speaker, like ATM machine not one in the constituency and I heard him on his first presentation to this Parliament asking for it and he was able with his work - he has been agitating and he got it. That means a lot... and we must big him up for that, Mr. Speaker. (Applause)

Mr. JACKSON: Great achievement under the legacy....

Mr. André HYLTON: (Chuckles) This is a first for a constituency. We take it for granted in places like Kingston and St.

Andrew and in Montego Bay and so on, but in a constituency as such an ATM machine means a lot to the people and the MP responded to that, and I think was important; a thing like sidewalks in Alexandria he spoke about first time you know, Mr. Speaker.

(Inaudible comment by Mr. Jackson)

Mr. André HYLTON: I'm not sure who representing the poor, but we certainly must commend these achievements although they are not macro achievements but it means a lot to people's lives, Mr. Speaker.

(Applause)

Despite the positive achievements, Mr. Speaker, in various constituencies and some of which needs urgent attention. And part of this debate, Mr. Speaker, is so that we can highlight some of these so that the Government can take into account these challenges in the next fiscal year. So we saw, for instance, our Member from North East St. Andrew across there - he's not here now but he spoke about the Barbican Square to remove that round-a-bout. I think it's something that needs to be done and he has called for it again.

I spoke about the Goldsmith Villa Gully that graves are being threatened and the Hope River also needs urgent attention. We saw the need for rehabilitation of farm roads across the island. Facilities must be put in place for the maintenance of dirt roads. That's a good recommendation coming in from some of our Members. Need to improve roads in North Clarendon - the Member is not here - those are still the items that need to be done. Garbage collection needs improvement. We also welcome additional sources of funding for periodic maintenance of roads - that's a suggestion - to include drains, *et cetera, et cetera.* We must commend those suggestions.

Education. The direction in relation to percentage limit of auxiliary fees or the increase in auxiliary fees, we need for these things to be observed because it affects parents in our constituency. Some schools also, Mr. Speaker, are being affected by water shortage. We know that and we have to deal with these with a sense of urgency. The lack of employment and the lack of garbage collection or the improvement that is needed in those areas.

Mr. Speaker, recommendations for economic growth is single most important I believe, because the path that we're on is the growth of our economy and various MPs have made various suggestions. There is call by the MP from North West and North East St. Ann, Member from West Rural who want more affordable housing, Mr. Speaker. This is an area for growth. And the Member spoke working with Food for the Poor and maybe NHT getting some low-income houses for Jamaicans right across the island. I think this is an excellent suggestion and we commend it to the Government for serious consideration. Member of Parliament from North East St. Andrew wants the Government to consider the inner city renewal. That had some controversy in the newspaper but it's a suggestion that's worth while looking into, Mr. Speaker.

The SPEAKER: The Member's time for speaking 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 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.

Mr. Hylton.

Mr. André HYLTON: Thank you very much, Mr. Speaker.

And of course, Mr. Speaker, other recommendations of the purchase of large scale properties in certain areas, redevelop those properties so that persons can get houses to live in.

Member from North Clarendon spoke about the rehabilitation of bauxite lands that needs to be attended to. It's a cry that I've heard before.

Mr. Speaker, another cry that I have heard is for the CDF to be increased and I would like to state it on record that it has come from many Members of Parliament on both sides of the House so that the MPs can have more funds to help the needs that they face every day.

Of course, Mr. Speaker, MPs should be more involved in the implementation of projects in their constituency. I've heard that from two Members of Parliament and I think it's a useful suggestion, because sometimes civil servants do not necessarily understand the issues in constituencies and I believe we need closer working relationships with the Members of Parliament.

The State of the Constituency Debate has been largely successful, Mr. Speaker, with more than twenty Members of Parliament taking advantage of the opportunity to bring to the attention of this Honourable House issues that are affecting their constituencies. It is our hope that the information presented here will, in fact, inform the budgetary process resulting in planning that addresses national priorities even as it meets and felt needs of our constituencies. There are some Members who chose, Mr. Speaker, to see the glass half empty (drinks from a full glass of water). Some choose to see the glass half empty, Mr. Speaker, but most of us in this Honourable House see the glass half full. Over forty-four months there has been tremendous progress from both sides of the House who has used little to achieve much. So come next year Mr. Speaker, this time during September when we meet the State of the Constituency Debate we will be on this side continuing our reports on the solid achievements using little to achieve much, Mr. Speaker. (Applause) I see great things happening in Jamaica. I have seen and heard great things happening in various constituencies across this country.

Miss DALEY: Yes!

Mr. André HYLTON: Let us, Mr. Speaker, continue to build Jamaica to make it our place to live, raise families and do business, Mr. Speaker, and even retire.

Now Mr. Speaker, I close this Debate and I close by seeing the glass half full, Mr. Speaker. Nuff things a gwaan in Jamaica...

A Government MEMBER: Nuff things!

Mr. André HYLTON: ...nuff things a gwaan - happening positively in our constituencies. Great things are happening in our economy and, therefore I do thank you for

the opportunity of presenting this debate and I, therefore thank you and the Members of this great Honourable House. (Applause)

Mr. PAULWELL: Mr. Speaker, I now move that Item No. 26 be adopted.

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, as I mentioned at the start of this Debate the Cabinet will be meeting next week and so we won't be sitting as a Parliament next week over Monday and Tuesday. So I just remind Members about that. There is another matter that we will be taking this afternoon the notice having been given by the Member from Central St. James.

Mr. L. B. SMITH: Thank you, Mr. Speaker…

The SPEAKER: Just a minute, just a minute, Mr. Smith. Mr. Smith.

Mr. D. SMITH: Yes, the other one. The one not under any internal pressure.

A MEMBER: External.

Mr. D. SMITH: Mr. Speaker, I don't know if the House Leader is really under pressure to have that matter dealt with today, because no notice was given prior to coming here this afternoon.

(Cross talk)

I don't know and there are other members, I'm sure, who'd perhaps would want to - some Members on the Committee...

(Cross talk)

But since I'm on my feet, Mr. Speaker, just responding to what the House Leader spoke about in relation to the budget that just completed - the Debate that was just completed. The House Leader is of the view that it was very successful. I just want to put it on the record that we believe it was not as successful as it was envisioned and I attribute to the timing of the Debate. I realize and recall that originally that it was suggested that the Debate should take place at about this time of the year. However prevailing situations would have expected that the House Leader would have scheduled it at another time, because if there's any forethought one would realize that we would be getting in the presentations would be primarily pontification from Members on that side of the House and that wouldn't truly reflect the spirit for which it was intended. So there is lack of sensitivity in my view in the Opposition's view as to the timing of the Debate.

So I just want to say and make it clear that we don't share the points made by not only the mover of the Motion and who close the Debate, but also the House Leader who is of the view that what we had is a successful Debate.

I told the House Leader before that it would almost be a farce and he recalled we had that discussion and we are hoping that the timing would have been - some thought would have been given to having the debate at another time, those are the points I want to make, Mr. Speaker.

Mr. PAULWELL: Mr. Speaker, I think I have to respond and I will do so briefly because it is a matter that we had discussed and agreed on thoroughly and it is modified in the Standing Orders that we would schedule the Debate to enable the Cabinet to be in a position when it is reviewing the current

budget and in anticipation of the new budget to take into account the views of the Members of Parliament.

And Mr. Speaker, I was not here for a number of the sittings but I have listened to both sides and it would be really unfortunate if an MP - and I have not detected any MP who didn't speak positively of his or her work in his constituency, and there is nothing wrong with that, there is nothing wrong with that. I am so pleased that the Member from Eastern St. Andrew was able to highlight some of the recommendations, because the - what we will have to do now is to ensure that some of those recommendations or the recommendations are given active consideration and a full report be brought back to conclude this exercise as we look to another year of debate next year.

There is the view, Mr. Speaker, by some that we might want to add another 10 minutes or so because it seems restricted; I think we will have to contemplate that. But all in all I think for the first time that it has been a very good effort and I want to commend the Members for so doing. (Applause)

Mr. Speaker, the matter is just to refer a matter to the Regulations Committee and I think it is pretty straightforward so I will invite the Member from Central St James to proceed.

The SPEAKER: Mr. Smith.

Mr. L. B. SMITH: Thank you, Mr. Speaker, and Mr. House Leader.

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 allow the Member to take the Motion, notice of which was given earlier.

Motion put to the House and agreed to.

The SPEAKER: Mr. Smith.

Mr. Lloyd B. SMITH: Mr. Speaker, I ask that the Motion be approved.

Motion put to the House and agreed to.

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker, we have no further business, I therefore move for the Parliament to be adjourned for a date to be fixed.

The SPEAKER: The question is that the Parliament do adjourn for a date to be fixed.

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 4:51 p.m. for a date to be fixed.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2015 – 2016

TUESDAY, September 29, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:30 p.m.

PRESENT

THE SPEAKER

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

MEMBERS OF THE CABINET

THE HONOURABLES:

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

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

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

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

DR. THE HON. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing with responsibility for Housing

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

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

MINISTERS OF STATE

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

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

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

MR. EDMUND CURTIS BARTLETT, CD, (JLP), St. James, West Central

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

MRS. MARISA COLLEEN DALRYMPLE-PHILLIBERT, (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. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, 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. 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. 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)

STATEMENTS BY MINISTERS

Mrs. NEITA-HEADLEY: Mr. Speaker, we have a Statement from the Minister of Finance and Planning.

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker, later today the Fiscal Policy Paper (Interim) Report for the Fiscal Year 2015/2016 will be laid on the Table of the House.

Members of this Honourable House will recall that the Financial Administration and Audit (Amendment) Act, 2014, which provides for enhanced fiscal rules requires that within 6 months of the passage of the Appropriation Act for the financial year to

which the relevant estimates of revenue and expenditure relate, the Minister shall table - the Minister responsible for Finance shall table, in both Houses of Parliament, a Fiscal Policy Paper which shall include;

a) The economic outturn for the previous financial year;
b) The performance for the first quarter of the financial year;
c) Projections to the end of the current financial year;
d) And projections for the succeeding financial year and the medium term.

The Appropriation Act for 2015/16 financial year was passed in March 2015 thereby requiring the tabling of the Fiscal Policy Paper by September 2015.

The enhanced fiscal rules also require the Minister to, before September 30, in each financial year - it requires the Minister to issue to accounting officers the Budget Call containing the economic and fiscal parameters which will govern the preparation of the estimates of revenue and expenditure for the succeeding financial year and the medium term.

(HON. HORACE WASHINGTON DALLEY, CD, (PNP), Clarendon, North, entered and took his seat.)

The Fiscal Policy Paper provides detailed information on macroeconomic issues, covering developments in the real sector, the labour market, the monetary sector, inflation and exchange rates and the external sector. Information on fiscal sector developments which are mostly contained in Part 3, the fiscal management strategy covers the background to the financial year 2015/2016 budget, Central Government performance for the period April to August 2015, public debt outturn for the period April to July 2015, and public bodies performance for the period April to June 2015.

There is also detailed discussion and analysis of projections to the end of the financial year 2015/16, and the medium term through to 2019/2020, for macroeconomic indicators, Central Government operations, public debt for 2015/2016, and public bodies for 2015/2016.

(DR. THE HON. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern, entered and took his seat.)

The FPP also provides a summary report in the appendices on a number of developments covering fiscal risks, tax reform, public financial management reform, public sector reform, financial sector reform and growth enhancing reforms.

This Interim Fiscal Policy Paper which is being laid today Mr. Speaker, is expected to facilitate Parliamentarians' active debate on participation in the management of the public finances of the country and the performance of the economy. Following its tabling, it is expected that the Public Appropriations - the PAAC, will invite key Government of Jamaica officials from the Ministry of Finance, Bank of Jamaica, the Planning Institute of Jamaica to review the Interim Fiscal Policy Paper as soon as is practicable.

Among the issues raised Mr. Speaker in the Paper is the fact that the Government of Jamaica has made significant progress during the first two and half years of the economic programme agreed with the International Monetary Fund but much remains to be done and the Government is committed to staying the course.

Notably, inflation is at an all time low, the lowest in almost 50 years; the net.... (Applause) the Net International Reserves is very strong, the budget is near balanced and debt has firmly been put on a downward trajectory. The Economic Reform Programme remains on track with the successful passage of all nine (9) IMF extended fund facility reviews, so far. (Applause) And I can also say here, Mr. Speaker, although it is not formally part of the notes, that we are very confident that the tenth review will also be successfully completed. (Applause)

In terms of progress so far on future expectations, the debt to GDP ratio declined from 145.3 per cent of GDP in March 2013, to 137.4 per cent as at March 2015, debt to GDP is projected to end March 2016, at 120.8 per cent of GDP. (Applause)

(HON. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western, entered and took his seat.)

Central Government primary surplus increased from 3.1 per cent of GDP in fiscal 2011/2012 to 7.6 per cent of GDP in 2013/14, and 7.5 per cent in fiscal year 2014/15, which is programmed to be maintained through fiscal year 2016/17. Central Government generated a fiscal surplus of .1 per cent of GDP in fiscal year 2013/14, the first surplus since fiscal year 1995/96, demonstrating strong fiscal prudence. Central Government operations are projected to be near balanced in fiscal year 2015/16, with incremental surpluses over the medium term.

The overall public sector generated a surplus of 0.4 per cent of GDP in fiscal year 2014/15, with near balance expected for fiscal year 2015 and '16 and surpluses over the medium term.

The current account deficit on the balance of payments, Mr. Speaker, decline from 13.4 per cent of GDP in 2011/2012 to 7.0 per cent in fiscal year 2014/15. Jamaica recorded a current account surplus of US$39.4 Million for the March quarter of 2015, the first since 2004. A current account deficit of 2.8 per cent of GDP is forecast for fiscal year 2015/16 and is expected to remain close to 3 per cent over the medium term.

Average real GDP growth under the current Extended Fund Facility has averaged 0.6 per cent 2013/14 and for fiscal year 2014/15, despite the drought. Real growth in GDP is projected at 1.4 per cent for the current fiscal year and is expected to pick up from fiscal year 2016/17 onward averaging 2 to 3 per cent *per annum*.

Wage to GDP ratio. The wage to - the public sector wages to GDP ratio has trended downwards from 11 per cent of GDP in fiscal year 2012/13 to 10.2 per cent in fiscal year 2014/15 and is targeted to reach 9 per cent by the end of fiscal year 2016/17. Achieving this

target will, however, require implementation of significant cost savings measures.

The Jamaican dollar has depreciated against the US dollar since the start of the Economic Reform Programme by an average of 12 per cent *per annum* and with the narrowing of the inflation differential between Jamaica and its trading partners, the Jamaican dollar has gained competitiveness and we expect a slowdown in the rate of depreciation as a consequence. (Applause)

Inflation fell to 4% in March 2015, the lowest rate in 48 years; prudent and complementary monetary and fiscal policies will serve to maintain inflation in low, single digit through fiscal year 2015/2016 and over the medium term.

The Net International Reserves, Mr. Speaker, increased from $835.7 Million at the end of March 2013 to US$2.535 Billion at the end of August 2015. Debt service and tax revenue ratio has fallen from 85.9% in fiscal year 2011/2012 to 57.1% in fiscal year 2014/2015; accordingly, a larger share of the Government of Jamaica's fiscal resources are now available to support social programmes.

The average employment rate has fallen from 15.2% - the average unemployment rate has fallen from 15.2% in 2013 to 13.7% in 2014. (Applause) The unemployment rate as at April 2015 fell to 13.2% from 13.6% in April 2014. (Applause)

Following the strong implementation and success of the Economic Reform Programme, Standard and Poor's Rating Agency and Moody's both upgraded Jamaica's rating in June 2015. (Applause) Also, it should be noted that Jamaica moved up 27 places from 85 to 58 out of 189 countries in the World Bank's "*Doing Business 2015 Report"*. (Applause)

At end August 2015, Mr. Speaker, both the central government primary surplus and fiscal deficit had performed better than budgeted. Fiscal operations are on track to meet the established targets, as I said, for September 2015. However, there are emerging challenges on both the revenue and expenditure fronts that the Government of Jamaica will need to manage carefully to ensure the continuous performance - successful performance on the agreed targets.

On the revenue side, tax revenue will be affected by the later than anticipated implementation of transfer pricing rules which we are to debate today. And arising also from the lower than expected yields from some major audit operations and the six-month postponement and adjustment to the environment in levy on domestic production. Lower aluminum prices that consequent upon the slowdown in the global market will also negatively impact revenue from the bauxite alumina sector. But we expect through additional financial distribution from self-financing public bodies and other transfers to the Consolidated Fund, we will seek to maximize the shortfall of about $2.6 Billion projected in relation to revenues and grants.

With respect to the expenditure side, the main challenges arise from the 2015 to 2017 wage settlements with public sector workers. The Government of Jamaica has already signed Heads of Agreement with more than

80% of the public sector workforce. The Government will seek to complete negotiations for new wage agreements with the remaining public sector groups within the current fiscal quarter.

In order to maintain the social consensus and ensure continued efficient operations of the public service, the Government of Jamaica adjusted its initial wage benefits offered to public servants from 3% in the first year and 2% in the second to 4% and 3% on basic pay. In addition, a number of allowances were adjusted above the 4% operates on basic pay.

The projected shortfall in revenue and higher than planned compensation cost will necessitate cuts in growth recurrent programmes of about $8.6 Billion. Details of the cuts will be presented in the Supplementary Estimates to be tabled in the Parliament later in this calendar year.

For the 2016/2017 budget the main challenge is achieving the 9% of GDP ratio agreed to in the programme to be met in March 2017. The Government will continue to work closely with the public sector groups to ensure that the schedule of payments arising from these and future decisions will be consistent with the attainment of the agreed wage ceiling target of 9% GDP by March 2017.

The fiscal space created by containing the wage bill to 9% of GDP in 2016/2017 will allow for appreciably increase allocations to capital projects from development will come, Mr. Speaker. The public sector investment programme will be prioritized to include projects which will most significantly contribute to the achievement of the Government of Jamaica's priority objectives in the short to medium term. Simultaneously, projected social spending for youth employment, poor relief, children's homes, places of safety and the PATH Programme will be preserved.

(Applause)

Mr. Speaker, before us is the Fiscal Policy Paper which will be, as I said before subject to the consideration of the Public Administration and Appropriations Committee of this House, and I present it to this House, Mr. Speaker, for its consideration.

(Applause)

The Acting SPEAKER: Mr. Shaw.

Mr. SHAW: Thank you, Mr. Speaker.

I just wanted to ask the Minister if he would comment on the recent observation made by the International Monetary Fund concerning - I think the term that the IMF used is the prospect of having to make undesirable decisions as a result of the failure of the economy to grow, and they singled out, in particular, the issue of the possibility of cutting - they singled out the issue of the possibility of cutting the public sector as well as the possibility of increases in taxation.

Mr. CHUCK: I didn't hear that, let's hear that.

A MEMBER: Undesirable.

Mr. SHAW: Yes, undesirable decisions including the possibility of cuts in the public sector workforce as well as the possibility of increase in taxes.

Mr. CHUCK: I hope Horace Dalley and Luther Buchanan are listening.

(*Sotto voce* remarks by Opposition Member)

Mr. SHAW: And my question for the Minister is that he makes a reference to the $2.6 Billion cuts that will be coming in the recurrent, the gross recurrent budget. And the question is whether that cut will be adequate to avoid any drastic action in relation to the public sector cuts or increases in taxes, and whether the projection for next year, next fiscal year would itself also not contemplate increases in taxation or cuts in the public sector workforce? That's the first question.

The second question I'd like to ask the Honourable Minister against the background of the increase, the increases in wages that he mentioned, increased from 3% to 4% in year one and in year two another 3% for a total of 7% by the end - during year two. Has the Minister communicated to the public sector workers the timetable for the implementation of the contributory pension scheme? And if so, has the Minister indicated to the public sector workers what is the quantum of that deduction from the contributory scheme? Is it 5%, that's the figure that I have heard tossed around. I wanted you to comment on that. And within that context would you not say, Honourable Minister, that that 5% requirement for contributory scheme in the pension fund - pension scheme would virtually neutralize, almost neutralize the 7% increase that has been granted to the public sector workers?

Dr. PHILLIPS: Mr. Speaker, in relation to the question of the growth issue, I think there is no secret in the fact that we, Government of Jamaica and the International Monetary Fund and indeed our multilateral partners and the private sector, as well as the public sector unions, have all agreed that growth and faster rates of growth must be the priority going forward. To that end, we presented here in this House in March an extensive matrix concerning the growth agenda and the commitments of the Government of Jamaica aimed at unlocking to the fullest extent the growth potential of the country.

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

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

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

(DR. THE HON. KENNETH WYKEHAM MCNEILL, (PNP), Westmoreland, Western, Minister of Tourism and Entertainment, entered and to his seat.)

Now there is no plan, Mr. Speaker, to change the basic trajectory of our programme as it is now. Meeting these commitments which include the 4% and 3% and the allowances, some of which extended beyond 4%, will require, as we have said, compensatory adjustment to the budget for this fiscal year. We intend to pay all the arrears in the course of this fiscal year and we

will be in the position where we will have to undertake adjustments in order to achieve the targets for next year.

Among the matters that we contemplate, and we are in discussions with the trade unions, are issues concerning, as we have done before, not filling posts where attrition occurs, engaging in voluntary separation agreements in collaboration with the trade unions and, of course, we have agreed with the unions that public sector transformation efforts resulting in modernization, improved efficiencies are matters to be considered in the effort to reach to this point. Included in that too, would be the possibility of outsourcing some of the activities within the public sector. We do not envisage - I don't know what is exactly meant by the phrase - we do not envisage any drastic action, wholesale layoffs or anything like that, Mr. Speaker. We have not proceeded in that way in the first part of the programme and in the last year remaining we will not proceed in that way. (Applause)

Specifically, in relation to the question of the implementations of the Pensions Plan, the White Paper was presented to the House and the specific arrangements to be made for implementation is still a matter to be decided by the Cabinet and in collaboration with the representatives of the Civil Service involved.

I should point out also that the teachers, for example, are not included in that arrangement, so that it is not something that would be covering the entirety of the groups who have settled with the Government. But in any event, Mr. Speaker, no final decisions have been taken in this regard and when they're taken, they will be reported to this House after consultations with the trade unions involved.

Mr. SHAW: Minister, would you just indicate whether in mentioning attrition and voluntary separation agreements whether you have projected, in terms of numbers of posts and the actual projected savings, you have any such projection?

Dr. PHILLIPS: Not at this point, no. And as I said, this is a task that is being entered into in collaboration with the affected unions and their representatives. That is to say, they all agree that it is in their interest and the interest of Jamaica to meet the over-arching targets that are in our reform program. It was at their insistence that Jamaica performed on the program that they in fact demanded the establishment of what subsequently has become epoch in which they participate. And I would say, Mr. Speaker, it is on account of their recognition of the value of that programme why they are to be commended for having accepted and signed on to the agreement that they have signed on to. (Applause)

MEMBERS: Hear, hear!

Mr. SHAW: Final question. Since you have not done any projections and having regard to the expressed concerns of the International Monetary Fund, I'm simply asking, are you saying since you don't have the projections on attrition, no projections on voluntary separation, is it based on a hope that you'll achieve your targets?

Dr. PHILLIPS: What I would say, it is based upon the fact that we have a sound

record of achieving our targets. (Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Dr. PHILLIPS: It is also, Mr. Speaker, based upon a commitment to work collaboratively with those affected, to achieve our best efforts. And we think that more - that it is as important to achieve the general direction in which we seek to go, make best efforts to achieve it and to have a discussion with those who are involved - the stakeholders in the system most directly involved first of all, as we proceed in this direction, and we intend to do precisely that. (Applause)

The Acting SPEAKER: Mr. Samuda.

Mr. SAMUDA: Minister, when you make your presentations in this House, I noticed that you focused primarily – and correctly so, because that's your job, you're really a very good credit manager. You're a very good credit manager.

Mr. L BUCHANAN: Yuh hear that, Audley?

Mr. WARMINGTON: Oh, keep quiet!

Mr. L. BUCHANAN: It hot yuh, eeh?

Mr. SAMUDA: Now, the thing that I find missing from your presentations are your projections for sectors within the economy that can lead to the expansion of the economy. Now, I listened to you a moment ago and I'm reminded of the fact - and you may correct me if I'm wrong, if I don't have the up-to-date figures, but the most recent figures suggest that there are certain basic fundamentals that are off target.

We seek primarily to earn through exports. Our non-traditional exports are below what it was last year same time. Your traditional exports are off. Your production figures are off, less than they were. The means by which an investor can expand and grow is through the acquisition of financing. Your demand for financing at the banks for the productive sector is low, less than it has been. The idea of production, it is production not just to satisfy local demand, but production for export; there is simply no evidence. There is no evidence in your presentation where you can point to an increase in these essential areas.

You speak eloquently to the need for containment, the need for careful fiscal management, the need to be responsible in the management of your fiduciary responsibilities, but you are very short on speaking about the specific areas that comprise the factors that will lead to economic expansion. That is where I would like to hear you speak.

You see, Minister, I would like you to dispel the notion that the Minister of Finance is really the bookkeeper and it is the Minister of Industry who is responsible for expanding the economy. But neither of you are speaking to those aspects that expand the economy. So I wonder, Minister, in your closing remarks, if you would be so kind to point me in the right direction where I can see the pluses that you speak of. I know you are experiencing success in containment, but containment in and of itself is detrimental for the development of the welfare of the people of the country.

A MEMBER: Hear, hear!

Mr. SAMUDA: Containment is a disaster.

(Inaudible comment by Mr. L. Buchanan)

Mr. SAMUDA: Containment is a disaster. And that is the fundamental reason why I do not and why I made reference to the fact that in my humble opinion, you made bad choices with the IMF. Bad choices. The factors that would encourage business to invest and expand; the IMF agreement is inimical to a great portion of that. If it isn't, then please point me in the right direction. I am seeking to be directed in a manner that will give me some degree of comfort level. Because I know that the future, based on where we are today and what has been developing, is not bright, because there are no visible signs of expansion of production for export. There is none because the figures are pointing in the reverse.

(Inaudible comments)

Mr. SAMUDA: No, I'm just trying to find the answers.

Dr. PHILLIPS: You've been given excessive latitude by the Speaker; you're exploiting his innocence.

Mr. SAMUDA: No, the Speaker understands the language I'm speaking because in his personal capacity, he's feeling it. He is feeling it. He knows that his business is going to go south...

The SPEAKER: (Gavels) Mr. Samuda.

Mr. SAMUDA: ...so he's giving me the latitude. But Minister if you would be kind.

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

Dr. PHILLIPS: Mr. Speaker, my friend opposite is used to talking about everything and anything, any time.

Mr. PARCHMENT: Wide ranging.

MEMBERS: Altogether.

Dr. PHILLIPS: Altogether.

MEMBERS: All the time.

Mr. PARCHMENT: He must hear his own voice.

Mr. CHARLES: That's a sign of being brave.

Dr. PHILLIPS: Maybe to you.

(Laughter)

Mr. CHARLES: Anybody who don't see it need to go to basic school.

Dr. PHILLIPS: No, I hear you, I hear you, I hear you.

But Mr. Speaker, we are constrained by the fact that we were presenting the Fiscal Policy Paper that is required by law and we are quite willing to have the debate which the Member seeks. Maybe - are you a member of the PAAC?

Mr. SAMUDA: No.

Dr. PHILLIPS: You must be.

Mr. SAMUDA: No.

Dr. PHILLIPS: No, you're a member of everything.

(Laughter)

Mr. SAMUDA: It's above my Ministry.

(Laughter)

Dr. PHILLIPS: All right. But he could attend the PAAC and when we have the debate on it, we could discuss those issues. There is no doubt...

(Inaudible comment by Mr. Samuda)

Dr. PHILLIPS: No, no, but his comments, because they were not questions.

A MEMBER: How yuh know?

Dr. PHILLIPS: (Laughs) His comments were based upon misplaced premises, Mr. Speaker. It is not true that there is no evidence of growth or no foundations that have been established. The tourism sector has for the past three years or more, been growing at an average 4%. (Applause) And I daresay, Mr. Speaker, we have before us, as was said at another place, 6,000 rooms committed for expansion in the next three years, 1,600 of those ground is to be broken this year. (Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Dr. PHILLIPS: Our interest rates are historic lows, Mr. Speaker, coming down. (Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Dr. PHILLIPS: Preferred borrowers are getting loans at less than 10%, single digits, heading down in some instances below eight and below. (Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Dr. PHILLIPS: It is the case, Mr. Speaker, that an important market for commercial paper has developed and some of our major, some of our major business investors are utilizing this market for their expansions.

Mrs. NEITA-HEADLEY: Hear, hear!

Dr. PHILLIPS: It is also the case, Mr. Speaker that more than a million square feet of BPO operating space is to get constructed in this year...

(Applause)

Miss DALEY: Hear, hear!

Dr. PHILLIPS: ...to provide opportunities for thousands more jobs for the young people. (Applause)

Mr. SAMUDA: Minister, Minister, may I ask you, could you just repeat that?

Dr. PHILLIPS: It is the... Oh no, you may not yet.

Mr. SAMUDA: Repeat it, I didn't hear yuh. Can you just repeat that last part for me?

Dr. PHILLIPS: A million square feet of BPO space is being constructed by private and public operators. Plans underway, Mr. Speaker that will provide thousands of young Jamaicans with jobs. (Applause)

It is also the case, Mr. Speaker...

Mr. WARMINGTON: No wonder you have so much closed factories.

(Cross talk)

The Acting SPEAKER: (Gavels) Please allow the Minister to speak in silence.

Dr. PHILLIPS: It is also the case in the energy sector...

Mr. PARCHMENT: Yes.

Mr. SAMUDA: Minister?

Dr. PHILLIPS: ...where you have - it is also the case in the energy sector where we are investing...

Mrs. NEITA-HEADLEY: Yes, yes!

(Cross talk)

Dr. PHILLIPS: ...US$200 Million in renewables, wind farms... (Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Dr. PHILLIPS: ...the largest solar farm in Jamaica, Mr. Speaker, and indeed, the Caribbean.

(Inaudible comments)

Dr. PHILLIPS: We have - others spoke about LNG, we are installing LNG. (Applause) But, Mr. Speaker, this is not the time for that debate, there are many more things. We will talk about the privatization of the airport, the KCT Terminal, the operations that private investors the Kingston Wharves are undertaking, all of those things, Mr. Speaker, but today was not the day for that. Today was just the day to present the Fiscal Policy Paper.

The Acting SPEAKER: Mr. Hylton.

PROTOCOL TO AMEND ARTICLE 83 OF THE TREATY OF CHAGUARAMAS

Mr. Anthony HYLTON: Mr. Speaker, the Honourable House is being requested to take a special note of the protocol to amend Article 83 of the Revised Treaty of Chaguaramas establishing the Caribbean community, including the CARICOM Single Market and Economy. This is significant, Mr. Speaker, because Article 83 is a linchpin for regional commerce. This Article is entitled Operation of the Common External Tariff, and it is the provisions under this Article that allows regional governments to make tariff adjustments. However, Mr. Speaker, in the application of the Article it became apparent that the way it had been originally crafted was narrow and restrained, the policy space of the Council for Trade and Economic Development or COTED, and its Member States.

The Protocol, Mr. Speaker, became effective as at July 10, 2015, when 13 CARICOM Member States signed the Protocol to amend Article 83 of the Revised Treaty. The amended Article 83 may now be applied provisionally by all State parties.

Mr. Speaker, there was a previous attempt to amend the Article in 2010 but this effort was eventually aborted. During the tenure of this Administration the matter was reopened and at the 34th meeting of the COTED in March 2012, it was agreed that Article 83 should be amended as a matter of urgency to allow Member States the flexibility to adjust tariffs in the context of their international obligation. This amendment, Mr. Speaker, to Article 83, represents a substantive amendment to the Common External Tariff or the CET arrangement. It emphasizes the flexibility and dynamic nature of the tariff and the need for adjustment depending on the economic and socioeconomic circumstances of the individual Member States, and the changing conditions in the regional and international economic environment.

In essence, Mr. Speaker, the amendment of Article 83 will now allow the COTED to authorize a Member State or States to suspend the CET on an item and apply a higher or lower, including zero tariff.

Under the previous Article 83, Mr. Speaker, the tariff could only be adjusted if the following applies:

(a) The product is not being produced in the community.

(b) The quantity of the product being produced in the community does not satisfy the demand of the community; and,

(c) The quality of the product being produced in the community is below the community standard or a standard the use of which is authorized by the COTED.

The amendment now Mr. Speaker will allow the COTED to take into account new considerations for the suspension of the CET. The new considerations are as follows:

- A subsection (d) which is, there is a critical shortfall in government revenue being experienced by that Member State;
- A new subsection (e). There are rising cost of living issues to be urgently addressed by the Member State;
- A new subsection (f). There is need to support an industry in the Member State;
- A new subsection (g). The product is of strategic importance to the economic development of the Member State; and,
- A new subsection (h). The suspension of the Common External Tariff on the item is required for the support of the protection and conservation of the environment.

The previous Article 83 allowed the Secretary General of the community to exercise the authority to suspend the Common External Tariff on behalf of the COTED during any period between meetings of the Council.

With the amendment to Article 83, the Secretary General will still exercise the authority to suspend the CET on behalf of the COTED during periods between meetings of the Council, but its powers have been restricted to quantity and quality availability of regional supply which is paragraphs (a), (b) and (c) only. It is important, Mr. Speaker, to note that no authority has been conferred on the Secretary General to act on behalf of the COTED to suspend the CET under the new conditions. Consideration for the suspension of the CET under these new arrangements can only be exercised by regional Ministers meeting at the COTED.

Mr. Speaker, in accordance with the amended Article 83, each Member State, for the purposes of administering the Common External Tariff, should appoint a competent authority which shall be notified to the COTED. The Ministry of Industry, Investment and Commerce is the named designated Competent Authority for the purpose of administering the Common External Tariff.

Mr. Speaker, the amendments to Article 83 address the flexibility required by the COTED and the Member States in respect of the administration of the Common External Tariff. It provides Jamaica with greater flexibility in crafting viable policy options as we pursue various strategies for growth and development.

Mr. Speaker, I consider this development as providing the Ministry of Industry, Investment and Commerce with a critical policy tool in our efforts to redesign the national exports strategy and in reviving the manufacturing sector. The amendment will also provide my Ministry with the policy space required to adjust the tariff to protect

several local industries, for example, the cement industry.

Mr. Speaker, this development will also provide critical policy space for other Ministries of Government. For example, it will provide the Ministry of Science, Technology, Mining and Energy with the policy space necessary to adjust the tariff to allow for the importation of extra-regional petroleum where it is not available from our regional suppliers. The Ministry of Finance and Planning will be able to adjust the tariff to protect the revenue-base of the country and the Ministry of Agriculture and Fisheries will be able to make the tariff adjustments necessary for the protection and growth of the agricultural sector.

Today, Mr. Speaker, it is my pleasure to lay before this Honourable House Ministry Paper No. 128 on the Protocol to Amend Article 83 of the Revised Treaty of Chaguaramas establishing the Caribbean community, including the CARICOM Single Market and Economy.

Thank you, Mr. Speaker. (Applause)

The Acting SPEAKER: Mr. Samuda.

Mr. SAMUDA: Mr. Speaker, this is a matter that has been long outstanding, and in fact, as I recall, the Minister came here about two and a half years ago to announce radical measures would be implemented to protect the interest of the Jamaican producers by adjusting Article 83. Mr. Speaker, what it really is revealing -

Mr. Anthony HYLTON: Article 38?

Mr. SAMUDA: 83. You not - that's your problem, you don't listen well.

(Heckling by Government Members)

Minister of Transport, I appeal to you, would you care to come in front so that we can confer?

Mr. Speaker, Mr. Speaker, essentially we don't have a problem with the approach adopted, but let me make no mistake about it. It is a precursor, in my humble opinion, it is a precursor to the eventual erosion of the significance of the COTED and the Treaty of Chaguaramas.

Mr. Anthony HYLTON: Nonsense. Foolish argument.

Mr. SAMUDA: Because it offers a level of flexibility so wide-ranging and it goes so far as to suggest that the Secretary General acting between meetings can establish in (a), (b) and (c) of the provision those items that fall in (a), (b) and (c) on a provisional basis for ratification by the Ministers to COTED.

Now, to change a tariff, that is one of the most essential features of the CARICOM, for the protection of Member States. That is, it enables us to live within the framework of the Agreement in protection of each other. Now what they have decided to do is to give sufficient wide-ranging flexibilities to its members that they can choose any number of items that fall within the categories, and the one that is most susceptible to that is the one dealing with the environment. Anything that faintly abuses the environment can be acted upon under this amendment. For our part, it is useful because it enables us to source cheaper products from outside the region, extra-regional but that comes with a price, because if you have the flexibility to go outside the

region where there are cheaper products to be imported, it defeats the very basis on which the agreement of Chaguaramas was based, that is, to protect the players within the agreement, within the framework of the agreement. So what we are really looking at is the commencement - It is my view - the commencement of an erosion of the fundamental principles underlying the establishment of the CARICOM. Fundamental.

Now I'm not saying that in circumstances of emergency, as was the case before, where you could apply for a suspension of the tariff regime to help you get out of your financial problems. The reason we have chosen to do that is because a few years ago it was calculated that the CET provision was costing the country approximately $10 Billion *per annum* in lost revenue, or additional expenses. In other words, you could buy the same things outside the region and save that money, but because we are members of a community we sought to remain in there and to protect the interest of the entire community.

Now we have all thought, and obviously it is not unilateral, the whole community decided that perhaps this is the time to be more flexible giving each Member State the right to go outside and to make their acquisitions based on a series of categories from A down to H, where you can suspend in order to facilitate your own particular economic situation.

So whilst we can understand the need for it, especially at this time, and especially where Member States have had the bad habit of not fulfilling the provisions under the Agreement for the substantial transformation of the products that are eventually marketed from a particular Member State to others within the community, where you don't really qualify for protection but you have been enjoying it by a number of means that have - we know it has been particularly pertinent in respect of trade with Trinidad, where they don't really engage in substantial transformation of the product qualifying as a manufactured item from the region to a Member State. In those circumstances, I would have to support the measure entirely. And wherever there is that suspicion, then we are within our right to seek a remedy through this amendment to Article 83.

Nothing's wrong with that, but we must understand what we are doing. And what I am surprised at, quite frankly, Minister, is the wide-ranging approach. And don't take it personally because you don't have the power to change it; you are only here as a messenger among the community. You are a Member State. So it's *nutt'n* personal. It is the entire membership of the CARICOM that has taken a decision that may lead to the eventual erosion of the cornerstone of what comprises the CARICOM Treaty of Chaguaramas Provisions.

So, we're not going to argue; it has been decided and we will see how it operates. But I would like to finally ask the Minister a simple question. Minister, could you indicate - I know you have alluded to the question of oil because it is well known that when the refinery is down, Trinidad imports the oil and send it to Jamaica under the provisions of the

Treaty. Now, outside of oil, can you indicate in your closing comment - by the way, you should have told me before, but I have accommodated you by speaking about the matter on my feet, as it were. I don't even have anything before me.

(*Sotto voce* comments)

(REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston, Central, Minister of Education, entered and took his seat.)

Mr. SAMUDA: He has not even given me a note, Mr. Speaker, he has not even provided me with a single line, so I have been quite adept at interpreting what he means. So, what I am saying is...

(*Sotto voce* comments by Dr. Davies)

A MEMBER: It is very difficult.

Mr. SAMUDA: ...what he means... it is easier to understand the text as presented, than the verbal presentation of it. So, let me say this, can you please indicate the specific items that has led you to support so fulsomely, this amendment to Article 83 of the Treaty of Chaguaramas?

Dr. PHILLIPS: So you say you support it?

Mr. SAMUDA: I don't have a choice, Peter. What I must do? It is not him doing it you know, it's the whole membership of COTED.

The Acting SPEAKER: (Gavels) Mr. Samuda.

Mr. SAMUDA: Thank you, Mr. Speaker.

The Acting SPEAKER: Thank you. Mr. Hylton...

Mr. Anthony HYLTON: Mr. Speaker, just to ask - just to say to the Member opposite, that we have achieved today what he sought to achieve in 2010, and failed. It was aborted - that entire effort was aborted. So I am a bit surprised that the Member seeks now to ask the basis on which we sought to have these flexibilities.

(*Sotto voce* comment by Mr. Samuda)

(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.)

Mr. Anthony HYLTON: No, no, no, I am saying - the same items that you sought to get the flexibility for...

(*Sotto voce* comment by Mr. Samuda)

Mr. Anthony HYLTON: No, no, listen, I have said it, and you weren't listening. Cement is one, agriculture the other - a number of areas, but more importantly, it is the policy flexibility that the ruling by the - and you know well and should remember - the ruling by the General Council of CARICOM which gave a very restrictive interpretation of the TCL decision against the community that created the need and the necessity in Member States to ask for an amendment to the Treaty. So, it is that restrictive interpretation that seeks to restrict unduly, the sovereignty of Member States that sought to get it in relevant areas. So I simply say to you, we have succeeded where you did not.

Thank you.

Mr. SAMUDA: Where I did not?

ANNOUNCEMENTS

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

- **Ministry Paper No. 124**
  Cabinet Agenda Issues dated August 17, 2015
- **Ministry Paper No. 125**
  Cabinet Agenda Issues dated August 24, 2015
- **Ministry Paper No. 126**
  Cabinet Agenda Issues dated August 31, 2015
- **Ministry Paper No. 127**
  Annual Report of the Jamaica Agricultural Society for the year 2013/2014
- **Ministry Paper No. 128**
  Protocol to Amend Article 83 of the Revised Treaty of Chaguaramas Establishing the Caribbean Community including the Caricom Single Market and Economy
- **White Paper No. 4**
  The National Child Diversion Policy dated June 1, 2015
- Annual Report and Audited Financial Statement for the Anti-dumping and Subsidies Commission
- Annual Report of the Independent Commission of Investigations (INDECOM) on Command Responsibility for the Use of Force, 2014
- Electoral Commission of Jamaica Report on Continuing Legal Reform dated April, 2013
- Annual Report for the Rural Electrification Programme Limited for the financial year 2006-2007 & 2007-2008
- Annual Report for the Rural Electrification Programme Limited for the financial year 2008-2009
- The General Consumption Tax (Amendment) Regulations, 2014
- Fiscal Policy Paper financial year 2015-2016 Interim Report

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 this Honourable House of Representatives that on the 25th day of September, 2015, the following Bills were passed in the Senate:
Bill entitled:

"AN ACT to Validate and confirm all acts in relation to the charging and collection of certain fees done in good faith and inadvertent as to the absence of statutory authority by the Administrator General and officers, employees and agents of the Administrator General's Department in the exercise of their functions under

the Administrator General's Act during the period commencing on the 30th day of March 2004 and ending on the 23rd day of December 2014; to indemnify persons against liability arising out of *bona fide* carrying out of their functions, and for connected matters"; and two:

Bill entitled:

"AN ACT to Amend the Weights and Measures Act", passed with two (2) amendments for which the Honourable Senate desires the concurrence of this Honourable House.

(And the amendments have been circulated)

Signed: Floyd E. Morris,
President of the Senate."

Mr. ATKINSON: Mr. Speaker, I signify my willingness to take charge of the first mentioned Bill.

Bill shortly entitled:

"The Administrator General (Fees, Collection) (Validation and Indemnity) Act, 2015",

read a first time.

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

Mr. Anthony HYLTON: Mr. Speaker, I now move that the...

Mr. WARMINGTON: Be on your feet; be on your feet.

Mr. Anthony HYLTON: I now move that the Senate amendments to the Bill entitled: Weights and Measures (Amendment) Act to be considered and approved.

The Acting SPEAKER: We ask that the amendments be approved.

Put to the House and agreed to.

REPORTS FROM COMMITTEES

Mr. WARMINGTON: Mr. Speaker, I have been asking for the past more than two years about the issue of the Government securing or taking over the infrastructures in housing schemes throughout the country. This Report came here and it was approved on the 26/6/2012, and a letter from the Cabinet Office dated May 17, 2013 that it was sent to the Ministry of Local Government for attention, and I have been asking all this time, but each time the Minister is absent.

Dr. PHILLIPS: Who you asking what?

(DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central, entered and took his seat.)

Mr. WARMINGTON: So Mr. Speaker, can you assist me by enquiring from the Acting Leader of the House what is the situation on these two Private Member's Motion from the Member of Parliament for South West St. Catherine; one having to do with the flooding in South West St. Catherine, the other having to ask the Government to assume the responsibility for infrastructure in housing schemes.

The issue, as I said before - I believe the one for flooding was inadvertently sent to the Ministry of Local Government because that one has to do with the Ministry of Transport

and Works with Highway 2000, because the flooding is caused by Highway 2000. And I had spoken to the Minister himself and he was unable to deal with it, but that one ought to have been dealt with by the Minister of Transport of Works as it relates to Highway 2000. But I would like to know where are we at this stage.

This letter was sent here from May 17, 2013. It's almost two years and I kept on asking, so I am wondering if I could, Mr. Speaker, through the Acting Leader, get some understanding as to where we are, and when we will get some...

Mrs. NEITA-HEADLEY: Mr. Speaker, I have been reliably advised by the House Leader that there is tremendous effort to be made to bring this to a closure, so I am anticipating that we should be able to get to a closure position very shortly.

Mr. WARMINGTON: I am hearing that for a long while.

Mr. D. SMITH: Mr. Speaker...

The Acting SPEAKER: Mr. Smith.

Mr. D. SMITH: ...the response from the Acting House Leader is totally unacceptable. The Member from St. Catherine South West has been at this issue since, as he says...

Mr. WARMINGTON: Three years.

Mr. D. SMITH: ...for a very long time. And it is unforgivable that in a House of this nature, that we keep getting promises, promises, promises, and nothing has happened. As the Member said, the last letter that came was May 2013, two and-a-half years.

And in the interest of working together, and cooperation, Mr. Speaker, the Government seems not to be serious on this issue. And I am very happy that the Minister with responsibility for Transport and Works is with us this afternoon - one of his rare visits. (Laughter) And I know the Minister very well. And I am very sure that being here this afternoon, he will make all possible effort to have this matter dealt with once and for all. But the Opposition would like to place on record that we find it most disturbing, considering, sir, that on many occasions in the past - and I am sure it will happen in the future...

Dr. DAVIES: You have made the point...

Mr. D. SMITH: ...where we have cooperated with the Government, and they now seem to be...

(*Sotto voce* comments)

Mr. D. SMITH: ...they seem to be disregarding the matter which is long outstanding.

Mrs. NEITA-HEADLEY: Mr. Speaker, the Member has my commitment that we will seek to provide the answers at the earliest time possible. I understand the frustration, and I'll seek to impress upon the Members involved to bring this to a closure at the earliest time possible.

Mr. D. SMITH: Your team getting a hard time.

NOTICES OF MOTIONS GIVEN ORALLY

Mrs. NEITA-HEADLEY: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move:

Be it Resolved that the Standing Orders of this House be suspended to permit this House to invite the Honourable Members of the Senate to sit jointly with the House in a meeting to be presided over by the Speaker to receive an address by the Right Honourable David Cameron, Member of Parliament and Prime Minister of the United Kingdom, tomorrow;

Be it Further Resolved that the Standing Orders be suspended to permit the House to sit at 8:30 o'clock in the morning notwithstanding Standing Order 8(1) (a).

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

Mr. WARMINGTON: Mr. Speaker, I beg to give notice at the next sitting of the House I will move:

Whereas a large number of the citizens of Jamaica are now affected by poverty;

And Whereas many of those being affected are senior citizens;

And Whereas during the 1960s, 70s and 80s, the Government through the Ministry of Social Security provided a monthly allowance to the elderly who were not recipient of a pension;

And Whereas in many cases this was the only source of income for some of those who benefitted from the programme;

And Whereas the needs of the poor and the elderly are greater now than ever:

Be it Resolved that Parliament calls on this Government to immediately reinstitute the Old Age Pension Benefit Scheme.

Mr. Speaker, I further move that at the next sitting of the House I will move:

Whereas many citizens of Jamaica are unable to provide dwellings for themselves and their families;

And Whereas many of these citizens now turn to Food for the Poor for assistance with housing;

And Whereas Food for the Poor is unable to provide housing for many Jamaicans who now turn to them annually for assistance;

And Whereas the first duty of any Government is to provide for the needs of the poor and to protect the less fortunate;

And Whereas it should never be left to any charity organization to substitute for any Government in providing for the needs of any poor of any country;

And Whereas successive Governments administered an indigent housing programme and a farm house housing programme:

Be it Resolved that Parliament calls on this Government to immediately reintroduce the indigent housing programme and the farm house housing programme.

(Cross talk)

The Acting SPEAKER: Minister Guy.

Dr. GUY: Mr. Speaker, I beg to give

notice that at next meeting of the House I will move to introduce and have read a first time a Bill shortly entitled: "The Road Traffic Act, 2015".

Mr. ARSCOTT: Mr. Speaker.

The Acting SPEAKER: Minister Arscott.

Mr. ARSCOTT: 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 Governance Act, 2015".

QUESTIONS AND ANSWERS TO QUESTIONS

Mrs. NEITA-HEADLEY: Mr. Speaker, the Minister of Finance [and Planning] will take Question 20 at this time.

Mr. SHAW: Mr. Speaker, could I ask the Honourable Minister of Finance [and Planning] to answer Question No. 20 on the Question Paper.

The Acting SPEAKER: Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker,

Question 1:

Would the Minister please state whether or not the Ministry of Finance and Planning has established an energy stabilization fund from new fuel taxes imposed in April of this year?

Answer:

By way of Cabinet decision dated August 24, 2015, approval was given for the establishment of the Energy Stabilization and Energy Efficiency Enhancement Fund. (ESEEEF) The establishment of such a fund requires legislative amendments to be made in order to provide for, among other things, sources of funds, that is to say funding rules, uses of funds, spending rules, governance arrangements and reporting obligations.

Currently, legal drafting of the necessary amendments to the General Consumption Tax Act are being done. These arrangements will provide clear guidelines for transparency and accountability and provide assurance that the Fund's resources will be used in the manner intended as announced in my 2015 budget presentation. A Ministry Paper will be tabled shortly outlining the rules, transparency and accountability arrangements of the Energy Stabilization and Energy Efficiency Enhancement Fund.

In the medium to long term the establishment of this Fund will put Jamaica in a position to undertake projects which will reduce the country's dependence on oil imports as well as allow it to take hedging operations as necessary.

The source of funding for the Energy Stabilization and Energy Efficiency Enhancement Fund is the new fuel tax that has been imposed since April 2015. In the meantime, while the legislative amendments are being undertaken, a sub-account of the Consolidated Fund has been established to receive the proceeds of the tax.

Question 2:

If the answer to part 1 is in the affirmative, will the Minister please state

whether or not the Ministry has established a hedge programme to protect consumers in the event of sharp increases in the price of oil?

Answer:

Yes, in order to protect the consumers in the event of sharp increases in the price of oil, the Government of Jamaica has implemented a hedge programme in the form of call option contracts.

Question 3:

If the answer to part 2 is in the affirmative, would the Minister please furnish all the details of the hedge programme which has been arranged including the financial entity with which it has been arranged?

Answer:

On March 9, 2015, a request for proposals was sent to four entities: Bank of Nova Scotia, British Petroleum, Citibank and Noble [Corporation] to provide quotations on the cost of purchasing call options for a twelve-month and twenty-four-month contract period starting the 1st of June 2015. Quotations were requested for 9 Million and 4.5 Million barrels of West Texas Intermediate crude oil and 4.9 Million barrels of fuel oil.

Of the four entities mentioned only three entities responded with proposals and were assessed. The analysis of the proposals indicated that Citibank provided the most competitive quote. The proposals were evaluated on the basis of consensus forecasts from various market participants as to the possible movements in oil prices. These assessments pointed to sharp increases in crude oil prices particularly towards the latter half of 2015. Consequent on the analysis, the Government of Jamaica executed a number of contracts with Citibank providing coverage for 8 Million barrels of crude oil imports to Jamaica over the eighteen-month period from June 2015 to December 2016. The contracts, which differ by period and price, have a total weighted average premium cost of US$3.48 per barrel at a weighted average strike price of US$66.53 per barrel.

Call options contracts purchased from Citibank were as follows:

- The first trade total volume of $750,000 monthly volume 62,500 barrels. The reference New York - NYMEX West Texas Intermediate, the term running from June 2015 to May 2016; the strike price at $67.50, the premium $2.40 per barrel total premium US$1.8 Million;
- Trade two, total volume 2.250 thousand barrels; monthly volume 185,500 barrels. Again, the reference is West Texas Intermediate; the term period running from September 2015 to August 2016; the strike price of US$67.50 per barrel; the premium of US$3.38 per barrel; total premium US$7,605,000.
- June 5, 2015, a trade first of which was for a total volume of 750,000 barrels; monthly volume of 62,500; reference West Texas Intermediate;

term running from June 2015 to May 2016; strike price US$65.60 per barrel; premium US$2.80 per barrel; total premium US$2.1 Million.

- Trade two, total volume 2.250 thousand barrels; monthly 187,500 barrels reference West Texas Intermediate; term running from September 2015 to August 2016; strike price US$66.10 per barrel; premium of US$3.78 per barrel; total premium US$8,505,000.

  July 15 trade total volume 2 Million barrels total; monthly volume 166,666.67 barrels; reference West Texas Intermediate; the term running from January 2016 to December 2016; strike price US$65.90 per barrel; premium of US$3.93 per barrel; total premium US$7,860,000.

Question 4:

Would the Minister please state what are the fees charged by the company to arrange this hedge?

Answer:

As is customary when entering into such an arrangement there were no fees charged by Citibank to arrange the hedge. However, as the seller of the call options, Citibank received payments of a premium for each transaction.

The total hedge premium paid to Citibank for trades executed on June 4, June 5, July 15, 2015 amounted to approximately US$27.9 Million.

Question 5:

Would the Minister please state the total additional earnings so far this year from the imposition of the additional $7 per litre tax on fuel?

Answer:

The total revenues received from the additional $7 per litre tax on petrol amounted to J$2.45 Billion for the period March 2015 to July 2015.

Question 6:

Would the Minister please state how much of these funds have been allocated to the stabilization funds?

Answer:

The total amount of the SCT revenues due to the Energy Stabilization and Energy Efficiency and Enhancement Fund amounted to $1.75 Billion for the period March 2015 to July 2015.

The House will recall that in my closing budget presentation I indicated that specifically $5 per litre from the total $7 additional SCT that was established would be dedicated to the energy stabilization fund. The remainder of the revenues, that is to say J$700 Million, would remain in the Consolidated Fund.

It should be noted that the hedged premiums paid that is approximately US$27.9 Million or J$3.3 Billion were advanced from a $3.3 Billion contingency provision in the Ministry of Finance's budget which was approved for this purpose. Therefore, to date there will have been no net payments made into the sub-account of the Consolidated Fund for the Energy Stabilization, Energy Efficiency Enhancement Fund, as the total amount advanced as hedged premiums would

need to be fully recovered from the relevant SET proceeds.

The Acting SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, I would just like to ask a couple questions, follow-up questions.

Now, in the answers, the Minister has indicated in answer to Question 3, and I read from the answers.

> The proposals were evaluated on the basis of consensus forecasts from various market participants as to the possible movements in oil prices... These assessments pointed to sharp increases in crude oil prices, particularly towards the latter half of 2015.

The question I have for the Honourable Minister, Mr. Speaker, is whether he would make available to this Honourable House that information on the assessments that were carried out. Can those be made available?

Dr. PHILLIPS: Yes. They can be made available to you. There is a technical group comprising the Governor of the Bank of Jamaica, the PCJ, officials from - PCJ Board members who did it, yes.

Mr. SHAW: In which case, Mr. Speaker, I will await that because the - most if not all of the assessments that I have seen and, of course, I am by no means an expert in this issue, but most of the assessments that I have seen hardly points to a drastic increase in oil prices for the rest of this year.

And then the second part of my question would be, Mr. Speaker that the Minister has told us that some $3.3 Billion has actually been paid out in premiums to cover an 18-month period. And I really want to ask the Minister, Mr. Speaker, whether he considers this to be a good deal for Jamaica, having had to expend so much money, especially in circumstances where it is questionable whether oil prices are likely to get back to those levels over the 18-month period.

Dr. PHILLIPS: Mr. Speaker, I think it is generally recognized in the marketplace that the performance of the oil market defied all expectations and projections that were made by all evaluators, estimators of the market. Nevertheless, we think in view of the likely impact that would have occurred had there been a sharp upward movement that it was good for Jamaica to lock in the low prices such as we could. We would - we have not hedged all our potential imports, but you know, it is like you are purchasing insurance, the fact that you haven't had a fire even though you have fire and peril insurance, does not mean that you have wasted your money, it means that you were wise because you are protecting against a possible eventuality. Jamaica was in the position to hedge, and we have hedged in a way that became affordable to us in this particular period.

Mr. SHAW: Mr. Speaker, what I would ask is that the technocrats provide the information to me through the Parliament and if it is possible that I could get it tomorrow I would appreciate it. And just to indicate, Mr. Speaker that any further follow-up can come in the form of supplementary questions after I am able to have a look at these assessments to which the Minister referred.

Thank you very much.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Dr. GUY: Mr. Speaker, I now move to introduce and have read a first time; A Bill shortly entitled; "The Transport Authority (Amendment) Act, 2015".

Bill shortly entitled:

"The Transport Authority (Amendment) Act, 2015",

read a first time.

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

PUBLIC BUSINESS

Mrs. NEITA-HEADLEY: Mr. Speaker, I now move for the suspension of the Standing Orders to enable me to take the Motion, notice of which 1 gave earlier.

Motion put to the House and agreed to.

Mrs. NEITA-HEADLEY: Mr. Speaker, I now ask that Motion be approved.

Motion put to the House and agreed to.

Mrs. NEITA-HEADLEY: At Public Business today we will also take the commencement of the debate on the Income Tax (Amendment) (No 2) Act, 2015, to be carried by the Minister of Finance and Planning and we will seek to commence the Criminal Justice Administration (Amendment) Act, 2015.

The Acting SPEAKER: Dr. Phillips.

THE INCOME TAX (AMENDMENT) (NO. 2) ACT, 2015

Dr. PHILLIPS: Mr. Speaker, the matter before us is An Act to further Amend the Income Tax Act, and these amendments, Mr. Speaker, concern the establishment of a transfer pricing regime. By definition a transfer price is the price which is set by a taxpayer, when selling to, buying from or sharing resources with a related party. The transfer price in that sense, Mr. Speaker, is a price that is taking place within the confines of a single enterprise or, related enterprises, part of group of enterprises. And it is to be, and the transfer price is to be contrasted with the market price, which is the price set in the marketplace for the transfer of goods and services between unrelated persons.

Typically, transfer prices are used by multinational companies for sales and services within their corporate groups. And the truth is, Mr. Speaker that one of the features of this current period in world economic history which tends to be known as the period of globalization is that more and more transactions are taking place on the basis of transfer prices because of the dispersal of production activities across firms, in particular, in different jurisdictions. So that you might have a single company operating in Ireland, in Russia, in Jamaica, for example, and which move products between these various departments of a company, and in the aluminium or bauxite industry, for example, and those prices are in a sense administered prices and are transferred prices set administratively within the firm.

You may have different branches of tourism operations, to give another example,

where firms are selling to themselves for different operations and transactions, marketing services, architectural services from one part of the company to the other.

Typically, as I said, transfer prices are used by multinational companies for sales and services within their cooperate groups. These prices are usually the most important category of transfer prices. Transfer prices, however, are also used by individuals in transactions with corporations under their control. Unless prevented from doing so, related parties engaged in cross-border transactions can avoid income tax of one country by manipulating these prices and allowing profit to be accumulated in another country. And this gives rise to tax planning arrangements which aim to disperse the tax liability across different jurisdictions. This often results in a distortion in the allocation of profits between related entities as well as a distortion of the tax liabilities often away from the country in which the actual production took place and the earnings took place.

The concept of transfer pricing, Mr. Speaker is not new...

(*Sotto voce* comments by Mr. Smith)

Dr. PHILLIPS: Well, actually what we would really want is to ensure that Jamaica gets its fair share of what is due to it for activities taking place in our jurisdiction. (Applause)

The concept of transfer pricing is not new to Jamaica's tax laws. The Income Tax Act has always embraced what is called the arms-length principle, as an anti-avoidance measure. Additionally, all of Jamaica's current double taxation agreements provide for the application of the principle in associated partie's transactions. Although part of the existing tax legislation framework, the principle was rarely used in Jamaica, even though it is part of the law, as there were no precise rules as to how the principle should be applied in the calculation of tax liabilities. This has posed a level of uncertainty, not only for the tax authorities but also for the respective taxpayers in Jamaica, the corporations involved, but also for the tax authorities of related states with whom we have such taxation agreements.

In the absence of a transfer pricing regime, double taxation or shall we say, Mr. Speaker, double non-taxation can often result.

These amendments that are being undertaken in this Bill are extremely important and will redound to the benefit of Jamaica. Every year there is a spirited discussion about tax compliance and the need for Government to improve and increase our efforts in this regard.

Implementing transfer pricing is doing just that; it is a compliance measure which will ensure that, to a greater degree, the taxes liable for collection in Jamaica will, in fact, be paid to the authorities in Jamaica by companies and corporations operating in Jamaica.

(Applause)

A few examples of countries that have benefitted from more vigorous compliance regimes involved in transfer pricing arrangements would include, for example, Kenya where revenue collection from transfer

pricing audits doubled between 2012 and 2014 from US$52 Million to US$107 Million. Colombia managed to achieve a ten-fold increase in their tax collections by implementing transfer pricing rules in their legislation and similarly, in Vietnam they have seen an improvement which has resulted in increases of US$110 Million in one year between 2012 and 2013.

The Organization for Economic Co-operation and Development, OECD, is set to provide an estimate for the scale of global tax avoidance early next month.

Economists at the International Monetary Fund in May of this year estimated loss tax revenues at .6% of gross domestic product in developed countries and in excess of 1.75% of GDP on average in developing countries.

In June, the United Nation's Conference on Trade and Development concluded that businesses globally were avoiding the payment of up to US$200 Billion annually by channelling their earnings through offshore financial hubs by way of the utilization of transfer pricing mechanism, so to speak, within their respective corporations.

Mr. Speaker, a direct consequence of those tax avoidance mechanisms being pursued has meant that if those who should pay don't pay, what it has meant really is that the burden has fallen disproportionately on those who don't have these needs available to them. (Applause) And I am referring here to public sector workers and other PAYE employees and those who simply cannot afford the sophisticated tax planning advisers to enable them to move their resources cross-nationally in order to avoid the payment of the obligations that are due.

I think it is time that we take responsibility for declaring that what we are obligated to pay in taxes is what we should pay. Tax revenues are a significant portion of the country's budget and are a function and indeed are a key determinant of the kind of services that any government is able to provide; the quality of those services and the extent of these services depend considerably on the ability to secure taxes due.

As is the case with the implementation of all tax regimes, including the fiscal intensive regime, the immediate reaction of many to all changes is to signal doom and gloom. The typical forecast is that we are going to be killing one sector or another in requesting that they pay their fair share. In spite of these calls and these suggestions of gloom and doom the fact is that in all the sectors we are seeing vibrant activity, including the tourism sector where we were told that the implementation of room tax was going to result in the collapse of everything. In fact, we have seen the sharpest increase in hotel construction activity that we have seen in a long time.

(Applause)

Mr. D. SMITH: Where the suggestion of gloom and doom comes from?

Dr. PHILLIPS: No, you weren't listening.

Mr. SHAW: You better get the money this evening otherwise you doom and gloom - reparation money.

Dr. PHILLIPS: (Laughter) You know, I would tell you where the doom and gloom

came from but if I tell you, you would accuse me of accusing your colleagues, all right, and I am not going to tell you.

Mr. SHAW: You get that money from Mr. Cameron and then we won't have any gloom and doom.

Dr. PHILLIPS: Mr. Speaker, I think we should recall where this debate about transfer pricing rules has come from in recent times in this country. The dialogue between the Government and the private sector has been going on for some time and my understanding is that it was generally agreed that Jamaica needed to implement a transfer pricing regime.

In 2011, the then Cabinet, 2011, approved the introduction of transfer pricing rules, 2011. In 2012, the Private Sector Working Group on Tax Reform proposed in their submission to the Taxation Committee of Parliament that, among other things, the Government should, and I quote:

> "Undertake a review of international best practice concerning transfer pricing rules and methodologies and assess how these may be applied in a Jamaican context in order to preserve and protect the tax base".

In 2014, the bi-partisan Tax Committee of Parliament approved the blueprint for tax reform, the first proposal of which was the introduction of thin capitalization and transfer pricing rules to, and again I quote:

> "limit revenue leakage occasioned by tax planning initiatives".

Today, Mr. Speaker, we are answering all those calls from the Cabinet of 2011, from the Tax Committee of the Private Sector Working Group and from the Taxation Committee of Parliament. There are some that talk, but some that act.

Mr. DALLEY: Some talked and walked away, not even a text message you send to the people.

Dr. PHILLIPS: The Tax Committee was also advised on the plans to enlist technical support from the Organization for Economic Co-operation and Development in relation to drafting the legislation and building the capacity within our Tax Administration Department. The technical support that we requested and received has ensured that the draft legislation before us is in accordance with international best practices in this regard.

In a globalized economy, developing countries such as Jamaica are increasingly opening up our borders to multinationals and it is estimated that as much as two-thirds of cross-border businesses takes place between companies which are members of the same group. Let me go through that again, two-thirds of international trade across the border takes place within the confines of single specific enterprises. So what is really described as trade is essentially, for the most part, intra-company transfers of goods taking place and services.

Trade and foreign investments and a viable private sector are vital to the economic vitality of any country - and viability of any country. Also, of relevance to Jamaican context is that there are several local enterprises, group enterprises which may not be part of a multinational group in the global sense, but who nevertheless engage in large

inter-group transactions. Jamaica's urgent need for these rules is illustrated by the following examples available in the TAJ's audit files. Audits have shown that companies often utilize and set prices and manipulate the prices for intangible property such as brands, trademarks, licences and pay for the use of these brands, trademarks and licences really at a cost which is simply determined administratively. We see also, Mr. Speaker, the phenomenon of the relocation of head offices to low tax jurisdictions where very little of the activity, productive activity of the enterprise takes place and where what you have is so-called management fees being paid to the head office as a deductible expense to the related party in Jamaica.

In many other jurisdictions the head offices are nothing more than a post box for which the accounting transaction is made. And we see oftentimes, too, the distribution of profits disguised as sale and interest on loans resulting from the interest on the loan being written off as an expense in Jamaica. So one part of the firm lends to another part of the firm and the payment - the repayment of that loan and the interest charges which continue and the commitment fees and other things are really just a disguise, movement of profits supposedly masquerading as loans and loan repayments.

Transfer pricing is a legitimate and necessary feature of the commercial activities of multinational enterprises. Nor or we saying, let me be clear, that all or any particular intra-firm transfer is illicit. There are many intra-firm transfers which have to take place and are legitimate business operations. What the legislation seeks to ensure is that the prices assigned to the goods and services transferred are reasonable prices and would be the same if they were being transferred to a company not part of the group operating. That's what we mean by the arm's length principle that the transfer price within the firm bears a reasonable relationship to the market price of a transaction.

Mr. D. SMITH: You are going to set the price now?

Dr. PHILLIPS: No, the market sets the prices, the market sets the price. You understand, like when you go and buy a race horse. I am going to break it down. When you go and buy a race horse, if you are Derrick Smith Associates in Florida selling to Derrick Smith in Jamaica, Inc, Derrick Smith Caymanas Park Incorporated - for argument sake - that would be a transfer price. You set the price to yourself here, but if you go to the horse market in Trinidad and you buy the (price) (sic) horse that is a price that you don't set.

Mr. D. SMITH: It's auction.

Dr. PHILLIPS: Market which is a form of manifestation of the market. Go to the head of the class, you get it.

Mr. SHAW: As long as you don't buy a donkey.

Dr. PHILLIPS: Or a mule. But you are right and there is no problem with demonstrating that you got a deal and the deal is equivalent to deals that operate in the marketplace. So we are not saying that it is - in fact the heart of this legislation is self-

policing, not us policing it but for the taxpayer to assure that he is pricing his transactions at market rates.

(Applause)

Mr. SMITH: That's dangerous.

Dr. PHILLIPS: Now, Mr. Speaker - yea, everything dangerous to you, but it's because yuh...

(Laughter)

Dr. PHILLIPS: …a soh when yuh reach a certain age everything looks frightening.

(Laughter/Inaudible comments)

Mr. SMITH: I was pre-independence and that's very important.

Dr. PHILLIPS: You were pre-independence?

Mr. SMITH: It was the way of the world.

Dr. PHILLIPS: Alright, I hear yuh. But you're not one of those that wish to be colonized again?

Mr. SMITH: No.

Dr. PHILLIPS: You're not that cautious?

Mr. SMITH: No, I'm not that cautious.

Dr. PHILLIPS: Okay.

Mr. Speaker, the current anti-avoidance provision in the Income Tax Act has been found to be deficient, the current provision, because remember, there are provisions now in the Act. Transfer pricing is not a new concept, it is a concept in the Legislation, but the Legislation, as it now stands, is deficient. First of all, it puts the onus on the Commissioner General of Tax Administration to demonstrate that the taxpayer is not operating at arm's length. This would suggest that the taxpayer himself is not legally required to make a return, demonstrating that his operations are operating on the basis of the arm's length principle and there is no penalty currently in the Act if he does not operate in accordance with the principle.

Secondly, Section 17 of the Income Tax Act now applies only in relation to taxable profits and does not cover cases where there are losses. So that you could register taxes in a jurisdiction which are disguised profits, so to speak, for tax planning purposes so that you want to ensure that the universe of transactions captured involved both most cases where losses are reported or where profits are reported.

Third, the section makes reference to a taxpayer seeking to realize: "*A tax advantage or to avoid tax."* This requires, strictly speaking, that the Commissioner General would have to make a determination as to the taxpayer's motive - taxpayer's state of mind. That's what the current legislation requires and as a consequence, it is nigh impossible to make that determination and provide sound evidentiary basis for it. What is proposed in the amendment is a set of standardized methodologies for calculating the arm's length price of the transaction which will replace the motive test, which, as we've said, is very problematic.

Finally, the absence of guidance to the international standard has resulted in a lack of clarity and a lack of certainty for our multi-national enterprises seeking to make adjustments to tax liability in Jamaica. Meaning, put another way, Mr. Speaker, when we operate in accordance with the generally

accepted international standard, then it becomes easier for companies to determine what is the way in which they should operate in Jamaica because these standards are becoming universal standards and that is what we seek.

The timeliness of this Bill is also underscored by the robust approach now being undertaken by countries to abate the scourge of tax evasion. At a recent meeting in Addis Ababa, the - discussing sustainable development goals and. indeed, currently at the General Assembly of the United Nations, where they are discussing the sustainable development goals to replace the .Millennium Development Goals, tax compliance and the whole issue of what they call base erosion and profit shifting activities of multilaterals forms a central piece of the discussion that is now taking place about how to achieve sustainable development.

The efforts of the multilaterals such as the United Nations through its committee of tax experts and committee of experts on International Corporation in tax matters, the OECD developing its base erosion and profit shifting project must be commended for the targeted and comprehensive approach being taken by the international community in tackling this effort. Because it is vital if we are to narrow the gap between our own economies and those of the developed countries...

Mrs. NEITA-HEADLEY: Yes.

Dr. PHILLIPS: ...that we collect the taxes due to us here and avoid the loss of revenues and income due to Jamaica and other developing countries.

Jamaica has been privileged to be among the 14 developing countries invited to participate in the Base Erosion and Profit Shifting Project being managed by the Organization of Economic Corporation and Development. (Applause) We look forward to the finalization of initiatives under this project which will also involve technical support to developing countries as they try to implement the legislative changes and build the necessary technical capacity.

After the Bill was tabled in May of this year, representatives of the private sector requested a meeting with me, along with the officials of the Ministry of Finance and Planning, as well as Tax Administration of Jamaica regarding the provisions of the Bill. Concerns raised included the following:

- The date of implementation of the amendments;
- The possible impact on foreign direct investment;
- The lack of capacity of the Tax Administration Jamaica staffed to properly assess transfer pricing issues;
- The cost to the private sector implementation;
- The question of whether the Bill conform to international standards; and then there were:
- Various sector specific issues and issues relating to the penalties in the appeals process and issues concerning the deeming of connected parties in low transaction jurisdictions.

Consultation has taken place between the Ministry of Finance and Tax Administration

of Jamaica and members of the private sector and the concerns carefully considered.

I want to address some of the issues raised, Mr. Speaker. The date of implementation will be in respect of the year of assessment 2015. Taxpayers will be asked to provide the returns due for that year of assessment 2015 in March of 2016. A list of their - and they'll be required, along with their returns - in their returns, to provide a list of their related partie's transactions, but will not be asked to supply documentation. However, for the year of assessment 2016, taxpayers will be expected to complete the documentation requirements on returns due in March 2017. Related party transactions are expected to be calculated in accordance with the law.

So, Mr. Speaker, put quite frankly, what we're allowing is a transitional arrangement to allow those who are liable to make returns under this provision to in fact ease into the new regime.

Mrs. NEITA-HEADLEY: Yes.

Dr. PHILLIPS: It is not intended to be a 'trick you, catch you' or to imply excessive penalty or hardship on anyone. Rather, it is intended to allow for a new regime to move into place smoothly and set a new framework for the effective compliance of activities in Jamaica. (Applause)

Mr. Speaker, on the question of the impact on foreign direct investment, as noted before, transfer pricing is a legitimate and necessary feature of the commercial activities of multi-national enterprise, most of whom are headquartered in countries which have implemented transfer pricing regime for decades. Multi-nationals are aware that they have to comply with these rules in their own countries for the most part. In fact, the multi-national can be at a disadvantage where it has connected interest in a country which does not have transfer pricing rules because that multi-national can be double-taxed if there is no mechanism to allow for adjustment to be made.

The problem, Mr. Speaker, is where the multi-national enterprise is using transfer pricing to artificially shift profits out of the country. This denies the country revenue and undermines the credibility of the tax system as other citizens perceive it as unfair and therefore become unwilling to comply in meeting their own tax liabilities. Additionally, abusive - what you may call abusive transfer pricing, distorts competition as it puts domestic businesses at a competitive disadvantage to their multinational competitors who are able to reduce their tax liabilities through abusive transfer pricing operations.

Another issue raised concern the question of staff capacity in Tax Administration, Jamaica. The capacity building within the Tax Administration Jamaica began on an *ad hoc* basis in 2011, by sending staff to various overseas training courses. That was done during the time when the Opposition spokesman was...

A MEMBER: Who was that?

Dr. PHILLIPS: ...the Minister of Finance to start the capacity preparation for the implementation of the - what was then

envisaged to be transfer pricing rules, to come into effect.

In association with the Organization for Economic Co-operation and Development, particularly the Tax Development Unit of the OECD, implemented an intense three years training programme of audit and other technical staff within Tax Administration Jamaica. So there has been three years of training to prepare the staff of the Tax Administration Jamaica to undertake these operations.

The Ministry of Finance and the Revenue Appeals Division located in the Ministry of Finance is now being set up on site. Similar programmes have been carried out in other developing countries, which have seen phenomenal growth in revenue collection with some countries, as I mentioned earlier, reporting as much as 1,000% increase in revenue collections under this head. While such results may not be typical, the majority of developing countries which have introduced transfer pricing regime to secure greater transparency, with respect to the application of transfer prices, have built the capacity of their audit and technical team and has seen very positive results and revenue growth.

And that in terms, Mr. Speaker, has allowed the reduction of the taxes that fall on some of the other groups such as your PAYE persons who are forced to carry ideas to a disproportionate share of the burden of taxation.

Jamaica operates a self assessment system. This addresses the question of the cost to the private sector. They operate a self assessment system, Mr. Speaker, and there is no change resulting for the private sector in relation to accounting for transfer in pricing transactions. The taxpayer will be asked to complete a return on which the taxpayer will do their own self-assessment of their transfer pricing transactions. They may even use - that is the taxpayer - methods to calculate which is not among the traditional method. Where the Commissioner General is satisfied that the arm's length principle is achieved, he is at liberty to accept that method of calculation. The return that is being designed will enable Tax Administration Jamaica to identify high risk-related party transactions while not creating undue burdens on the taxpayer.

In relation to documentation, the documentation guidelines are currently being drafted and will be available by the end of November. Additionally, taxpayers will be able to enter into advanced pricing arrangements APAs, which will allow for negotiation with Tax Administration Jamaica and the terms and conditions to be applied to the particular taxpayer and his transfer pricing arrangements. The guidelines for the advanced pricing arrangements will also be available in November.

Another measure which will address the cost issue is an amendment to be moved during the debate, which will allow for the Minister to determine by Order, the size of the companies and the size of the transaction that will be affected by the transfer pricing regimes. It is not intended to focus on *de minimis* transactions, Mr. Speaker, small

transactions in operating. We really are going to be focusing on the large transactions that are involved in this area. The amendment will allow the tax authority to focus on the larger transactions, and we also intend to alleviate any burdens which may be placed on smaller enterprises.

Some sectors have voiced concerns regarding the peculiar nature of their related party transactions and the applicability of the transfer pricing rules to their industry. In particular, the tourism industry has requested a study to be carried out to ensure that the rules are applied fairly to their sector. The House should be advised that the research is being done to ensure that these concerns are taken into account and to determine how best to address any concerns that might arise. In the meantime sectors with specific issues are urged to approach the Tax Administration Jamaica with request to enter into advanced pricing arrangements which will, to a large extent, guide the relationship between the affected taxpayers and Tax Administration Jamaica.

In relation to penalties. Penalties are to be imposed in relation to a lack of certification of returns and incomplete and incorrect returns. Taxpayers are to ensure that the information is certified as to its validity. Lack of certification could indicate an intent of non-compliance. In order to avoid the submission of an incomplete or incorrect return, taxpayers are urged to be meticulous in providing information on the returns. The penalties form part of the scheme of penalties under the Income Tax Act which was recently amended to harmonize penalties under the Act and to provide a more structured scheme of penalizing offences. Put another way, Mr. Speaker, the penalties here are in keeping with the overarching scheme of penalties that are applied to the Income Tax Act, and there is not a separate regime of penalties that is to be applied to transfer pricing rules. Appeals on transfer pricing issues may be heard by the Revenue Appeals Division and indeed we established this division recently, and, of course, the ultimate locus of any appeal. In our system is the courts of Jamaica.

Mr. Speaker, there are certain jurisdictions in the world which are engaged in harmful tax practices. These are what are popularly referred to as those involved in securing the developing countries in a race to the bottom. These jurisdictions offer to investors low or no tax on incomes from profits made in other jurisdictions which profits and earnings should rightfully be taxed in the jurisdictions where they have earned. The intent of the amendments in this Bill is to minimize the evasion caused by such practices. All transactions with entities in those jurisdictions will be deemed to be connected and assessed accordingly. However, an amendment will be moved later to introduce a clause whereby a taxpayer who is able to prove that he is not - emphasized - not connected to the party in low tax jurisdiction, will not be caught by this section.

Mr. Speaker, while the primary focus of any tax legislation and tax administration is to provide an efficient and equitable system of imposition, assessment and collection of taxes,

the focus in Jamaica has not been one dimensional. The tax laws have also been amended to facilitate businesses and ultimately economic growth.

This House may recall the Fiscal Incentives Act passed in 2013, which reformed an outdated and incoherent system of tax incentives. The old system was replaced by a harmonized one, characterized by cohesiveness and which offered generous benefits to investors. Generous capital allowances; we also removed duties; we established depreciation allowances; accelerated depreciation allowances, and indeed we have provided production input relief to certain industries and employee tax credits which have effectively reduced the rate of taxation to these enterprises.

Businesses have also been facilitated by a comprehensive reform of the General Consumption Tax Act to remove the inequities which were inherent in that Act. Additionally, the introduction of group accounting provisions to the General Consumption Tax Act has allowed for the optimization of resources within group structures.

Indeed, Mr. Speaker, even as efforts have been made in relation to the tax system to be more sensitive to the needs of domestic businesses, there has also been a focus on foreign investment. The Group Headquarters (Amendment) passed in 2012 to encourage multinationals to locate their headquarters in Jamaica by relieving expatriate employees of the payment of income tax while safeguarding the employment of a specified percentage of local employees, is one such measure which has sought to provide specific benefits to those enterprises.

The Acting SPEAKER: (Gavels) The Member's time for speaking has expired. (4:50 p.m.)

Dr. PHILLIPS: Hold on, hold on. Mr. Speaker, I want to propose since time does not permit me to do the clause by clause today, that I will take your gavel as an indication that I should suspend the debate at this point, Mr. Speaker, so that at a later stage I will do the clause by clause to complete the thing in the Bill.

Mrs. NEITA-HEADLEY: Mr. Speaker, we are asking for the debate to be suspended to the next sitting, that's next Tuesday, to facilitate other contributions and for the Minister to complete his presentation as well.

The Acting SPEAKER: The question is that the debate be suspended until a later date.

Put to the House and agreed to.

Mrs. NEITA-HEADLEY: Mr. Speaker, we will also take the Criminal Justice Bills next Tuesday as well, and as such it is not intended to do any further business today. I therefore ask for the adjournment of the House until tomorrow morning at 8:30. However, Mr. Speaker, I would like to take the opportunity to impress upon the Members of the House that we are expected to be seated at 8:15 a.m. to facilitate and receive an address from the British Prime Minister, the Honourable David Cameron, and we are expected to be seated by 8:15 a.m.

The Acting SPEAKER: The question is that the House be adjourned until tomorrow, September 30, at 8:30 a.m.

Put to the House and agreed to.

The Acting SPEAKER: (Gavels) The House stands adjourned.

The Honourable House of Representatives adjourned its sitting at approximately 4.54 p.m. until tomorrow, September 30, 2015 at 8.30 a.m.

WEDNESDAY, September 30, 2015

PURSUANT TO PROCLAMATION, the Honourable House of Representatives met with the Senate at Gordon House, Kingston at 8.34 a.m. for an address from the Rt. Honourable David Cameron, Prime Minister of the United Kingdom

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

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

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

HON. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, Minister of Labour and Social Security

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

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

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

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

DR. THE HON. KENNETH WYKEHAM McNEILL, (PNP), Westmoreland, Western, Minister of Tourism and Entertainment

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

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

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

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. 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

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

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

MISS JOYCE DENISE DALEY, (PNP), St. Catherine, Eastern

MISS OLIVIA ATAVIA GRANGE, (JLP), St. Catherine, Central

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

MR. ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Leader of the Opposition

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

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

MR. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western

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

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

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

MR. 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. AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern

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

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

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

MR. DWAYNE FRANCOIS ST. MICHAEL VAZ, (PNP), Westmoreland, Central

MR. KEITH ANTHONY WALFORD, (PNP), St. Ann, South Western

PRAYERS

Prayers were offered by The Rt. Reverend Robert Thompson, Suffragan Bishop of Kingston.

PRAYER

I will listen to what the Lord God is saying. Mercy and truth have met together. Righteousness and peace have kissed each other. Truth shall spring up from the earth and justice shall look down from Heaven.

Let us pray:

Oh God of all goodness and of all grace, bless, we pray with your presence, this Joint Meeting of the Houses of Parliament and all who exercise leadership in this land: Patrick, our Governor-General; Portia, our Prime Minister; Andrew, Leader of the Opposition.

Direct and guide their consultation, that by setting aside all private interests, prejudices and partial affections, they may honour your Sovereign Name and with wisdom, foresight and energy provide for the needs of our people and fulfill our obligations in the community of nations.

To our Judges and officers of our Courts, give understanding and integrity that human rights may be safeguarded and justice served.

Teach our people to rely on your strength, and to accept their responsibilities to their fellow citizens that they may elect trustworthy leaders, and make wise decisions for the well-being of our society, that we may serve you faithfully in our generation and honour your Name.

Oh God, who without our seeking, has given us this nation to be our home, give us light that we may know the pathways we should tread, confirm in us the dreams of seers and the hopes of prophets.

Let not cynicism blight, nor faithlessness uproot our confidence in Your coming Kingdom of righteousness

and goodwill, and send Your Holy Spirit among us, that confronted by Your truth, we may live in the freedom of Your presence for Yours is the Kingdom, oh Lord and You are exalted as Head above all. Amen.

The SPEAKER: (Gavels) You may be seated.

Madam Clerk, would you please invite the Honourable Members of the Senate to enter and sit jointly with the House, in a meeting to be presided over by the Speaker, to receive an address by the Rt. Honourable David Cameron, Member of Parliament, Prime Minister of the United Kingdom, this morning.

(The Honourable Senators entered the Chamber)

(The Prime Minister of Jamaica, The Most Honourable Portia Lucretia Simpson Miller, ON, MP entered the Chamber)

(The Rt. Honourable David Cameron, MP, Prime Minister of the United Kingdom entered the Chamber)

The SPEAKER: You may be seated.

I am pleased today to welcome the Rt. Honourable David Cameron, Member of Parliament, Prime Minister of the United Kingdom to Jamaica and to our Parliament.

I now invite our Prime Minister and Leader of the Opposition to extend welcome to our honoured guest.

(Applause)

The PRIME MINISTER: Mr. Speaker, let me recognize the President of the Senate, Members of this Honourable House.

Today, even as we proudly assert our unique Jamaican character, we affirm with appreciation and pride the British elements of our rich and diverse heritage. I extend a warm welcome to our very special Guest, the Rt. Honourable David Cameron, Prime Minister of the United Kingdom... (Applause) ...and members of his delegation.

I acknowledge the unbreakable historical bonds between Jamaica and the United Kingdom. It has been 14 years since a sitting Prime Minister from the UK has visited our beautiful shores. Prime Minister, we are delighted that you have taken the time to visit our home, and happy that you are able to experience firsthand, what Jamaican poet Evon Blake said of Jamaica:

"Nature's beautiful gifts are to be found everywhere.

In every land, in every clime, at every time of the year;

But there is no place on earth where Nature has lavished so much enduring and incredible beauty as the beautiful island of Jamaica..."

(Applause)

We share this God-given blessing with the fair British Isles of which the English poet John Keats said of the beauty of these autumn months:

"Season of mists and mellow fruitfulness,

Close bosom-friend of the maturing sun;

Conspiring with him how to load and bless;

With fruit and vines that round the thatch-eves run..."

Prime Minister, while the vast majority of Jamaicans proudly proclaim our African ancestry, we are in fact, a people of multiple origins, and in truth out of many, we are indeed, one people.

(Applause)

You are on record, Prime Minister Cameron as declaring of your country:

"Britain is characterized, not just by its independence, but also by its openness."

Like Britain, Jamaica is a proud and independent nation. We too, pride ourselves in our openness to history, to ideas, and to the peoples of the world. We are pleased to host you in Gordon House at this Joint Sitting of the Houses of Parliament.

Mr. Speaker, I am particularly delighted that Prime Minister Cameron has chosen to visit us so early after his election. His presence in Jamaica, and in this Chamber, is a strong signal that Jamaica holds a very special place on the Foreign Policy Agenda of the United Kingdom. (Applause)

It also signals that there is a commitment to building on the foundation of our historical friendship. Prime Minister Cameron has the distinction of being the youngest British Prime Minister to assume that position in almost 200 years. Congratulations, Prime Minister.

(Applause)

We must never lose sight of the importance of building relations of trust and friendship between the leaders of nations. Such relationships at the highest political level are vital for nurturing the partnerships between our respective peoples and expanding the scope of our Bilateral Agreement. While Oliver Cromwell - while Cromwell's Western Design did not initially identified Jamaica as a target for conquest, our small island has emerged, over the past 360 years as a contributor to British cultural, economic, and political power.

During the first 200 years of colonial rule by Britain, Jamaica became the world's largest sugar exporting country. Today, as we continue to build our economy, the UK/Jamaica partnership has been vital to Jamaica's Economic Programme, including our debt management efforts. The UK Government's provision of substantial bilateral debt relief has been a major contribution to Jamaica's Economic Programme, and I thank you. (Applause)

Mr. Speaker, Prime Minister Cameron, as someone who visited Jamaica before as a tourist, you understand the importance of this sector to our economy. I use this occasion to commend your Administration for taking the bold step to reduce the Air Passenger Duty, with effect from April 1, this year. The re-bonding of the Caribbean makes Jamaica, and other Caribbean destinations, more competitive. (Applause)

Tourists' stop-over arrivals in Jamaica from the UK have grown by approximately 17 per cent over the past two years, and we expect further growth in the future. (Applause)

As discussed yesterday, we also look forward to strengthening the trade and investment linkages between our two countries. I am aware that several Jamaican companies are doing well in the UK, and I commend them for their efforts. We welcome more investors from the United Kingdom to establish a presence here.

Mr. Speaker, in recent years, one of the essential planks of Jamaica/UK cooperation has been the area of security. The UK has facilitated several projects within the security portfolio, which have been extremely beneficial, and we want to thank you, Prime Minister. (Applause)

At our meeting yesterday, the Government of Jamaica formally received the UK proposal, concerning the construction of a new correctional facility in Jamaica. Yesterday's meeting provided the framework for further discussions on this, and other matters of mutual interest to our two countries. At the same time, we continue to work together on the global challenges, for the attainment of a better quality of life for the peoples of the globe.

The UK/Caribbean Forum and the Commonwealth provide formidable institutional frameworks within which to enhance our relations, particularly in the areas of trade, investment, security, education and sustainable development.

Outside of these formal structures, Jamaica/United Kingdom relations have been shaped by centuries of interaction between our respective peoples. We know that generations of Jamaicans have made, and continue to make, invaluable contributions to the growth and development of British society. Many journeyed to Britain to defend the Empire, especially during World War II.

Prime Minister, we know that their contribution will continue to be acknowledged and recognized, and that was evidenced by your stop this morning, where you greeted our veterans, and I want to thank you. (Applause)

This is an issue in which both the Governments of Jamaica and the United Kingdom have a strong, mutual interest. I believe that Prime Minister Cameron and I emerged from our talks yesterday with a better understanding of the challenges faced by our two countries. There is a common acceptance that the existence of excellent relationships does not mean the absence of different viewpoints on some issues.

However, the relations between Jamaica and the UK continue to be bound by mutual respect, trust, and an unshakeable commitment to dialogue. Prime Minister Cameron and I discussed the difficult issues of Reparations which is being contemplated under the auspices of the Caribbean community. Let it be clear that Jamaica is committed to a spirit of mutual respect, openness and understanding, as we seek to actively engage the UK on the matter. (Applause)

At the same time, we remain unshaken in our conviction that there is more that unites us as a people and governments of the UK and Jamaica than separates us. I understand that Prime Minister Cameron is an avid football

and cricket fan. I'll not say which football team he supports, lest I earn him some adversaries among the thousands of Jamaicans who are also enthusiastic fans of English football.

Prime Minister Cameron, I am also aware that you are a devoted family man, and this is good and we hope that the men of the world will follow your example. (Laughter) I wish to extend an invitation to you and your family to holiday in Jamaica whenever possible; just let us know, and both sides of the aisle here will welcome you warmly and ensure you have a wonderful time with your family. I can assure you, Prime Minister that you will find Jamaica the best place to relax and unwind from your demanding portfolio. (Applause)

Mr. Speaker, it is a pleasure to host the Rt. Honourable David Cameron on his short, but productive visit to Jamaica. Prime Minister, please accept my best wishes for your continued success and good health. I take this opportunity to renew the affection, goodwill, and warm wishes of the Government and people of Jamaica, to the Government and people of the United Kingdom.

Mr. Speaker, I thank you. God bless you, Prime Minister, and we wish for you a wonderful flight back home. (Applause)

Mr. HOLNESS: Mr. Speaker, President of the Senate, Excellencies of the Diplomatic Corps, Justices, Colleagues in Parliament, Members of the Clergy, Rt. Honourable Prime Minister Cameron, welcome to Jamaica, sir.

Mr. Speaker, it is always a great honour, and indeed, an auspicious moment to have world leaders address our Parliament. We consider it an important symbol in both meaning and substance. On behalf of the Parliamentary Opposition, the Jamaica Labour Party and the people of Jamaica, we extend a warm welcome to you and your delegation. (Applause)

Jamaica and the United Kingdom share a deep and long-standing relationship, spanning several centuries. In a world where partnerships, functional cooperation, and economic convergence among states take centre stage, I am happy to see a renewed interest, and indeed, great effort in strengthening the relationship between Jamaica and the United Kingdom. (Applause)

There is no doubt that the challenges confronting our countries in the 21st century, though different in nature and magnitude, are of such critical importance that they warrant close attention and diplomatic cooperation.

Mr. Speaker, we should take note of the recovery of the British economy after recession. It is a lesson to the world and particularly to Jamaica that it is possible to advance the agenda of fiscal discipline and grow the economy at the same time. (Applause) We also note the improvements that have been made in the United Kingdom in education, particularly in skills and apprenticeship. The key lesson here is that educating our people, particularly in skills is the best way to spur human development, to support a growth agenda and to keep the poor and dispossessed out of prison. As it turns out, building schools contribute much more to the

growth agenda than building prisons. (Applause)

Mr. Speaker, we are happy to see the genuine interest of Prime Minister Cameron in advancing the relationship between our two countries on trade and investment and security. The United Kingdom remains one of Jamaica's largest trading partners and we value this relationship. It is imperative going forward that we intensify our collaboration and do so in ways that will see new opportunities emerging and becoming more available to the people of our country. We appreciate the view expressed that our relationship should be forward looking. Nevertheless, we also believe that there must be genuine commitment to finding ways of repairing what is universally agreed to be the wrongs of the past. (Applause)

Again, Prime Minister, I want to welcome you to Jamaica. I want to assure you of the Opposition's strong intentions of ensuring that our relationship remains one that is meaningful and valuable to both our peoples. Welcome, Prime Minister.

The SPEAKER: I now invite the Right Honourable David Cameron, Member of Parliament, Prime Minister of the United Kingdom to address us.

(Applause)

The RIGHT HONOURABLE DAVID CAMERON: Mr. Speaker, Mr. President. Honourable Members of both Houses, let me first thank the Most Honourable Prime Minister and the Leader of the Opposition for their kind words of welcome. To be invited here to address this Joint Sitting of Parliament is a great honour. It's also a genuine pleasure. This place feels instantly familiar. These benches, the Mace in front of us, the atmosphere - there is much about this place that reminds me of home. Although, so far, it looks far better behaved than what I'm used to. (Laughter) But this familiarity is about much more than bricks and mortars; it is a warm reminder of the strong democratic and parliamentary links that bind us together and the strong links that bind the UK, not just to Jamaica, but to the whole Commonwealth Caribbean.

I've come to the Caribbean and to Jamaica, in particular, to celebrate these extraordinary ties. When the world faced despotism and evil in two World Wars, British and Jamaican soldiers and soldiers from all over the Caribbean, served together and died together in the cause of freedom. When the United Kingdom was tired and indebted after the ravages of total war, hundreds of thousands from the Commonwealth Caribbean made their way to our shores, helping to build and energize our great public services like the NHS. People with links to the Caribbean have made an enormous contribution to the United Kingdom in terms of public, creative and sporting life. (Applause) From public servants like Baroness Amos and Baroness Scotland, broadcasters like Sir Trevor McDonald, comedians like Sir Lenny Henry to writers like Sir V.S. Naipaul.

People of Caribbean heritage have enriched our national life beyond measure.

But it's not just the stars and the celebrities that I want to say thank you to today. I want to put on record the gratitude I feel towards everyone who enjoys links to the Caribbean, and who has contributed so much to our national life. And it's no surprise that many of the icons of Jamaican and Caribbean popular culture are as well-loved in the UK as they are here; the sporting prowess of Usain Bolt or Chris Gayle, the music of Bob Marley and the colourful joy of the Notting Hill Carnival. Our cultural exchange though hasn't only been one-way, of course. We brought you the game of cricket, though, over the years, particularly perhaps when I was a little younger, you've more returned the favour by teaching us a thing or two about fast bowling and big hitting. (Laughter)

Now our links stay strong to this day and are economic as well as cultural. The UK is the number one export destination for much of the Caribbean. Last year, UK exports to the region totalled more than £1 Billion and every year 800,000 Brits visit the region to come and see relatives, or simply enjoy the extraordinary natural blessings of your beautiful islands. So we are bound together by the ties of history, of language, of culture.

In the case of the British Overseas Territories of this region, our links are even closer. We are bound together by the ties of nationhood and citizenship. And I believe that the close links between the UK and the Caribbean are something to give thanks for, particularly as we celebrate the reign of our longest ever serving monarch, who has served our nations so loyally. But while there is much, indeed, to celebrate about our past, it would be wrong to do so while ignoring the most painful aspects of it; a period which should never be forgotten, and from which history has drawn the bitterest of lessons.

Slavery was and is abhorrent in all its forms. (Applause) It has no place whatsoever in any civilized society, and Britain is proud to have eventually led the way in its abolition. That the Caribbean has emerged from the long, dark shadow that it casts is testament to the resilience and spirit of its people. I acknowledge that these wounds run very deep, indeed, but I do hope that as friends who have gone through so much together, since those darkest of times, we can move on from this painful legacy and continue to build for the future.

And my reason for wanting to come here is because of the future. I'm here because we have common aspirations and interests that we can make better by working more closely together. I passionately believe that our relationship now is more important than it's ever been, for both of us. I'm serious about the need to strengthen the bonds between the UK and the Caribbean. That is why my Government changed the UK's Air Passenger Duty rules to end the unfair penalty that hit people travelling to and from the Caribbean. And I've come here today not just with words of friendship but with a real down-payment on Britain's commitment to you.

Today, I can announce a major new package of British investment in this region:

£360 Million in new financial commitments, including a £300 Million much-needed infrastructure fund across the Caribbean. (Applause) I'm launching a new UK-Caribbean Infrastructure Partnership Fund to build real, tangible things that will make a difference for people across the Caribbean: roads, bridges, ports, critical economic infrastructure that will set the foundations for growth and prosperity and in turn reduce poverty while helping the region become more resilient to the risks of climate change. Just think what this could deliver: hundreds of kilometres of roads to link-up vital markets, bridges to unite remote communities, new energy projects to power growth and vital sea defences to protect coastal communities.

Let me be clear. This £300 Million is not soft loans. Not tied aid. It is cash grants. (Applause) It is up to you in this room and in the region to decide how best to spend it on the things that your country needs most. I'm confident that this support will make a decisive difference to the economic future of this region. Today, I can also announce £30 Million for new programmes to help attract investment and improve governance and £30 Million to help make your hospitals more resilient to natural disasters. (Applause) We need to make sure that if a hurricane strikes, crucial health centres can remain operational to treat the wounded. Now, together, this represents a quadrupling of Britain's support. It will make us the largest donor to the region. It will create jobs and save lives. And you can take it literally as a concrete statement of my commitment to the Caribbean. (Applause)

Now, I want us to seize these opportunities together. We're all in a global race to see success, and jobs and prosperity for our nations and our people. The dynamism and the energy of globalization is creating new opportunities for prosperity but also tough new competitive pressure. Countries around the world are all trying to work out how to build more, to make more, to sell more. In the United Kingdom, the hard work of the British people and the difficult but correct choices of my Government have put our economy back on the path to growth, but we can never be complacent. Every country in the world needs to seek out new sources of trade, investment and growth. That's why I've visited far-flung destinations across the world to bang the drum for British business and boost trade.

My Government set a bold target of exporting £1 Trillion by 2020 and to achieve this, we need to build markets worldwide and that must include here, in the Caribbean. And to be honest, given the strengths of our bonds, I think that our economic ties and cooperation should be much closer still. This would benefit both of us. And I'm delighted to announce today that UK Export Finance, our export credit agency, is boosting its support for the region. This will help British exporters to sell to the Caribbean with confidence and help local firms take advantage of new opportunities. That's a good step in the right direction, but it's only a first step. So, let us commit here today to work hard for even closer economic ties between our countries.

And as well as seizing opportunities together, we must both face up to big global challenges together as well.

We face common security threats like drug-running, crime, gangs. Inevitably, the close links between the UK and Jamaica mean that criminal activity here also has reverberations in the UK and *vice versa.* Our crime can affect you. That is why I have been so impressed by the work of successive Jamaican Governments and what you have done to tackle crime, corruption and international criminal links. And I'm determined to support you every step of the way. Britain has been working hand-in-hand with Jamaica on counter-narcotics and we will continue to do so. The fight against drug traffickers and violent criminals is a relentless one. But it's a fight that the UK and Jamaica do well together, and of which we can both be proud.

Now we also face common threats from climate change and natural disasters. Many of the small islands here are uniquely vulnerable and will pay a heavy price if dangerous climate change increases floods and tropical storms. The UK is doing its bit to help. Yesterday, I had the privilege of meeting the men and women of the Royal Fleet Auxiliary Ship *Lyme Bay.* Just a few weeks ago, they were saving lives and distributing aid in Dominica, which was struck recently by such a terrible storm. This ship represents not just a concrete example of the UK's commitment to Dominica and the whole region, but also the global reach and capacity of the UK's armed forces and what a force for good in the world they can be.

But protecting the people of the Caribbean and the whole world from risks like this will take global action. That is why I am actively working at the highest level for a successful deal on climate change later this year.

At the weekend I announced a significant boost to the UK's Climate Finance which I believe demonstrates our sincerity in this. In the next five years we will spend US$9 Billion to help the poorest countries adapt to a changing climate. We are putting our money where our mouth is... (Applause) ...and we hope this money can help unlock the global climate deal. And given the vulnerability of small island states that face the risk of devastation from climate change, a fair proportion of this money should be spent - I hope it will be spent, right here, supporting some of the UK's oldest friends to prepare and to provide for the future.

When I met Caribbean leaders just a few days ago at the United Nations General Assembly, they made clear to me directly just how vital a climate deal is to them. So I pledge to work in partnership with them and other like-minded states to secure a bold and ambitious deal in Paris later this year.

Jamaica, the UK and the Caribbean also face a common threat of corruption, something I have made a personal priority to combat. Next year we will hold a major Summit to tackle this issue in London. If we are to beat corruption we need transparency. I have taken the lead by pledging much more

transparency over property and company ownership in the UK so that terrorists, and the tax avoiders, the money launderers and the criminals have nowhere to hide their ill-gotten gains. And some of the British Crown Dependencies and Overseas Territories are making good progress in this direction, but others frankly are not moving fast enough. I say to them all today, including those in this region, if we want to break the business model of people stealing money and hiding it in places where it cannot be seen, transparency is the answer. (Applause)

Now I know, I know that we are not the only show in town. Jamaica and the Caribbean are important partners for other countries, as well as the UK. Some countries in the Americas and others further afield have increased their presence here in recent times. That is good and right. And I know you have choices.

Indeed, in recent years some people here have asked whether Britain remains as committed and interested in this region as we once were. Well, today I want to answer that question in the clearest terms possible. I hope that this visit, and the concrete support I have announced, will ensure that no one should have reason to question the UK's commitment to the Caribbean in future. My commitment to a full-on re-engagement here is absolute. And ultimately, the reason for this is about so much more than trade and assistance.

I passionately believe that the UK should remain the partner of choice for the Commonwealth Caribbean now and into the future. Why? Well above all, because of our shared values, democracy, the idea that power flows from the people, the rule of law, the idea that no one, however powerful, is bigger than the rules that we all make in this place or in my Parliament. Free speech, the idea that we all have a right to be heard, and human rights, the idea that the dignity of every individual must be respected. You believe in these things, we believe in these things. Not everyone who beats the path to your door takes the same view. Those values are what I would say are part of a golden thread of conditions that lead to prosperity and flourishing economies in societies. Those are values that have stood us both well and we both believe this; they are not an add-on to the economic success that we seek, they are essential to the economic success we seek. An open society supports an open economy, and an open economy is what underpins lasting prosperity. These values help build society where innovation and creativity can flourish, where investors can take risks, where fortunes are made by coming up with new ways to fulfill people's needs rather than through cronyisms and corruptions.

So I want to ask us to stand up for these values, shoulder to shoulder at home and around the world, respecting without exception the human rights of everyone. Standing up for a rules-based international system, and standing up for the rights of small islands including the Falklands, to enjoy the self-determination that has been so hard won here in the Caribbean.

So I say let us do this together, let's invest together, grow together, support development together, tackle climate change together. If we do this now, as I passionately believe that we should, then we can keep our partnership strong now and for the next hundred years to come.

Thank you.

(Applause)

The PRESIDENT: Mr. Speaker, Madam Prime Minister, the Right Honourable David Cameron, Leader of the Opposition, Members of Parliament, Senators, distinguished guests, a pleasant good morning to you all.

It is a signal honour for me to express a few closing remarks on behalf of the Parliament and the people of Jamaica to the Right Honourable David Cameron, Prime Minister of the United Kingdom.

The people of Jamaica have been taught good manners. In so doing, we have been taught to express gratitude to those who demonstrate kindness towards us.

Indeed, one of our current leaders is known to say: **"An act of gratitude makes your life a beatitude."**

Prime Minister Cameron, your presence here today is a shining example of the mutual regard and respect that the United Kingdom and Jamaica have for each other. It was truly an honour to have you here with us this morning and to hear your thought-provoking presentation.

We are indeed grateful for the various progressive announcements you have made that will strengthen our relationship and advance our development trajectory. In particular, the £360 Million grant for development projects in the Caribbean, an initiative to confront the clear and present danger of the climate change of which Jamaica stands to be a major beneficiary. Your footprints have been etched in the annals of history in our Parliament. You can now boast membership in a select group of illustrious persons who have graced our highest decision-making institution.

You have joined the likes of Her Majesty the Queen, Sir Winston Churchill, Emperor Haile Selassie and Nelson Mandela. (Applause)

Years ago, you visited our island and had a 'boonoonoonoos' time on the Rio Grande in Portland; no doubt, that Jamaican experience has motivated you and contributed to your rise as Prime Minister of the United Kingdom. (Laughter/Applause)

So when you return to the UK, please tell your citizens who are our brothers and sisters, "come to Jamaica and feel alright." (Applause)

We look forward to continued friendship between Jamaica and the United Kingdom.

God bless you and the people of the United Kingdom.

(Applause)

(Prime Minister Cameron shakes the President's hand)

(The Prime Minister, the Speaker of the House, the President of the Senate and Prime Minister Cameron, *et al*, then exit the Chamber)

(All standing)

(The Speaker re-enters the Chamber and takes the Chair at 9:56)

The SPEAKER: We now invite Members of the Senate to withdraw.

(Senators leave the Chamber)

ADJOURNMENT

The SPEAKER: The House now stands adjourned for a date to be fixed.

The Honourable House of Representatives accordingly adjourned its sitting at 9:58 a.m. for a date to be fixed.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2015 – 2016

TUESDAY, October 6, 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. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, Minister of Labour and Social Security

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

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

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

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

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

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

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

MR. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern
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. WILLIAM JAMES CHARLES HUTCHINSON, CD, (JLP), St. Elizabeth, North Western
MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern
MR. FITZ ARTHUR JACKSON, (PNP), St. Catherine, Southern
MR. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western
MR. 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. 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. DARYL WESLEY PHILLIP VAZ, (PNP), Portland, Western
MR. CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western
DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central

PRAYERS

Prayers were offered by Dr. Winston Green.

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 large contingent from Montego Bay High School who are visiting with us today. (Applause) I hope they find today's sitting interesting.

STATEMENTS BY MINISTERS

Mr. PAULWELL: Mr. Speaker, the Ministers of National Security and Health will be making Statements in that order.

MAXIMUM SECURITY FACILITY

The SPEAKER: Minister Bunting.
(Applause) (Cross talk)

Mr. BUNTING: Mr. Speaker, the past week has been one of heated debate in the media, and social media, pertaining to the non-binding Memorandum of Understanding between Jamaica and the United Kingdom for

a critically needed new maximum security prison for the island, facilitated by a proposed Prisoner Transfer Agreement with the British Government. This matter has been enmeshed in the narrative of reparations for slavery occasioned by the official visit last week of the Prime Minister of the UK.

Mr. CHUCK: Two Trillion Dollars.

Mr. BUNTING: Given the strong feelings held by many Jamaicans on the matter of reparations in the context of the agitations from several quarters in our society and, indeed, across the Caribbean, it is understandable that this issue would have overshadowed the facts governing this MOU and proposed Prisoner Transfer Agreement.

(DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, entered and took his seat.)

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

This matter of reparations runs deep in the Jamaican psyche, and this Administration and this Parliament has joined the call for reparatory justice. (Applause)

A Government MEMBER: Hear, hear!

(Inaudible comment by Mr. McKenzie)

Mr. BUNTING: We support and indeed, are a party to, the decision by CARICOM to use the ten-point action plan as a basis for negotiations on the issue.

Miss DALEY: Hear, hear!

Mr. BUNTING: Unfortunately, Mr. Speaker, communication from the UK Government, which has been carried in British and local media, may have left an impression in the public's mind that Jamaica has signed a Prisoner Transfer Agreement. This is not the case.

Mr. CHARLES: What!

A MEMBER: What!

Mr. BUNTING: The fact is that we have agreed to commence a process which may, or may not, result in a Prisoner Transfer Agreement.

(Laughter/Applause)

Mr. CHUCK: That sounds like Phillip...

(Cross talk)

Mr. BUNTING: But that's what the MOU is and we've consistently communicated that. We have brought these inaccuracies to the attention of the British High Commission locally and trust that it will be corrected.

(MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern, entered and took his seat.)

The proposal for a Prisoner Transfer Agreement has been on the table for about a decade, long before the recent round of reparations discussions.

(Inaudible comment by Mr. Charles)

Mr. BUNTING: Former PM Golding stated over the weekend that the proposal was offered to his Administration in 2008 and he rejected it.

Mr. PARCHMENT: Lie him a tell.

Mr. McKENZIE: Shut up! *Yuh* don't know *weh yuh* a talk bout.

Mr. BUNTING: There was no concrete offer of financial support at that time.

(Cross talk)

Golding went on to criticize the current offer of £25 Million plus a further £5.5 Million for reintegration as insufficient, even though it is £30.5 Million more than he negotiated at the time.

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

(Inaudible comment by Mr. McKenzie)

Mr. BUNTING: But he didn't object to the principle.

(Cross talk)

But interestingly...

(Cross talk)

...since rejecting that in 2008 the almost 3,000 Jamaican men continue to languish for another seven years since then in degrading conditions and arguably, in violation of their human rights in our two maximum-security facilities.

A MEMBER: What!

(Cross talk)

Mr. BUNTING: Mr. Speaker, while former Prime Minster Golding moved on and forgot about the human rights of these 3,000 Jamaicans.... (Applause)

Mr. McKENZIE: Rubbish! Rubbish! Rubbish *yuh* a talk. Fool fool argument.

(The Speaker gavels)

Rubbish! Come with sensible argument. Is it prisoner or prosperity?

Mr. ROBINSON: Desmond, Desmond, Desmond.

(Cross talk)

Mr. McKENZIE: Is it prisoner or prosperity?

(Cross talk)

Mr. BUNTING: While PM Golding moved on and seemed to forget about the human rights of these 3,000 Jamaicans, he shortly thereafter was willing to champion the human rights of one Jamaican currently serving time in the USA.

(Applause/Laughter)

(Cross talk)

Mr. McKENZIE: Rubbish!

Mr. CHUCK: No, no, nonsense.

(Cross talk)

Mr. McKENZIE: Come with something new. Every day you have the same old story.

(Cross talk/Applause)

(The Speaker gavels)

Mr. BUNTING: Mr. Speaker, the former Prime Minister is on record in this very House as saying on 2nd March, 2010…

Mr. DALLEY: Read it, read it *mek dem* hear.

Mr. BUNTING: ...and I quote:

"If I have to pay a political price for it, I am going to hold a position that constitutional rights do not begin at Liguanea."

A Government MEMBER: He said it, he said it.

Mr. DALLEY: Him *sey* that.

(Inaudible comment follows)

(Cross talk)

Mr. BUNTING: Where are the rights for the nearly 3,000 Jamaicans, fellow citizens, living below Liguanea at Tower Street and

also at the St. Catherine Correctional Centres?

Mr. VAZ: Tell me prisoners, Peter. *Nuh* gone back to 2010.

(Cross talk)

Mr. BUNTING: Mr. Speaker, the truth of the matter is that building a modern, maximum-security prison for this Administration is first and foremost an issue of human rights for our inmates right here in Jamaica.

(Applause)

A Government MEMBER: That's right, that's right.

Mr. VAZ: Tell [Mama P] that. Tell Mama....

(Inaudible comment follows)

Mr. BUNTING: It is about securing....

Mr. McKENZIE: Why *oonu* talk bout the human rights before *dem* cameras come?

(Cross talk)

Mr. BUNTING: It is about securing our global reputation by establishing correctional facilities that meet international conventions and standards. The island's two principal correctional facilities: the Tower Street Adult Correctional Centre and the St. Catherine District Adult Correctional Centre were built in the 1600s and 1800s respectively.

Dr. DAVIES: When Desmond born.

Mr. BUNTING: These institutions are literally falling apart. They are outdated and dilapidated with limited scope for rehabilitation, severely overcrowded, sub-standard and some describe them as inhumane. These facilities, Mr. Speaker, are highly susceptible to natural disasters with great potential for injury, loss of life, and liability to the State. God forbid that we have a serious earthquake in Jamaica.

Mr. Speaker...

(Cross talk/The Speaker gavels)

...Mr. Speaker, if we have a serious earthquake in Jamaica then we will be having a very different discussion in this Parliament, and the same voices that criticize now would be condemning us then for having done nothing to remove them from these facilities.

(Cross talk)

Mr. Speaker, the current discourse by some Jamaicans shows a callous disregard for our fellow Jamaicans who have made mistakes, and who end up in one of our maximum- security facilities. As a country, we have traditionally shown little public sympathy for the incarcerated with many of us believing that offenders should be punished and made to endure harsh conditions, arguably worse than what obtained on the plantations during slavery. The time has come for us to put away this mindset. Human rights organizations have repeatedly cited the conditions in our maximum security facilities as falling well below international standards and constitute violations of Articles 10 and 7 of the United Nation's International Covenant on Civil and Political Rights. Let me quote from an Amnesty International Report:

> *"Amnesty International is concerned about conditions in pretrial detention facilities and prisons in Jamaica...*
>
> (*Sotto voce* comments by Members)
>
> *...and prisons in Jamaica, which in some instances are so poor that they amount to cruel...*

(The Speaker gavels)

Mr. BUNTING: Mr. Speaker -

. *...the conditions in some prisons in Jamaica are so poor that they amount to cruel, inhumane and or degrading treatment or punishment."*

(*Sotto voce* comments by Mr. Chuck)

Mr. BUNTING: But you did nothing about it in your time, you knew it as Minister of Justice and did nothing about it, and did nothing.

"The poor state of conditions of confinement has been the subject of both internal investigations and reports by human rights bodies and organizations over a number of years. The Human Rights Committee's General Comments 21 on Article 10 of the ICCPR that the obligation and states to treat all detained and imprisoned people with humanity and respect for the inherent dignity of the human person is a basic standard of universal application which cannot depend entirely on the material resources of a State."

Thankfully we are seeing some welcomed leadership by one of our newspapers which in the editorial of Sunday, October 4, makes a strong call to stem this tide of ignorance. I quote from the Editorial.

"A commitment to basic decency and universal human rights demands this new facility. It would be an investment in social stability. Silly, this scheme is now at the centre of controversy because of British Prime Minister Cameron's supposedly insult of attempting to assuage Jamaica with a jail rather than engaging in negotiations over reparations. And the Opposition Leader's snide on cynical counterpoint that building schools would be better...

Mr. McKENZIE: Of course.

Mr. BUNTING:

...which all adds up to one-dimensional monochromatic view of the world and Jamaica's place in it."

Mr. Speaker, the issue is not schools *versus* prisons because every country has both, and there is an expectation by the people of this country that we in this House will find appropriate solutions to both. Notwithstanding...

(*Sotto voce* comments by Mr. McKenzie)

Mr. BUNTING: ...notwithstanding...

The SPEAKER: (Gavels) Mr. McKenzie, don't ignore me, you know.

Mr. BUNTING: Notwithstanding our budgetary constraints over the past three years at the Ministry of National Security we have been working to improve the conditions under which inmates are held.

In September 2013 the South Camp Road Detention Centre was renovated and designated as a Juvenile Correctional Remand Centre. We have achieved the complete separation of juveniles from adults in our correctional centres during this Administration.

(Applause)

In September 2015, we signed a contract for the construction of a 300 bed block at the Tamarind Farm facility to accommodate medium risk inmates at a cost of $194 Million.

Additional blocks will also be constructed at the Richmond Farm facility opening up a total of 700 new medium security facility spaces.

An ongoing programme of reviewing and reclassifying inmates to ensure that low to medium risk inmates are relocated from maximum security facilities will be completed. Yet, these measures by themselves are not enough. What we need is a rehabilitation focused, purpose-built prison that will replace the two existing maximum security facilities, which some have termed crime factories turning minor offenders into career criminals.

Of specific concern to me, as Minister of National Security, and I am sure to all of us as Members of Parliament, is that 60 per cent of prison admission consists of young people between the ages of 18 to 35 who are in for sentences between three months and three years.

What do you think happens when these youngsters are held in one of our maximum security prisons? They can become hardened, they can become bitter, they can become the biggest headache to law enforcement and they will potentially contribute to our unacceptably high murder rate when they are released back into the society? It is, therefore, in this country's national security interest that our inmates are rehabilitated for reintegration in the society. (Applause)

For 20 years successive Governments have been bedeviled with how to solve this problem in our correctional system. For all very good reasons, we have had to prioritize education, health and infrastructure development. But today, Mr. Speaker, the time has come for us to try to do something about our unacceptable prison system. This non-binding MOU with the United Kingdom for a new maximum security prison provides for us an opportunity to move forward. In brief, the Ministry of National Security engages the UK Government in negotiations for over a year to secure the offer of a grant of £25 Million towards the construction of a modern maximum security facility, contingent upon the signing of a Prisoner Transfer Agreement; only Jamaican citizens who - let me repeat that - only Jamaican citizens who would have been subject to deportation at the end of their sentences will be eligible for transfer to Jamaica. (Applause)

Dr. DAVIES: I think you should repeat that.

Mr. CHARLES: Caribbean prisoners.

Mr. BUNTING: There is a lot of that misinformation out there.

Let me repeat, let me repeat, only Jamaican citizens who would have been subject to deportation at the end of their sentences will be eligible for transfer to Jamaica.

Mr. CHARLES: Rubbish!

Mr. BUNTING: I am telling you what it is. UK citizens, UK citizens in Jamaican prisons will also be eligible for transfer to the UK. There are hundreds of Jamaicans, Mr. Speaker, deported every year to Jamaica having served prison sentences for drug-related or violent offences in the USA or the UK, or Canada, or the Caribbean, or in fact any country from around the world without

the benefit of a structured re-integration process. Accelerating the return of a small percentage of these Jamaicans through a structured rehab and reintegration process is a reasonable trade-off for a dramatic improvement in our prison conditions. Although the Prisoner Transfer Agreement calls for - or the proposed Prisoner Transfer Agreement the MOU calls for no more than 300 spaces, calls for no more than 300 spaces to be reserved in this new prison, in reality, the numbers are likely to be much less.

The UK and Nigeria signed a Prisoner Transfer Agreement which is in its second year. Nigeria has about three hundred prisoners - 300 of Nigerian citizens in UK prisons. We have about a little over six hundred. After a year and a half they have only transferred one prisoner....

Dr. DAVIES: One?

Mr. BUNTING: One prisoner and they have a potential of another 16 in process. So the idea that hundreds are just going to come suddenly is unlikely.

Mr. Speaker, the Government saw the opportunity, the Government saw the opportunity to achieve a new purpose-built maximum security prison by 2020 that would replace the two existing facilities. And those who are criticizing it have no solution, those who are criticizing it has no solution.

(*Sotto voce* comments by Members)

Mr. BUNTING: In the midst, in the midst of the public controversy around this MOU, the public has missed some important points and I want to set the records straight. First as I said earlier, there is no guarantee at this time that this administration will sign a Prisoner Transfer Agreement with the UK.

(Heckling)

(The Speaker gavels)

Mr. BUNTING: The Government of Jamaica, the Government of Jamaica will only sign, would only sign the Prisoner Transfer Agreement after adequate public education and debate and the enactment of new legislation in the Jamaican Parliament. (Applause) In fact, Mr. Speaker, we will start this process with the establishment - with the establishment of a Special Select Committee that will receive and consider written and oral submissions. (Applause)

The Special Select Committee will receive and consider written and oral submissions on this issue by technical experts and all interested parties including civil society and members of the diaspora.

(Applause)

Mr. Speaker, the Report of this Committee could recommend either of two courses of action. It might say, I brought this proposal at this time given the strong sentiments around the issue notwithstanding that we have no other solution.

Or secondly, it might say, proceed with the legislation and with the negotiation of the Prisoner Transfer Agreement but here are the conditions necessary to make it acceptable.

Mr. Speaker, the House Leader will shortly bring a resolution to establish this Special Select Committee. The Government of Jamaica has so far been successful in negotiating an additional £5.5 Million towards the reintegration and resettlement of prisoners

under the proposed Prisoners Transfer Agreement.

I just want to make it clear, Mr. Speaker that this Prisoner Transfer Agreement will not be a burden on the public purse. Under no circumstances...

(Heckling) (The Speaker gavels)

Mr. BUNTING: ...under no circumstances would the Prisoner Transfer Agreement be a net cost to Jamaican taxpayers. This can be achieved by limiting the period for which the Prisoner Transfer Agreement would be in effect.

Mr. Speaker, an administrative and judicial review process would be put in place to determine whether or not to accept each prisoner transfer request. The experience of other countries that have signed Prisoner Transfer Agreements shows that each case is subject to legal and administrative review. Typical conditions that may be included in a Prisoner Transfer Agreement are that the - first of all and this is usually always there:

a) The sentenced person is a national of the receiving State.
b) The sentenced person consents to the transfer or is subject to an order for expulsion, deportation or removal from the transferring State.
c) No other legal proceedings relating to the offense or any other offence committed by the sentenced person are pending in the transferring State.
d) The sentence relates to Acts which also constitute an offence under the law of the receiving State.
e) The transferring and receiving State both agreed to the transfer. (Applause)

The Government of Jamaica will have to do further work in finalizing the cost of the new prison and seek to identify the remaining funds necessary to build a new prison.

Mr. Speaker, one of the great potential benefits that I know the Member from Central Kingston and the Member for Spanish Town, for Eastern St. Catherine would be very interested in, is that, the closure of these two facilities would provide a huge opportunity for redevelopment of the 30 acres of prime waterfront land in downtown Kingston -

Mr. CHARLES: Where in Manchester?

Mr. CHUCK: Where in Mandeville?

(Heckling by Opposition Members)

Mr. BUNTING: - as well as the 20 acres in the centre of Spanish Town.

Mr. Speaker -

A MEMBER: Dem tek wey poor people land.

Mr. CHARLES: Where in Mandeville you gwine build the prison?

Mr. BUNTING: Mr. Speaker, this Administration is about solutions. We are willing to explore out-of-the box solutions in order to move from a punitive to a rehabilitative correctional system. (Applause by Government Members) In all of this, in all of this, Mr. Speaker, let us not also forget that we have an obligation to the leadership and staff of the department of Correctional Services who also have to work in this unsafe environment.

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. BUNTING: And I want to commend the Commissioner and her staff for the valuable work being done under trying conditions.

Mr. Speaker, this Administration's policy goal for the Correctional Services is to create a healthy system where the weakest prisoners feel safe, where all prisoners are treated with respect, all prisoners are busily occupied, expected to improve themselves and given the opportunity to do so.

(*Sotto voce* comments)

Mr. BUNTING: And one in which all prisoners can strengthen links with their families and prepare for release.

Our beliefs and values as a people demand that we address with urgency the degrading conditions under which we keep offenders in our correctional facilities. Mr. Speaker, whether by guidance of conscience or fear of God, we move - I would - now that I see my colleague from Central Kingston I know I will have his support in taking counsel from Matthew 25 verses 35 to 40

A Government MEMBER: Preach it.

Mr. BUNTING: And I quote:

"For I was hungry and you gave me something to eat... I was in prison and you came to visit me. Then the righteous will answer him saying, 'Lord, when did we see you hungry and feed you... when did we...

(Heckling/The Speaker gavels)

Mr. WARMINGTON: Dolly house mash up.

Mr. BUNTING:

...when did we see you sick or in prison and go to visit you?' The King will reply, 'Truly I tell you whatever you did for one of the least of these brothers and sisters of mine, you do for me".

(Heckling)

(Applause by Government Members)

(Heckling)

Dr. DAVIES: Those are comforting words for you, Desmond. Those are comforting words for you.

(The Speaker gavels)

Mr. BUNTING: And there is probably an even more relevant one for this House, from Hebrews 13 verse 3, I quote:

"Continue to remember those in prison as if you were together with them in prison, and those who are mistreated as if you yourself were suffering."

I call upon Parliament and the public to approach this issue with an open and enlightened mind, concerned with the interest of human rights and our international reputation for the goal of creating a world-class correctional system of rehabilitation and reintegration that we can all be proud of, and ultimately for our own personal and collective security.

I thank you, Mr. Speaker.

(Applause by Government Members)

(Heckling)

(The Speaker gavels)

The SPEAKER: Mr. Smith.

(Heckling)

Mr. D. SMITH: Thank you, Mr. Speaker.

(Heckling)

Thank you very much, Mr. Speaker.

Mr. Speaker, this unnecessarily long spiel by the Minister…

Mr. CHARLES: Attacking everybody.

Mr. CHUCK: Unnecessary.

Mr. D. SMITH: …really doesn't carry us anywhere. I think the gist of it, Mr. Speaker, really is in the last paragraph on page 1 of his statement. And I will read it. It says:

> Communication from the UK Government, which has been carried in the British media may have left an impression in the public's mind that Jamaica has signed a Prisoner Transfer Agreement. This is not the case."

Mr. CHUCK: Bwoy, dem trick the Prime Minister.

Mr. D. SMITH: So what we have…

Mr. CHUCK: Weh Damion?

Mr. D. SMITH: …the last 20 or so minutes, what we have been exposed to is some sort of a tentative agreement and discussion between the Government of Jamaica and the Government of the United Kingdom. Thank God that the puss was let out of the bag sometime last week and based on the public outcry, the outrage, the display of repugnancy that has come from the wider populace, it is very obvious that this cannot go further than where it is. (Applause by Opposition Members) The Opposition is saying, stop right there, stop right there.

Mr. Speaker, this matter of a new prison, not prisoner transfer, started in 1996 when the then Minister of National Security, KD Knight announced in Parliament…

Mr. CHUCK: Many times.

Mr. D. SMITH: …announced in Parliament that the Government will be building a new prison.

Mr. CHUCK: At US$70 Million.

Mr. D. SMITH: And teams travelled from Jamaica, Canada, Brazil, *et cetera*, to look at situations there, look at models there, the intent of adapting one of the models to construct a prison here in Jamaica.

Dr. DAVIES: Your spiel is unnecessarily long.

Mr. D. SMITH: Mr. Speaker…

Mr. CHUCK: He is trying to compete with Bunting.

Mr. D. SMITH: …in late 2007 the British, the High Commissioner here in Jamaica paid me a visit in the Ministry, and we had wide-ranging discussions because that was during the time when they had problems with gang warfare, blacks against blacks in England. They had a strategy they called Operation Trident, and a result of the success of Operation Trident, what happened that there were a lot of young black men, primarily Jamaicans who were apprehended and sentenced to prison. That created some sort of a problem for the British, in that they were not accustomed to that influx and they wanted to get rid of them, not only the cost to the Government then but it somewhat disrupted the whole culture of the British prison system.

So we had a discussion, I had a discussion with the then High Commissioner and he broached the matter and we put on the table the funding that could be available, a better option then would be to do an extension to Twickenham Park to improve and extend and increase training of police officers.

Fast forward to when the then Prime Minister Golding apparently visited the United

Kingdom, along with some of our colleagues, and where the British apparently improved on what they represented, put it to the then Prime Minister, and as we would have heard, he refused it outright, that Jamaica was not in any position…

Mr. CHARLES: No way.

Mr. D. SMITH: …would consider and accept an offer of that nature.

Fast forward to now. What apparently has happened is that the British Government has found a weak Government.

(Applause by Opposition Members)

Mr. CHUCK: Hear, hear!

Mr. CHARLES: A desperate Government.

Mr. D. SMITH: A weak and desperate Government which would be prepared…

Mr. CHUCK: A desperate Government seeking for power.

Mr. D. SMITH: …which would be prepared to accept the proposal, and in fact, based on what we gleaned from the Minister, discussions are far advanced and is just about to put pen to paper.

Mr. SILVERA: Lie.

Mr. CHARLES: Do not support it.

Mr. D. SMITH: Minister, we say do not do it.

(Applause by Opposition Members)

Do not do it. The Opposition will never support it.

Mr. CHARLES: Do not sign it!

Mr. D. SMITH: Of course, we well know the conditions of our prisons, and we are well aware and have been searching for opportunities and options to alleviate that problem. What I can tell you is that, during the 2007 Government negotiations were far advanced…

Mr. CHARLES: What.

Mr. D. SMITH: …with an overseas entity to build and operate the prison for an extended period where they would -

Mr. CHARLES: Dishonest.

Dr. DAVIES: You just making that up.

Mr. CHARLES: Omar, you don't know about that.

(Heckling)

Mr. D. SMITH: So Mr. Speaker, so I just want to say, because a lot of my colleagues would want to state in the Parliament this afternoon what's happening, not only in their constituency to the suggestion but what's happening to their entire region as to how Jamaicans are thoroughly opposed to what the Minister has just taken 20 minutes to outline to this Parliament.

So finally, the Opposition is opposed to it, will never accept it, and Jamaica is thoroughly opposed to it. They think it's offensive and…

(Heckling by Government Member)

Mr. WARMINGTON: Oh shut your mouth.

Mr. CHARLES: And as soon as election call we tell them, no.

Mr. SMITH: We will never accept it Minister, so you are on your own, and as I said, the UK Government in their own interest have found a weak Government in which to put proposal on the table.

Thank you, Mr. Speaker.

The SPEAKER: Mr. Chuck...

Mr. CHUCK: Mr. Speaker...

The SPEAKER: Mr. Chuck, let me remind you...

(*Sotto voce* comments)

Mr. CHUCK: Mr. Speaker, I know the limits of my... but I - Mr. Speaker, let me just say that I sympathize with the Minister, in terms of the conditions in the prisons. I happen to know many of the British prisons, not as an inmate, but as a visitor. (Laughter) And indeed, perhaps about eight or ten years ago, I visited a few of the prisons and quite a number of Jamaicans were there.

And I must tell the Minister, Mr. Speaker, they blamed the economic conditions. And in fact, I recall Mr. Speaker, one young lady who went up because she was trying to take up three pounds of cocaine for which she was going to get £3,000. She begged me to please tell Mr. Patterson, open back up the free zones; at least we were getting $1,700 per week.

Mr. CHARLES: Thirty thousand (30,000) of them.

Mr. CHUCK: At the time $1,700 per week. And she said she could send her children to school. And she was forced into doing this because Courts was taking back her furniture, and her refrigerator, and she had to do something.

(Cross talk) (The Speaker gavels)

Mr. CHUCK: Mr. Speaker, I - no one in this Parliament has been to District Prison, General Penitentiary, more than I have, not as an inmate, but as a visitor.

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

I have done many bits of research in District Prison, General Penitentiary, and also, to visit clients there; it is awful, and there is no doubt Minister that we need to really eliminate them. I accept that.

But I can't forget, Mr. Speaker, that Minister K. D. Knight, your predecessor, announced here on at least two occasions that new prisons would be built - and I remember the figure very well - US$70 Million. And I applauded, because I said oh, for once we are going to get a prison to replace these dungeons that District Prison...

(*Sotto voce* comment)

Mr. CHUCK: Dungeons! Let us be frank, these two prisons should not exist. We accept that. (Applause)

But Mr. Speaker, there is an alternative. And Minister, this is the question, were you ever approached by a group of investors to build a prison to accommodate and repatriate prisoners from the UK, and from the US and Canada, and the UK Government, the US Government and the Canadian Government would pay for their time that they would serve in the prisons instead of those prisons in those countries, and after a period of about 10 or 12 years when the cost of that prison was recovered, the prison would be turned over to you; were you ever approached by that group of investors?

Mr. CHARLES: Yes, yes!

Mr. WARMINGTON: Shut *yuh* mouth, Pearnel.

(The Speaker gavels)

Mr. BUNTING: I don't believe we - or certainly, I don't remember seeing a formal

written proposal, but I heard of a group of private prison corporation who was interested - who operated prisons in the US who was interested in building prisons in Jamaica, essentially to become the penal colony that you referred to, bringing much larger numbers of persons to Jamaica to serve sentences. That is the only recollection I have.

Mr. CHUCK: Minister, to really remind you, that group, in fact has built a prison, to the best of my knowledge, in Haiti, and is about to build one in Trinidad...

A MEMBER: You know the group?

Mr. CHUCK: Yes, I do know the group.

(*Sotto voce* comments)

Mr. CHUCK: And I can give the initials to the Minister, so he will recall - PW and LR. Those are the initials of the two persons who visited you.

(*Sotto voce* comments)

Mr. CHUCK: Because they visited me, too. And Minister, the point is that it is an American group that would build the prisons. They have built it in Haiti.

(*Sotto voce* comments)

Mr. CHUCK: But he has it, or he should have it. But they approached you; they approached you. Could I be allowed to finish... Speaker?

(The Speaker gavels)

Mr. CHUCK: The position is that they would build a modern facility. As I indicated these Governments would pay for the upkeep of Jamaicans who would be deported. In fact, that policy was presented to the British Government, and what is coming from the British Government now, appears to be exactly, except that giving us £25 Million and then leaving us with the prisoners, doesn't really solve the problem of catering to these prisoners for the next four or ten years.

So, it is a different concept but the position, Mr. Speaker is, this group - American group to be exact, would build a couple prisons to replace what we have. They would recover most of the money from using the payments from these overseas governments, and after 10/12 years, the prisons become Jamaican prisons.

The question further Minister is, was it ever given any serious consideration? And secondly, have you ever evaluated the cost, or the value, of that General Penitentiary, what it could mean to a group of investors to build a new prison? In other words, if a new prison was built, with the understanding that GP and the Waterfront could be taken over by them...

(*Sotto voce* comment by Dr. Davies)

Mr. CHUCK: But it is a good model - a good model. You know, to build - I mean, it is good waterfront land. What is the value, and have you ever thought of that partnership with a group of investors to build a prison, and they take over that waterfront land?

Mr. BUNTING: You will recall the first release that the Ministry issued on this pointed to a source of funding for the gap being from the disposal of the 30 acres of the Downtown Waterfront land, and the 20 acres approximately, in the centre of Spanish Town. We see the value of that. We don't necessarily think it is the same person who is a prison contractor, would have to be the person - any developer who can make the highest and best

use, and offer the highest price, consistent with the planning and zoning regulations.

I had in my release last week Wednesday, pointed to that as a possible source of funding to help close the gap between what was on the table and what would be required. But I have never seen a written proposal. I have heard talk about it, but you know, you hear talk about a lot of things. When it is reduced to a firm, written proposal with credible principals, the Development Bank of Jamaica could look at it.

But, I'll just tell you one obstacle to the boot concept which sounds like what this is, the build/own/operate/transfer. Under the current Economic Reform Programme, both facilitates for which the principal client, or customer, or who are relying on Jamaican Government to pay for it, is treated as just debt.

Mr. CHARLES: Rubbish!

Mr. BUNTING: No guarantee or anything.

Dr. DAVIES: Send the document...

Mr. BUNTING: Well, send the proposal and we will ask the DBJ to look for it.

(*Sotto voce* comment by Mr. Charles)

The SPEAKER: Mr. Vaz.

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

Mr. Speaker I listened carefully to the Minister...

The SPEAKER: Mr. Warmington...

Mr. Daryl VAZ: ...in his presentation, but I also listened carefully to the Minister and the Minister previously, when this first came to light. But more importantly, Mr. Speaker, I listened to...

(*Sotto voce* comments)

Mr. Daryl VAZ: I am asking you, please, please... I am dealing with serious business. It is not... In order to go to the question, Mr. Speaker, I would like to just give the foundation.

The SPEAKER: Make it brief.

Mr. Daryl VAZ: If you would allow me. Thank you. I listened to the UK Prime Minister in the House of Parliament speak to this particular deal. And they have a saying in Jamaica, when you see it set up to rain, the rain usually comes. And therefore, I have five relevant questions here today that I would like to ask, but I would like, out of an abundance of caution, to just go back through what we have been told, between in the House and the various releases, in relation to this issue:

- The UK is to provide £25 Million towards building a new prison;
- The grant will cover 40 per cent of the total costs estimated;
- Tower Street is to be closed and the land sold to defray Jamaica's cost portion;
- Unspecified amounts of land adjoining Tamarind Farm is also to be sold;

(*Sotto voce* comment by Mr. Bunting)

Mr. Daryl VAZ: No problem, you can clarify. The UK - that's why it is important what I am doing, so give me a chance, please.

- The UK is to provide £5 Billion over four years towards the cost of keeping the prisoners;
- The transfer of prisoners from UK is to commence in 2020, and the UK

expects to transfer a total of approximately 300 prisoners;

- Only prisoners with more than 18 months of sentence remaining are to be transferred.

Mr. Speaker, when you look at that, and you do the arithmetic - and the Minister is a banker, so he is better than me - Jamaica will have to find $6.7 Billion to meet its share of the construction costs. Generous assumption would be that Tower Street is $800 Million, Tamarind Farm, $200 Million. That means Jamaica will still have to find approximately $5 Billion.

Mr. Speaker, I am quite sure that the Government is aware that government is big business. I am not here to argue the pros and cons, because there is enough to go through the night into tomorrow. What I know is that figures don't lie and what I know is that the Government of Jamaica has a responsibility and a duty if it is that they are pursuing this, to get the best possible deal for Jamaica.

So the questions that I would ask Mr. Speaker - and I believe that the questions I am asking is what is being discussed in every nook and cranny, and in every Boardroom throughout the length and breadth of Jamaica:

Question 1:

How will the UK Government pay for the transferred prisoners until the end of their sentences?

Question 2:

What happens after the 300 prisoners? Are we going to receive more prisoners ongoing, and if so at what cost, and to whom does that cost go? What happens after the 300 prisoners, whether it is a one-off, and are we going to receive more, and if so, at whose cost, and for what length of period?

Question 3:

What average length of remaining sentence for the inmates that are due to come here after the 2020, or whenever this programme begins?

Question 4:

Will there be an agreement between Jamaica and the UK Government to include provisions for the UK to fully finance the cost of keeping all prisoners sent here for the duration of their incarceration?

Question 5:

What of the prisoners' sentence in the future; will those not also be sent to Jamaica too, adding to our cost burden if it is that it is for our account?

And I think, Mr. Speaker, it is quite clear in my own mind that whereas the Minister has tried to soften the position today, that this MOU or proposed MOU is something that I believe has gone much further than is being admitted to here in the House of Parliament today, and with...

Dr. DAVIES: You're not accusing the Minister?

(Cross talk)

Mr. Daryl VAZ: I take on the advisement, I'll allow you to answer those then I'll giye you the last.

(Inaudible comments)

Mr. BUNTING: Member from West Portland, regardless of what you may believe,

the truth of the matter is, we haven't even started to negotiate the prisoner transfer agreement itself. So all of these details that you're asking me to answer cannot be answered at this point because we have not negotiated the actual PTA. That is what will provide, for example, the term of the PTA. When will it expire? Will it be for 10 years? Will it be for five years after the commencement of returning prisoners? Will it cover those whose profiles are already established and we can examine?

Mr. CHUCK: Everybody get trick.

Mr. BUNTING: All these matters are to be dealt with in the negotiation of the Prisoner Transfer Agreement.

A MEMBER: Tek Daryl wid yuh.

Mr. BUNTING: So it's really - it's just speculation now for me to be trying to answer these.

(Inaudible comments)

Mr. Daryl VAZ: So Mr. Minister, I would ask for you to disclose what in actual fact that he's trying to profile. But secondly, and more importantly, the twenty-five million that has been committed, a specific figure, and a specific figure for follow-up assistance for the maintenance would indicate to me that if the Jamaican Government has not, the UK Government has definitely pursue this to the point of where they have put dollars and cents on paper, including, not only in the international arena, but in the House of Parliament.

And therefore, I would say to you, Minister, in the interest of transparency and accountability I believe that it is critical, based on the fact of all that has transpired, whether you want to tie it to the emotive point of reparation *et cetera,* there is an outcry, there is an outburst out there among all strata of society. And it is incumbent on you, as the Minister responsible to address that outcry as quickly as possible. And I believe that that is good advice, and I'm not charging you for it, that it is important, Minister.

And I would close by saying that it's even more important, because the truth of the matter is that where the Government has a good track record of building prisons...

(Inaudible comment by a Member)

Mr. Daryl VAZ: ...and what we're talking about, we're talking about the Gun Court, Horizon Remand Centre and...

(Heckling/Laughter)

So what I'm saying to you, Minister, that in that theory that you have...

A MEMBER: Good expertise.

(Laughter)

Mr. CHUCK: Good track record.

(Inaudible comments)

Mr. Daryl VAZ: ...more than anything else, that most importantly, what the country is worried about separate and apart from the issue of the prison and if other alternative for that money to be used, is what is it going to cost the taxpayers of Jamaica at the end of the day for this deal, and the fact is that it shouldn't cost us anything. As a matter of fact, we should benefit not only from them maintaining the prison, the prisoners and building the prison, but we as a country and a nation should get added value to that to help with the country's problems.

Thank you, Mr. Speaker.

(Applause)

Mrs. DALRYMPLE-PHILIBERT: Very good!

(Cross talk)

Mr. BUNTING: Mr. Speaker, I want to thank the Member from West Portland...

Mr. Daryl VAZ: Yuh frenemy!

Mr. BUNTING: ...but I noticed different cohesion in communication...

Dr. WHEATLEY: It's a good thing yuh not coming back yuh nuh.

Mr. BUNTING: ...one faction is suggesting they're not interested...

A MEMBER: Ask yuh campaign manager.

Mr. BUNTING: ...but a more enlightened faction is saying...

Dr. DAVIES: Is a Tufton dis yuh nuh, is a Tufton.

Mr. BUNTING: ...depending on the terms of the agreement, if it makes commercial sense, then it seems that they're in favour of it.

(Cross talk) (The Speaker gavels)

Mr. Daryl VAZ: I will clarify, I will clarify. Nobody needs to clarify for me.

Mr. WARMINGTON: I know, nobody is going to clarify for you...

(Inaudible comment by Mr. Daryl Vaz)

Dr. DAVIES: Yuh nah send fi Tufton?

Mr. BUNTING: But the short answer which I've said in my presentation - in my statement, that we will not be entering into any Prisoner Transfer Agreement which will end up with a net burden to Jamaican taxpayers...

Mr. DALLEY: Let him clarify.

Mr. Daryl VAZ: Mr. Speaker, if the MOU has not been signed, how is it that you're going to guarantee that there'll be no cost to the thing? However, let me just clarify. In my own mind - and I speak from my own perspective - I'm quite convinced, based on what I've heard especially coming out of the mouth of the UK Prime Minister, that this deal...

Mr. WARMINGTON: Done!

Mr. Daryl VAZ: ...is a done deal. But the timing of the deal is not a good time because we have a certain event coming up. So in order to pacify and cool off things, but I know it's a little further than we admit, and what I'm saying to you is that, if that is so, that's the basis on which I'm posing the questions. I'm not posing the questions in support, as I said, we could argue the pros and cons all day all night, what I'm saying to you, Mr. Minister, I speak on behalf of not only my constituents, the rest of Jamaica because this is the arguments that are out there that need to be answered and answered promptly.

Thank you.

The SPEAKER: Mr. Holness.

Mr. HOLNESS: Thank you, Mr. Speaker.

Mr. Speaker, I want to draw the attention of the House to the UK Number 10 Downing Street website...

Dr. DAVIES: Oh oh!

Mr. HOLNESS: ...which has a press release which says, 'UK Government signs deal to send Jamaican prisoners home'.

A MEMBER: It doesn't sound like press release.

Mr. CHUCK: Don't sound like a MOU.

Dr. DAVIES: Sounds good.

(Cross talk)

Mr. HOLNESS: Mr. Speaker, I would want the Minister here to publicly deny this statement and to make a commitment that he will not proceed to sign any such agreement..

(Inaudible comment by Mr. Jackson)

Mr. WARMINGTON: Keep quiet Fitz!

Mr. BUNTING: Mr. Speaker, I have here the release to which he's referring. And you will recall that in my Statement I said, communication from the UK Government, and this specifically, which has been carried in British media, may have left an impression in the public's mind that Jamaica has signed a Prisoner Transfer Agreement.

A MEMBER: Alright, that is denied.

Mr. BUNTING: I repeat, this is not the case, right.

(Inaudible comments)

Mr. BUNTING: And I further went on to say, we have brought these inaccuracies to the attention of the British High Commission locally, and we trust that it will be corrected.

(Applause)

A MEMBER: Very good!

Mr. CHUCK: Who is going to withdraw next time?

(Cross talk)

Mr. HOLNESS: Mr. Speaker, is the Minister aware again, by another document on the British treaties website, which is a database of all the treaties that the UK Government has signed with other partner countries, that there is listed a bilateral agreement signed on the 26th of June 2007, for a Prisoner Transfer Agreement?

Mr. McKENZIE: Who was the government at the time?

Mr. BUNTING: I'm not aware of the website that you speak of and I haven't seen it. But I have heard that in previous administrations a different type of Prisoner Transfer Agreement was signed, but it was never effective, it was, you know, the terms were not...

A MEMBER: Suitable!

Mr. BUNTING: ...they were never made operational. I haven't seen the particular document but to my knowledge no prisoner has been transferred under that agreement and in fact, no legislation which would be necessary to facilitate that has been put in place.

(Applause) (Cross talk)

(The Speaker gavels)

Mr. HOLNESS: Mr. Speaker, I want to put to the Minister that that treaty - and you will notice in conversation and indeed, what has been said in the Press on both sides that this discussion about transferring prisoners started almost a decade ago, so you could very well trace to that treaty, the basis on which the discussions have started. It is clear that it was that government that started the discussion and agreed to a prisoner transfer.

I want to ask the Minister, and give you an opportunity again, have you signed any document...

A MEMBER: MOU.

Mr. HOLNESS: Well call it a MOU. Have you signed any….

(Inaudible comment by Mr. Parchment)

Mr. HOLNESS: Mr. Speaker, this is a very serious matter.

Mr. McKENZIE: What is wrong with you? Eeh, what is wrong with you? Yuh think a St. Elizabeth bush yuh in a?

Mr. PARCHMENT: Go away!

(Cross talk)

Mr. HOLNESS: I just want to be clear. Now the Minister...

Mr. McKENZIE: You're a sorry excuse fi a human being.

Mr. HOLNESS: The Minister has said...

Dr. DAVIES: Hey, hey, hey, withdraw it, withdraw it.

(Cross talk)

(The Speaker gavels)

Dr. DAVIES: Withdraw it!

Mr. HOLNESS: Mr. Speaker, the Minister has said that he has not signed an agreement, so I want to know, have you signed any other document that would form the basis of an agreement?

Miss GRANGE: Exactly.

A MEMBER: The MOU.

Mr. BUNTING: Absolutely not. We signed, as we released, as we state in our release, we signed a Memorandum of Understanding which anticipated a certain process, which could possibly take us to a Prisoner Transfer Agreement if successful. But long before we reach a Prisoner Transfer Agreement we would have to put framework legislation in place. No Prisoner Transfer Agreement could be effected under our Constitution without some framework legislation which provided for the process consistent with our Constitution.

Mr. CHUCK: Why yuh trick Cameron? Why yuh trick Cameron?

Mr. HOLNESS: Mr. Speaker, the British Government - and you know, we don't speak on behalf of the British Government; we can only bring to the attention of this Parliament and the Jamaican people, what is being said in the counterparts' country in the UK. And it would appear, based upon what has been said both in the release that you have and what has appeared in the media, that there is an agreement for the British Government to provide twenty-five million pound to return 300 prisoners immediately; that has been the agreement.

Dr. DAVIES: Yuh get that from another website?

Mr. HOLNESS: I want to ask the Minister of National Security, is there any agreement on the $25 Million? Have you accepted the £25 Million rather and have you accepted 300 prisoners?

Miss GRANGE: In principle.

(*Sotto voce* remarks by Dr. Davies)

Mr. BUNTING: Mr. Speaker, I am not sure how many times the Leader of the Opposition is going to ask the same question over and over. I have said we have not signed a Prisoner Transfer Agreement. The British Government put an offer on the table which is contingent upon our signing a Prisoner Transfer Agreement. We have said to them in order to sign a Prisoner Transfer Agreement we first have to have legislation which would allow it, so we will - we have said we will enter upon a process which, if successful, would see legislation passed, would see the

negotiation of a Prisoner Transfer Agreement and possibly, then the commencement of construction and the receipt of the funds from the UK. But where we are now they have said we put an offer on the table if you will do all these various things, which it cannot be guaranteed, because I couldn't bind the Parliament as a Minister, it could not be guaranteed. So therefore only if these whole series of steps occur would this then become possibly a reality.

Mr. HOLNESS: You know Minister, I asked the question specifically - you said to us you have not signed any agreement.

Mr. BUNTING: I did not say that.

Mr. HOLNESS: Then now you said MOU, then you said that there was no Prisoner Transfer Agreement but yet there is one from 2006. Mr. Speaker, it is clear that the Minister is being deceptive in his answers.

Mr. Speaker, I would want to know from the Minister, would the Minister make available to this Parliament a copy of the MOU?

Mr. CHUCK: Why is it - let's have it?

Dr. DAVIES: And you would withdraw your statement?

Mr. CHUCK: After we read it we will decide.

Mr. BUNTING: I will speak with the Minister of Foreign Affairs, but I expect that when the Special Select Committee enters upon reference that would be one of the documents that they will be examining.

Mr. HOLNESS: I submit, Mr. Speaker, that with such public attention on this matter that it should not await the setting up of a committee - which may not end up being set up - that it should come to the House right away, promptly.

(Applause by Opposition Members)

Mr. Speaker...

Mr. CHUCK: You can send for it. We can wait on it.

Mr. HOLNESS: Mr. Speaker, we on this side do not support any such agreement. (Applause by Opposition Members) It is an agreement that is not in the interest of Jamaicans. (Applause) It is clear from what is in the British Press that there are savings for the British taxpayers. You are not able to demonstrate to us certainly, in any of your statements, what would be not just the savings but the benefits to the Jamaican taxpayers.

Mr. Daryl VAZ: Government is big business.

Mr. HOLNESS: Mr. Speaker, we say to this Government, do not proceed any further with this agreement. (Applause) And we would want from you, Minister, today, I put it to you, that you will give a commitment here today that you will not proceed any further with this agreement.

(Applause by Opposition Members)

Mr. CHUCK: Come on right now.

Mr. CHARLES: Stand up on your feet.

Mr. CHUCK: Just say I do.

Mr. Daryl VAZ**:** Just say I do.

(The Speaker gavels)

Mr. BUNTING: Mr. Speaker, I think the Leader of the Opposition is being delusional. He obviously believes that for the brief period for which he was Prime Minister he can still continue to give those types of instructions to

Cabinet Ministers. (Applause) He is not in that position anymore and I am not taking any instructions from him and that's final.

Mr. HOLNESS: You will not take instructions from me, but you will take them from the Jamaican people.

(The Opposition Members walked out at 3:56 p.m.)

The SPEAKER: House Leader – Minister Ferguson.

ZIKA VIRUS IN JAMAICA

Dr. FERGUSON: Mr. Speaker, I rise in this Honourable House today to make a presentation on a most important matter that should be of concern to every Jamaican, the health of our citizens and the perception of the value of the public health system have to be taken very serious no matter our affiliation. I am very concerned about the irresponsible utterances that have come from certain segments of the society. Mr. Speaker, this can only serve to hurt our country and all of us as Jamaicans.

Mr. Speaker, I want to point out that the health sector operates on the use of credible evidence to substantiate our analyses and conclusions. Anything to the contrary is simply unacceptable. This does not only obtain here in Jamaica, but it is what is maintained globally. Therefore, Mr. Speaker, to announce, for example, that there is Zika virus in Jamaica when there is no such evidence has to be categorized as public mischief. When we do things like that, Mr. Speaker, we not only send our citizens into panic but we break down their trust in the health system; our international partners do not view us favourably; there are implications for other industries such as tourism and even the small man on the street who plies his wares. When you villainize a community people they stay away from institution or view it with scorn. The same applies to any health facility and even the country.

We cannot continue like this, Mr. Speaker. It is time that we give this important sector the respect it deserves. If we say we are in favour of growth and prosperity for Jamaica we have to build up and not breakdown our assets and health has been one of our biggest assets. Yes, there are challenges, Mr. Speaker, but we will not be able to overcome them without a united effort. I appeal to our citizens to desist from politicizing health. It is too important a sector to be used in this way. Help us to build the health sector as this is the only way that we can truly move towards building Jamaica and making Jamaica meeting our development objectives and improving the lives of our citizens.

Mr. Speaker, no government can be against constructive criticisms and solution-oriented recommendations. No government can be against constructive engagement that will help to improve the quality of health care for our people but we must stoutly reject any attempts to score political points that will negatively impact the health and well-being of the Jamaican people. (Applause)

Mr. Speaker, I am compelled to again address the rumours being perpetuated in several quarters that there are cases of Zika

virus in Jamaica. I stress once more that at this time, based on advice from my technical team, there is no Zika virus in Jamaica. I have heard talks that someone from a particular community in St. Catherine was infected. Again, there is no such evidence that anyone from that parish or any other has been infected with Zika virus. The information we have is that outside of Brazil there have been no Zika virus cases confirmed in any country in Latin America and the Caribbean region, including Jamaica. The sample that we sent to the Caribbean Public Health Agency (CARPHA) for testing for Chikungunya, Dengue and Zika came back negative for all three viruses.

The media will well remember that a Press release advising the country about this was done last week by my Ministry. Mr. Speaker, the CARPHA Laboratory is the reference laboratory for the Caribbean and is the only lab that can confirm test results for the Zika virus and others of this nature. I invite my colleagues to contact the Ministry and even CARPHA if they wish to verify any reports that they may have gotten about Zika and other viruses in Jamaica.

However, Mr. Speaker, I assure you that if we do confirm a case of Zika in the country, as is customary in these situations, the Ministry of Health will inform the country promptly, even as we would have an obligation to inform our international partners. Mr. Speaker, this is the period when we generally see an increase in mosquito-borne diseases. The rain on the weekend has no doubt provided the environment for mosquitoes to breed and, as you know, Dengue and Chik-V continue to circulate in Jamaica.

We, therefore, urge persons to destroy mosquito breeding sites and protect themselves from mosquito bites. We continue to stress that individual responsibility is important with respect to this matter as the *Aedes aegypti* mosquito which spreads these viruses primarily breeds in areas where people live, work, play, worship and generally congregate.

Mr. Speaker, there has been some confusion between the foot-and-mouth or hoof-and-mouth disease and the present hand, foot and mouth disease which is now affecting some of our children. And therefore allow me to make the distinction between the two. Mr. Speaker, hoof-and-mouth or foot-and-mouth disease virus primarily affects cloven-hoofed livestock and wildlife such as cattle, pigs, sheep and goats.

A GOVERNMENT MEMBER: And Labourites.

Dr. FERGUSON: Humans can be infected with foot-and-mouth disease through contact with infected animals, but this is extremely rare.

Hand, foot and mouth disease is often mistaken for foot-and-mouth disease because of the similarity in the name. However, hand, foot and mouth disease occurs in humans, especially in young children under age five and not animals; the cause is the *coxsackievirus* which belongs to the *enteroviruses* and is different from foot-and-mouth caused by the group of *Aphthovirus,* because foot and mouth rarely infects humans,

but it spreads rapidly among animals. It is a much greater threat to the agriculture industry than to human health. Foot-and-mouth is presently not in Jamaica. I repeat foot-and-mouth disease is not presently in Jamaica.

Mr. Speaker, what we're dealing with now is hand, foot and mouth disease which is affecting some Early Childhood institutions. It is of concern because it is very contagious, which means it spreads easily especially among infants and children under five-years-old whose immune system is not yet fully developed and who tends to share toys, food and play together. Older children and adults are also susceptible but to a lesser extent.

Mr. Speaker, we continue to monitor affected schools and investigate reports of hand, foot and mouth disease. As my colleague Minister of Education and the Member of Parliament for Central Kingston informed the nation, some schools which were closed for sanitizing have now been reopened. The surveillance report indicated that as of October 5, 2015 at 5:00 p.m. there were 438 reported cases of the disease within 144 schools - of the 2,600 Early Childhood institutions; 144 of the 2,600. I would like to point out that some schools have reported just two cases and some even a single case of the illness. With this in mind, Mr. Speaker, it would not have been practical for us to close every school that reported cases. In fact, the acceptable standard is to close where 10 per cent or more of the school population is affected.

Mr. Speaker, the parish health departments have been doing their investigations and follow-up actions in affected schools. They have been working very closely with the Ministry of Education and school administrators. Our personnel continue to visit schools and to assist with sanitization as well as education of the school administrators on how to manage the disease in their institutions. The Ministry has also prepared and made available guidelines on managing the hand, foot and mouth disease to schools through the Ministry of Education. We have also made information available on our website and invite persons to visit moh.gov.jm to keep updated on the matter.

The Ministry has been running its infection control media campaign since August urging citizens to observe proper hygiene practices including washing hands regularly with soap and water and covering nose and mouth when sneezing and coughing to reduce the spread of germs. I remind persons that they should also limit person to person contact such as hugging, kissing or sharing utensils, especially for affected children. These practices will also assist with arresting the spread of the hand, foot and mouth disease.

Mr. Speaker, I'm again appealing to school administrators to make an immediate report to the medical officer of health in their parish or to the health department if they suspect that there may be a case or cases of the illness in their school. Again, I urge parents to remove their children from school until they have fully recovered so as to prevent transmission to others. Mr. Speaker, a health issue and concern must be taken

seriously by all of us. We must work together to resolve these issues.

We simply cannot afford to politicize a matter such as health because we would also be putting ourselves and our families at risk. The hand, foot and mouth disease must be a collective concern as should every other infectious disease. We, therefore, have to ensure that our actions and utterances are directed towards constructively resolving these matters in a responsible way and improving the overall health of our people.

I therefore, Mr. Speaker, appeal to members of the private sector, members of the umbrella group of churches, to civil society in general, to parents and guardians to be critical stakeholders in the present outbreak of hand, foot and mouth disease. It is our responsibility, Mr. Speaker, and while Government must lead, it is all of us combined as a nation and persons who every day declare how much we love Jamaica, if we are to arrest the present outbreak.

I thank you, Mr. Speaker.

(Applause)

ANNOUNCEMENTS

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

- **Ministry Paper No. 129**
  Annual Report Caymanas Track Limited for year ended March 31, 2015
- **Ministry Paper No. 130**
  Casino Gaming Commission Annual Report for the year ended March 31, 2015
- The General Consumption Tax (Amendment) Regulations, 2015
- Report of the Public Accounts Committee of the House of Representatives on its Examination of Ministries/Departments/Agencies during the period March, 2012 to December, 2013
- Report of the Public Accounts Committee of the House of Representatives on its Examination of Ministries/Departments/Agencies during the period March, 2013 to February, 2015
- Report of the Public Accounts Committee of the House of Representatives on its Examination of Ministries/Departments/Agencies during the period February, 2015 to September, 2015
- Interim Report on Investigations into incident on Friday September 18,2015 Prickly Pole Claremont St. Ann Office of the Children's Advocate

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 2nd day of October, 2015, a Bill entitled, "AN ACT to Amend the Civil

Aviation Act" was passed in the Senate without amendment.

Signed: Floyd Morris
President of the Senate".

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: House Leader.

Mr. PAULWELL: Mr. Speaker, I beg to give notice at the next meeting of the House I will move to introduce and have read a first time a Bill shortly entitled, the Office of the Utilities Regulation (Amendment) 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 enable me to take first reading of the Bill and to give notice of second reading.

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Mr. Kellier.

Mr. KELLIER: Mr. Speaker, I have the answers as required for Item Nos. 22, 23, and 24 on the Question Notice Paper, but there's no one here to ask the questions so I'm tabling them for future reference. So they are properly answered.

The SPEAKER: The Clerk will table them.

The following questions and answers were laid on the table of the Honourable House of Representatives by the Minister of Agriculture and Fisheries.

Item No. 22

Question 1:

Will the Minister state how much coffee was imported by traders during 2014 season?

Answer:

The total coffee imported for the calendar year 2014 was 696,655kg. Further broken down as follows:

i) Coffee beans - 224,565kg
ii) Processed coffee products - 472,090kg.

Question 2:

Will the Minister state who are the importers of coffee?

Answer:

Companies granted import permits for 2014:

a) Coffee Traders Limited
b) Nestlé Jamaica Limited
c) Jamaica Standard Products Company Limited
d) Coffee Roasters of Jamaica Limited
e) Mavis Bank Coffee Factory Limited
f) Salada Foods Jamaica Limited
g) Organo Gold International (Jamaica) Limited
h) A.E. Parnell & Co. Limited (Gamal Agencies Limited)
i) Sandals Resorts International
j) Sandals Ocho Rios Limited
k) Sandals/Beaches Boscobel Hotel Management Limited
l) Sandals Whitehouse Management Limited
m) Sandals Carlyle

n) Sandals Royal Management Limited
o) Chas E. Ramson

Question 3:

Will the Minister state how many persons/companies have export licenses?

Answer:

There are 27 such persons and companies.

Item No. 23.

Question 1:

Will the Minister state who are the Ministry employees who have benefitted from the loans through the Cane Expansion Fund?

Answer:

Only three members of the Ministry have received loans under the Cane Expansion Fund.

Question 2:

Will the Minister state if any of these persons are first-time cane Farmers?

Answer:

Any registered cane farmer who meets the requirements is eligible to apply for a credit facility from the Cane Expansion Fund.

Question 3:

Will the Minister state if any of these loans are outstanding?

Answer:

None

Item No. 24.

Question 1:

Will the Minister state how many Managers and Board Members have received loans from the National People's Cooperative Bank of Jamaica (NPCB)?

Answer:

Thirty-two managers and thirty-eight Board members over the last three (3) years.

Question 2:

Will the Minister state if the NPCB is in receivership to the Agricultural Credit Board?

Answer:

No. The Agricultural Credit Board has exercised its powers vested under the Agricultural Credit Board Act to take over the management and control of the NPCB starting on August 27, 2015 and until further advised.

Question 3:

Will the Minister state how much money has been unaccounted for?

Answer:

To date, all the funds have been accounted for as being:

1) Loans to members
2) Deposit with investment houses
3) Cash and bank balances
4) Property, plant and equipment

We await the findings of the ongoing audit to ascertain precisely how these funds have been accounted for in the categories above.

Dr. DAVIES: Can I table mine too?

Mr. Speaker can you guide me. I have answers available for the Member.

The SPEAKER: In the absence of the Opposition Member, you can table them.

(Inaudible comment by Dr. Davies)

The SPEAKER: You may table them.

Dr. DAVIES: Okay. Thank you, sir.

The following questions and answers were laid on the table of the Honourable House of Representatives by the Minister of Transport, Works and Housing.

Question 1:

The road from Maggoty to Mocho via Arcadia is in deplorable condition. Will the Minister state when this road will be rehabilitated?

Answer:

The Mocho to Arcadia (St. James) section of this road is being repaired by the National Works Agency (NWA), financed by the Tourism Enhancement Fund (TEF) in the amount of approximately $84 Million.

For the section Maggoty to Arcadia (approx. 13.5km) the estimated cost to rehabilitate this road is approximately $90 Million.

This road is not on the NWA's programme for the financial year 2015/2016.

Question 2:

The road from YS to Ginger Hill to Pisgah to Springfield is in a deplorable condition. Will the Minister state when these roads will be rehabilitated?

Answer:

The estimated cost to rehabilitate YS to Ginger Hill to Pisgah to Springfield is $165,223,794.73. The road sections measure approximately 30 kilometres in length.

This road is not on the NWA's programme for the financial year 2015/2016.

Question 3:

The road from Middle Quarters to New Market is filled with potholes. Will the Minister state when this road will be fixed.

Answer:

The estimated cost for patching the potholes along Middle Quarters to New Market is $15,533,106.08. I am exploring the possibility of carrying out this patching before the end of the financial year.

The cost to rehabilitate is $241,757,970.10. The road sections measure approximately 14.5 kilometres in length.

This road is not on the NWA's programme for the financial year 2015/2016.

Question 4:

The road from Mulgrave to Red Gate is impassible. Will the Minister state when this road will be fixed.

Answer:

The estimated cost to rehabilitate Mulgrave to Red Gate is $105,417,171.94. The road section measures approximately 14.4 kilometres.

This road is not on the NWA's programme for the financial year 2015/2016.

Note that due consideration will be given to these roads in the 2016/2017 budget.

Please see table below for reference:

Questions	Location	Amount (Rehabilitation)
1	Maggoty to Arcadia	$60,000,000.00
2	YS to Ginger Hill to Pisgah to Springfield	$165,223,794.73
3	Middle Quarters to New Market	$241,757,970.10 $15,533,106.08 (road mtnce.)
4	Mulgrave to Red Gate	$105,417,171.94
	TOTAL	**$617,932,042.85**

PRESENTATIONS OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Mr. PAULWELL: Mr. Speaker, I now move for the suspension of the Standing Orders to enable me to take first reading of the Bill, notice of which I gave earlier and to give notice also of second reading.

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.

Bill shortly entitled:

"The Office of the Utilities Regulation (Amendment) Act, 2015",

read a first time.

(Cross talk)

Mr. PAULWELL: Mr. Speaker, I move for the suspension of Standing Orders and I'm sure you want to put that to the vote.

(Cross talk)

The SPEAKER: I thought we did that. We did that, you know, and the Clerk made the first reading.

The question is for the suspension of Standing Orders to allow the Minister to take the motion, notice of which was given earlier.

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, I now move to introduce and have read a first time a Bill shortly entitled, the Office of Utilities Regulation (Amendment) Act, 2015.

Bill shortly entitled:

"The Office of the Utilities Regulation (Amendment) Act, 2015"

read a first time.

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

Mr. Speaker, it is not intended for us to do…

Dr. DAVIES: Mr. Speaker.

The SPEAKER: Okay. Proceed, Minister Davies.

Dr. DAVIES: I may proceed?

The SPEAKER: Yes.

Dr. DAVIES: I now move to introduce and have read a first time a Bill shortly entitled, the Road Traffic Act, 2015.

Bill shortly entitled:

"The Road Traffic Act, 2015"

read a first time.

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

The SPEAKER: Minister Dalley.

Mr. DALLEY: Yes, Mr. Speaker, I wish to withdraw the Motion at Item No. 16, the Provision of the Collection of Tax (Licences

on Trades and Business) Order (Confirmation) Resolution, 2015.

(Cross talk)

I want to withdraw it. I thought you said Public Business?

(Cross talk)

The SPEAKER: Minister Arscott.

Mr. ARSCOTT: Mr. Speaker, permission to speak from a seat other than my own.

The SPEAKER: You may proceed.

Mr. ARSCOTT: Mr. Speaker, I now move to introduce and have read a first time a Bill shortly entitled, "The Local Governance Act, 2015". (Applause)

Bill shortly entitled:

"The Local Governance Act, 2015"

read a first time.

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

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, the Minister without Portfolio in the Ministry of Finance will deal with Item 16.

Mr. DALLEY: Mr. Speaker, I am sorry, I thought I heard Public Business when I rose.

The SPEAKER: That was premature.

Mr. DALLEY: Maybe I am not hearing well.

I wish to withdraw the Motion at item No. 16, Mr. Speaker, which is the Provisional Collection of Tax (Licences on Trades and Business) Order, Confirmation Resolution of 2015.

The SPEAKER: So be it.

Mr. PAULWELL: Mr. Speaker, I move that for the recommittal of item - Notices of Motion, Reports from Committee and Notices of Motions Given Orally.

The SPEAKER: The question is for the recommittal of items Reports from Committee, and Notices of Motions Given Orally.

Motion put to the House and agreed to.

REPORTS FROM COMMITTEE, NOTICES OF MOTIONS GIVEN ORALLY
(Recommitted)

Mr. JACKSON: Mr. Speaker, on behalf of the Chairman of the Public Accounts Committee, I beg to Table on the House a copy of the Report of the deliberations of the Public Accounts Committee of the House of Representatives on its examination of ministries, departments, agencies during the period March 2012 to December 2013.

And the Report of the deliberations of the Public Accounts Committee of the House of Representatives on its examination of ministries, departments and agencies during the period March 2013 to February 2015.

And the Report of the deliberations of the Public Accounts Committee of the House of Representatives on its examination of ministries, departments and agencies during the period February 2015 to September 2015.

Mr. Speaker, I also wish to beg to give notice that at the next sitting of the House I will move:

Be it Resolved that the Report of deliberations of the Public Accounts Committee of the House of Representatives on its examination of ministries, departments, agencies during the period March 2012 to December 2013, which was laid on Table of the House on the 6th day of October 2015 be approved. I also move;

Be it Resolved that the Report of the deliberations of the Public Accounts Committee of the House of Representatives on its examination of ministries, departments, agencies during the period March 2013, to February 2015, which was laid on the Table of the House on the 6th day of October 2015, be approved. And finally;

Be it Resolved that the Report of the deliberations of the Public Accounts Committee of the House of Representatives on its examination of the ministries, departments, agencies during the period March 2015 to September 2015, which was laid on the Table of the House on the 6th day of October 2015 be approved.

Mr. DALLEY: Mr. Speaker, I 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 (Licences on Trades and Business) Order, Confirmation Resolution, 2015;

Whereas by virtue of subsection (1) of Section 3 of the Provisional Collection of Tax Act, herein referred to as "the Act", the Minister may by order publish in the *Gazette* provide for the variation, renewal or imposition of any tax;

And Whereas as the Provisional Collection of Tax (Licences on Trades and Business) Order, 2015 was made by the Minister and published in the *Gazette* on the 31st day of March 2015;

And Whereas it provided by subsection (3) of Section 3 of the Act that an Order made under that section, subject to its confirmation with or without modification by resolution of the House of Representatives within the next 30 days on which the House sits after the date of publication of the order in the *Gazette* shall continue for a period of 6 months next following the publication thereof in the *Gazette;*

And Whereas subsection (4) of the Section 3 of the Act provides that every Order made under subsection (1) of that section shall cease to have effect unless it confirmed with or without modification, by the Resolution of the House of Representatives within the next 30 days on which the House sits after the date of the publication of the Order in the *Gazette;*

And Whereas it is desirable that the Provision Collection of Tax (Licences on Trades and Business) Order, 2015, be confirmed;

Now Therefore Be it Resolved by this Honourable House of Representatives as follows:

1) This Resolution may be sited as the Provisional Collection of Tax (Licences on Trades and Business) Order, Confirmation Resolution 2015; and
2) The Provisional Collection of Tax (Licences on Trades and Business) Order, 2015 is hereby confirmed which was laid on the Table of the House on the 6th day of October 2015.

Mr. Speaker, 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 take this simple Motion.

Mr. PAULWELL: Mr. Speaker, we revert to Public Business and we will allow the Minister to take the Motion, notice of which was given.

The SPEAKER: Minister Dalley.

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

The Resolution which the House is asked to approve in respect of the conformation and continuation to enforce the Provisional Collection of Tax (Licences on Trades and Business) Order, 2015, which was published in the *Gazette* on March 31.

The Order was made by the Minister as authorized under Section 3 of the Provisional Collection of Tax Act, and effected increases to the licences, duties imposed under the Licenses and Trade and Business Act which were previously approved by this House as a component of the 15/16 revenue measures Tabled as Ministry Paper 34/15.

The House may recall that the duties collected for trades and business licences accrue to local authorities to support the administrative expenses, the fees were last updated in 1987 and were therefore in need of rationalization and improvement.

Mr. Speaker, due to errors in the Draft Resolution Tabled on the 14th day of September, we ask that the Resolution be placed with the draft Tabled today. The substance and purpose of the Resolution have not changed and the House will not be prejudiced by its substitution. In accordance with the usual practice for the expeditious implementation of revenue measures, the measure was first implemented by means of a Provisional Collection of Tax Act. The Act requires Orders made thereunder to be confirmed by Resolution of the House within the 30 days on which this House sits after the date of publication in the *Gazette*.

Provisional Orders have a limited lifespan of six months. However, the Act empowers the Minister of Finance and the Honourable House to empower the Honourable House to extend the life of the Provisional Order for a further three months. The subject order will expire on - or expired on September 30 and as such the continuation Resolution is intended to invoke the authority of the House to grant a three-month extension of the Order.

Mr. Speaker, a Draft Bill in respect of the matter effected by the Provisional Order has been prepared and subject to the requisite process will shortly be Tabled in the House for consideration. This should be

accomplished within the three-month extension which is being sought today.

In light of the foregoing, Mr. Speaker, I commend both the Provisional Collection of Tax (Licences on Trades and Business) Order, Resolution and the Provision Collection of Tax Licences on Trade Business Order continuation enforced and ask that this House approves this simple Resolution.

Thank you, Mr. Speaker.

Motion put to the House and agreed to.

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker, it is not intended for us to do any further business. I therefore move for the adjournment of the Parliament until next Tuesday, the 13th of October at 2:00 p.m.

The SPEAKER: The question is that the House do adjourn until next Tuesday, the 13th of October at 2:00 p.m.

Motion put to the House and agreed to.

The SPEAKER: (Gavels) The House stands adjourned.

The Honourable House of Representatives adjourned its sitting at 4:30 p.m. until Tuesday, October 13, 2015 at 2:00 p.m.

TUESDAY, October 13, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:30 p.m.

PRESENT

THE SPEAKER

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

MEMBERS OF THE CABINET

THE HONOURABLES:

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

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

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

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

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

DR. THE HON. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing with responsibility for Housing

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

MINISTERS OF STATE

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

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

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

DR. DAYTON RICARDO CAMPBELL, (PNP), St. Ann, North Western

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

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

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

MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern
MR. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston Western
MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern
MR. MIKAEL ASHER PHILLIPS, (PNP), Manchester, North Western
MR. RAYMOND FRANKLYN PRYCE, (PNP), St. Elizabeth, 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, (PNP), 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. Dwayne Vaz.

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 business today, let us welcome our visitors from St. Jago High School in Spanish Town who are visiting with us today. (Applause) I hope they find today's sitting interesting.

ANNOUNCEMENTS

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

- Jamaica Business Development Corporation (JBDC)
  Annual Report for the year ended 2012/2013
- Factories Corporation of Jamaica Limited (FCJ)
  Annual Report for the year ended 2013/2014
- Kingston Free Zone Company Limited
  Annual Report for the year ended 2013/2014
- Montego Bay Free Zone Company Limited
  Annual Report for the year ended 2013/2014

REPORTS FROM COMMITTEES

Mr. WARMINGTON: Mr. Speaker...

The SPEAKER: Yes, Mr. Warmington.

Mr. WARMINGTON: I am again asking on the issue of those two Private Members' Motions from South West St. Catherine, one having to do with the flooding caused by Highway 2000. The other one had to do with the Government assuming responsibility for infrastructure housing scheme. I don't see why any Ministry or a Minister should take three years to give a response to an instruction of

Cabinet. And if each week I have to get up and ask the same question and we cannot get a response. I would like to know from the Leader of the House whether there is any response to this issue from the Cabinet.

The SPEAKER: House Leader, it's time to put this one to rest.

Mr. PAULWELL: Mr. Speraker last week the Minister for Local Government did provide - because we were anticipating the question last week - a full report to me. Unfortunately, the Members weren't here for the duration. I don't have the file with me, but I will make sure that next week I will take the document that I got from the Minister and read it out to you.

The SPEAKER: So we are making progress then?

Mr. McKENZIE: That can't be progress.

The SPEAKER: I am asking the question.

(DR. THE HON. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern, Minister of Transport, Works and Housing, 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. AUDLEY FITZ ALBERT SHAW, CD, (JLP), Manchester, North Eastern, entered and took his seat.)

(MR. DERRICK CHARLES SMITH, CD, (JLP), Clarendon, Central, 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.)

NOTICES OF MOTIONS GIVEN ORALLY

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

Whereas the Honourable House has, for the past six (6) years, approved a motion in support of Cuba's resolution submitted in the United Nations General Assembly (UNGA) titled: *"Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba";*

And Whereas last year some 188 Member States of the UN, including Jamaica, and representing the vast majority of the International Community, voted in favour of the resolution;

And Whereas the 55 year-old policy of economic strangulation against Cuba is governed by the logic of the Memorandum of April 6, 1960 written by Deputy Assistant Secretary of State Leslie Mallory, which states:

"The majority of Cubans support Castro. There is no effective political opposition. The only foreseeable

means of alienating internal support from the government is through disenchantment and disaffection based on economic dissatisfaction and hardship. Every possible means should be undertaken promptly to weaken the economic Cuba, denying money and supplies to Cuba, to decrease monetary and real wages, to bring about hunger, desperation and overthrow of government";

And Whereas the Office of Foreign Assets Control (OFAC) of the Department of the Treasury is the vehicle used to investigate and prosecute those who establish or may consider establishing normal relations with Cuba;

And Whereas an editorial published on March 3, 2013 by the Bloomberg News Agency revealed that just from 2000 to 2006, the US Government had opened 11,000 investigations of alleged breach of the sanctions regime against Cuba, while the same report indicates that for all other countries combined, 7,000 investigations were conducted;

And Whereas according to the Bloomberg Report the period since March 3, 2013, has been marked by a toughening of economic sanctions by the United States against Cuba as evidenced by the unprecedented stymying of banking and financial activity;

And Whereas in an unprecedented event relating to the work of the World Health Organization/Pan American Health Organization Office in Cuba, a Canadian bank, also under US pressure, withheld funds to purchase influenza vaccines intended for an elderly immunization programme;

And Whereas Cuba has established an enviable international reputation for assisting other countries facing humanitarian crisis and currently has more than 50,000 Cuban-trained health workers in 66 countries; 256 of whom rose to the huge challenge of fighting Ebola, sending in West Africa to face the most risky assignment of their careers, prompting one *New York Times* editorial to point out that while the United States and several other wealthy countries pledged funds and military personnel, only Cuba and a few non-governmental organizations sent health care non-military workers in the field. Cuba remains a model to the world in its steadfastness and conviction in the fight for human development;

And Whereas recently the US Government imposed a $619 Million fine on the Dutch banking company, ING, for carrying out transactions with Cuba in US dollars representing the highest fine that has been imposed on a foreign bank for doing business with Cuba, thus confirming the intensification of enforcement measures of the blockade policy by US authorities against Cuba's economic and commercial interest;

And Whereas the increased prosecution of Cuba's international financial transactions included those coming from multilateral organizations for

cooperation with the island, has been one of the distinctive features in the implementation of the blockade policy under the current US administration;

And Whereas it was the expectation of the international community that the accession to the Presidency of the United States of America of Barack Obama would bring about fundamental change in the implementation of the blockage policy against Cuba:

And Whereas in December 2014 diplomatic relations were re-established between Cuba and the United States and a commitment was made to work towards the lifting of the blockade which it is acknowledged is a positive step towards the normalization of bilateral relations as there has been relaxation of a few rules regarding trade, travel to Cuba, telecommunications and remittances beginning January 2015;

And Whereas the immigration policy of the United States regarding Cuba hasn't changed, there is continued illegal transmission of propaganda directed at Cubans in Cuba, there is continued denial of claims for reparation for losses due to the blockade, there is continued occupation of Guantanamo, tourism from the United States to Cuba is subject to a strict licensing regime and fines continue to be imposed on banks and commercial entities both in and outside of United States for transactions with Cuba;

And Whereas the US Administration on September 11, 2015 extended the application against Cuba of the *Trading with the Enemy Act*, thus keeping in place the legal framework under which the policy of blockade against Cuba of 1962 is based;

And Whereas International humanitarian law prohibits any embargo on raw materials for food and medicine, even in wartime, Cuba continues to be unable to trade even food and medicine, with subsidiaries of US companies in third world countries;

And Whereas the economic, commercial and financial blockade imposed by the United States against Cuba continues to be the main obstacle to the economic and social development of Cuba and to its recovery from the effects of the global recession and natural disasters;

And Whereas the blockade is a violation of International Law and is contrary to the purposes and principles of the UN Charter and to the norms governing international trade and freedom of navigation, as well as constituting a transgression of the right to peace, development and security of a sovereign state, and which in its essence and its aims continue to be an act of unilateral aggression and a permanent threat against the stability of a Member Country of the UN;

And Whereas Jamaica's national interests are being adversely impacted by the continuation of the blockade and the extra-territorial application of US Laws

regulating transactions between Jamaica and Cuba, directly and indirectly;

And Whereas Governments and persons committed to the norms of the multilateral trading system, to the freedom of trade and navigation, to the principles of the Charter of the United Nations, to International Law and to the rejection of the extraterritorial application of a national law, are expected to vote again on October 27, 2015 in favour of the draft resolution at the UNGA which demands the lifting of the Blockade;

Be it Resolved that this Honourable House express itself on the morality, legality and desirability of this decades-old blockade against Cuba and give support to a dialogue between the US and Cuba and to the Government of Jamaica in putting forward Jamaica's position on Tuesday, 27th day of October 2015, in support of the anticipated draft resolution.

Thank you, Mr. Speaker.

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Mr. Mair.

Mr. MAIR: Mr. Speaker, I beg to give notice that at the expiration of 21 days I will be asking the Minister of Science, Technology, Energy and Mining the following questions. Thank you, Mr. Speaker.

Question:

Can the Minister advise, based on the report on the mandatory review of the *Access to Information Act* done by a Joint Select Committee, and tabled and approved by the House of Representatives in 2011, when the Bill amending the said Act will be tabled in Parliament?

The SPEAKER: Mr. Smith.

Mr. SMITH: Mr. Speaker, on behalf of the Member from St Andrew North Central, I beg to give notice that at the expiration of 21 days, he will be asking the Ministry of Industry, Investment and Commerce the following two sets of questions.

First set of questions:

Question 1:

Will the Minister please confirm or deny the existence of a policy that requires importers of motor vehicles to be granted an import licence prior to the arrival of these vehicles into Jamaica?

Question 2:

If the answer to Part 1 is in the affirmative, will the Minister please advise this Honourable House if he is aware that three shipments of cars have been imported into Jamaica without import licences and are being stored on the wharf?

Question 3:

If the answer to Part 1 is in the affirmative, will the Minister please advise whether or not he is aware of this importation and what, if any action he has taken to address this breach?

Second set of questions:

Question 1:

Will the Minister please state if it is a fact that the *Things Jamaican* shop at the Norman Manley International Airport has been closed?

Question 2:

If the answer to Part 1 is in the affirmative, will the Minister please indicate the specific reason(s) that led to its closure?

Question 3:

Will the Minister please state if the Ministry is examining the possibility of reopening this facility in the future and if so, within what time-frame?

Question 4:

Will the Minister please state whether or not there are any plans to close additional shops and if so, which ones?

Question 5:

Will the Minister please advise the Honourable House on the future plans for the *Things Jamaican* organization?

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, today we will commence with Public Business, with Item 7 which is really a continuation of the debate that was commenced some weeks ago, "An Act to Repeal and Replace the Cyber Crimes Act'. I had opened the debate and I am anticipating a response from the spokesperson from the Opposition and we are intending to close the debate today.

CYBER CRIMES ACT, 2015

The SPEAKER: Dr. Wheatley.

(Applause)

Dr. WHEATLEY: Thank you very much Mr. Speaker.

As stated by the Minister, the Cybercrimes Act of 2015, the Bill was brought to the House a couple weeks ago and the Minister outlined in his address then some of the issues that this particular Bill seeks to address, such as the unauthorized access to computer programme or data, access with the intent to commit or facilitate the commission of offence, the unauthorized obstruction of operation of computer, use of computer for malicious communication, offences related to protected computers and a number of other issues.

Mr. Speaker, let me first acknowledge the work of the Joint Select Committee, the legal draftsmen and others who played their role in getting the legislation to this stage. When the Report was tabled in Parliament, the Opposition supported the recommendations coming out of that Joint Select Committee and in fact, Mr. Speaker, the Opposition still supports in principle recommendations coming out of that subcommittee. But, Mr. Speaker, we wish to highlight some concerns as we seek to make the legislation more practical, effective and fair for all. I believe the Bill while it captured or captures most of the intent of the Bill, there are some areas where we believe will inhibit the use of the technology.

Mr. Speaker, as a country, we talk about agriculture and farming and that we need to produce. It is the same as it relates to ICT, Mr. Speaker, and whenever we try to create legislation, it must be to promote while preserve and ensure that we protect the users, but also we must not have it in such a way that

it inhibits progress and development and innovation.

And so, Mr. Speaker, I want to just for the benefit of the House to go back to the definition of a computer and computer services. Computer, Mr. Speaker, as in the Bill, means any device or group of interconnected or related devices one or more of which pursuant to a programme, performs automatic processing of data. And, Mr. Speaker, it includes any data storage facility or electronic communications system directly connected to or operated in conjunction with such device or group of such interconnected or related devices. It does not include such devices as the Minister may prescribe by order published in the *Gazette*.

Computer service, Mr. Speaker, includes provision of access to any computer or to any function of a computer, computer output, data processing and the storage or retrieval of any data. So, Mr. Speaker, the definition is very clear, it ranges from a laptop, a tablet, even your cell-phone, so it covers almost all devices that you could think of as it relates to data processing and of course, communication.

Mr. Speaker, work will have to be done based on the definition to sensitize and inform the public of this rather sweeping and comprehensive definition as to what is considered to be a computer.

Mr. Speaker, Section 5 of the Bill states that a person who does any act which that person knows is likely to cause any unauthorized modification of the content of any computer commits an offense. 2(b) states Mr. Speaker, states that it is immaterial whether the modification is or is intended to be permanent or temporary. Mr. Speaker that is a very important statement. Our issue with the implications of this particular section, Mr. Speaker, is that this could result in IT practitioners being held criminally liable to task they performed in the routine execution of their duties.

Section 2b Mr. Speaker further maintains the spectra of criminality even after corrective measures have been taken. Mr. Speaker, now it is not to say that there will be no benefit from this section; we recognize the benefits they are very clear. But we fully recognize also, Mr. Speaker, that a valuable and much needed spin-off of the section will be the implementation of a greater level of governance and change management best practices.

Mr. Speaker, this will augur well for the IT industry as a whole. However, I want to ask the Minister or the Ministers, has any consideration been give to the additional costs this will incur on businesses. It is the Opposition's considered view, Mr. Speaker, that some reworking of the section is required. Mr. Speaker, we want to impress upon our service providers the need to secure authorization and indemnification in avoiding any undue exposure to legal liability. This section, Mr. Speaker will require that. So an IT professional...

(*Sotto voce* comments by Mr. Paulwell)

Dr. WHEATLEY: 2(b). Section 5 subsections 2(b).

Mr. Speaker, Section 6 states that a person commits an offence if that person knowingly

(a) secures unauthorized access to any computer for the purpose of obtaining directly or indirectly any computer service; or 2(b) without authorization - sorry 1(b) without authorization directly or indirectly intercepts or causes to be intercepted any function of a computer (2) the purposes of subsection (1) the access or interception referred to need not be directed at:

(a) any specifically indefinable programme or data or type of programme or data or;

(b) Any programme or data held in a specifically identifiable computer.

Subsection (1) also states, Mr. Speaker that it shall not apply to any interception permitted under the provisions of the interceptions of communications Act. And (4) for the purposes of this section intercepting includes - and this is very important Members, intercepting includes listening or viewing by use of technical means or recording a function of a computer or acquiring the substance meaning or purport of any such function. This is very critical.

Mr. Speaker, our consultations with various experts in the industry have led us to the conclusion that some clarification again needs to be made here. Taking into consideration Mr. Speaker, the real world task performed by network engineers and cyber security practitioners, some clarification and understanding as it relates to interception may be necessary. Mr. Speaker, this could bring even some of our largest network operators into conflict with the law because, Mr. Speaker, some of the methods or the practice of ensuring that their system operates optimally will of course, as you know involve some levels of interception. And I don't want to dwell much on that, but I am sure the Ministers will agree, both Ministers that interception, how it is used here needs better definition because we know that operators do some level of interception which can be called criminals under this Act. So we have to ensure that we clear up that section.

Now, Mr. Speaker, I am sure the Ministers, you know, based on my numerous pronouncements will be coming afterwards with some answers and I do hope that the Ministers do not believe that my position is of a combative one, but one that - I want to ensure that while we put legislation in place to secure our people, especially from cybercrimes that we do not, at the same time, stifle growth and development.

Mr. Speaker, Section 9.

(*Sotto voce* comments by Mr. Robinson)

Dr. WHEATLEY: You know it, I am sure you expect that one, you are coming with that amendment very good, very good.

(*Sotto voce* comments by Mr. Pryce)

Dr. WHEATLEY: You don't worry yourself; you are not going any further you know.

(*Sotto voce* comments by Mr. Pryce)

Dr. WHEATLEY: Dreaming, eeh?

Well, Mr. Speaker, Section 9 we have work to do here you know.

Section 9, Mr. Speaker, says that:

1) "A person commits an offence if that person:

a) uses a computer to send to another person any data (whether in the form of a message or otherwise) that is obscene, constitutes a threat, or is menacing in nature; or

b) intends to cause, or is reckless as to whether the sending of the data causes annoyance, inconvenience, distress, or anxiety to that person or any other person.

2) An offence is committed under subsection (1) regardless of whether the actual..."

Mr. Speaker. Mr. Speaker, I want you to listen to this part, Mr. Speaker.

"An offence is committed under subsection (1) regardless of whether the actual recipient of the data is or is not the person to whom the offender intended the data to be sent."

Mr. McKENZIE: Like the list. Like the list.

Dr. WHEATLEY: Mr. Speaker, this section by itself perhaps has the most far-reaching implications of any section in this Act. The intention of this section, Mr. Speaker, is no doubt to reduce instances of cyber abuse and bullying which we fully endorse, however it seems to be completely oblivious to the level of sophistication of the layman technology user. And I make reference, special reference, Mr. Speaker, to the sentence "...regardless of whether the actual recipient of the data is or is not the person to whom the offender intended the data to be sent."

Mr. Speaker, I am sure that Members on both sides of this House will agree that this section cannot stand as is. Some of us, Mr. Speaker, in this very Chamber, and for that matter thousands of citizens, will be held criminally liable. It cannot be that a person who generally makes a mistake while sending an e-mail, text message, or other correspondents could be charged with a crime. This would seem, Mr. Speaker, us being caught up in legal wranglings as the people - Mr. Speaker it will see persons being caught up in legal wranglings as they will be required to go to court to establish intent. Mr. Speaker, let us consider the fallout and the inconvenience this could have, and the overwhelming burden this kind of approach would place on our criminal justice system and the strain it would add on the polices' investigative capabilities in the current crime atmosphere.

Mr. Speaker, our police are already under tremendous pressure having to grapple with the spike in murders and our crime problem in general. Mr. Speaker, just to put it into context, the Members from North West St. Ann and East Rural St. Andrew would, like several others, find themselves in hot water if the section were applied to their exploits in social media. Need I say more colleagues?

Mr. PRYCE: Yes.

(Laughter/*Sotto voce* comments by Government Members)

Mr. ROBINSON: Where you going with this?

Mr. M. PHILLIPS: You see how you a sweat?

(Heckling)

Dr. WHEATLEY: Mr. Speaker, Section 10, Mr. Speaker, Section 10 states:

"A person commits an offence who, for the purpose of committing, or facilitating the commission of an offence under any of Sections 3 to 9, possesses, receives, manufactures, sells, imports, distributes, discloses or otherwise makes available -

a) a computer
b) any key; or
c) any other data or device designed or adapted primarily for the purpose of committing an offence under any sections of 3 to 9."

Mr. Speaker, this section requires some clarity.

Our interpretation of this section is that computer hardware or even software vendors could be held liable for equipment they have sold to customers that are used in committing an offence. Bearing in mind Mr. Speaker that a vendor may not know what a potential hacker has in mind for a computer purchase, but it seems unfair that a vendor of computer equipment should be held responsible for an offence committed by a customer. It is almost as if guilty by customer association is being established as a reason for prosecution. Again, Mr. Speaker, this requires decent hardworking people to find time to go to court to prove their intent. Again, there needs to be some reworking or rewording or clarification as it relates to this particular subsection.

Section 11 states that:

"Where a computer in respect of which an offence under any of Sections 3 to 10 is committed is a protected computer, the offender shall be tried on indictment in the Circuit Court and shall be liable upon conviction to a fine or imprisonment for a term not exceeding twenty-five years, or both such fine and imprisonment.

(2) For the purposes of subsection (1), "protected computer" means a computer which, at the time of the commission of the offence, the offender knows, or ought reasonably to know, is necessary for, or used directly in connection with -

a) the security, defence or international relations of Jamaica;
b) the existence or identity of a confidential source of information relating to the enforcement of the criminal law of Jamaica;
c) confidential educational material, such as examination materials;
d) the provision of services directly related to communications, infrastructure, banking and financial services, public utilities, public transportation or essential public infrastructure such as hospitals, courts, toll roads, traffic lights, bridges, airports and seaports; or
e) the protection of public safety, including systems related to essential emergency services such as police, fire brigade services, civil defence and medical services."

And it goes on, Mr. Speaker.

The stipulations in this section we feel

will find the Minister doing a lot more work than is necessary, simply because the definition of a protected computer constantly changes. I am sure that both Ministers can appreciate that. So the definition with the evolving of the technology, the term "protected computer" will continue to evolve, and so the Minister will have to do a lot of work as it relates to ensuring that the legislation keeps abreast of the changes in the society as it relates to the technology. As such, someone's prior knowledge of what a protected computer is defined to be may lag behind what is really - what the reality is, based on the law. So a person who is not up-to-date as it relates to the law will then have to be so inclined to keep abreast of the changes with the legislation to ensure, based on the definition here, as to what a protected computer is.

In fact, Mr. Speaker, in my deliberations with my team as it relates to the sections in this Act, some things were abundantly clear. Legislation for more sophisticated jurisdictions are being applied to our local situation with seemingly no consideration for the realities in Jamaica. An impact assessment of the new laws being proposed clearly has not been done, and with that said, Mr. Speaker, I think it is a good time to query from the Ministers if any such legislative impact assessment was considered. I do hope that one of the Ministers, or both, will shed some light as it relates to this particular question, if any legislative impact assessment was considered prior to tabling of this particular Bill.

Section 17 and 19.

"Where a constable is satisfied that-

(a) data stored in a computer or any data storage medium is reasonably required for the purposes of a criminal investigation; and

(b) there are reasonable grounds for suspecting that the data may be destroyed or rendered inaccessible;

(c) the constable may by notice in accordance with subsection (2) given to the person in possession or control of the computer or data storage medium as the case may be, require the person to ensure that the data be preserved;"

and 19(1):

"If any computer material is seized or rendered inaccessible in the execution of a warrant under Section 18(1), the person who executed the warrant shall, during the execution, or as soon as possible thereafter -

a) make a list of what has been seized or rendered inaccessible; and

b) give a copy of the list to the person to whom the warrant is addressed or the occupier of the premises on which the warrant is executed.

Sounds very simple and straightforward.

However Mr. Speaker, the concerns the Opposition has with this section is primarily with the treatment of data that may not be related to any investigation being conducted but is of considerable intellectual value to the

owner or is deemed confidential. I repeat that. Our primary concern is with the treatment of data that may not be related to any investigation being conducted but is of considerable intellectual value to the owner or is deemed confidential.

There are no adequate or acceptable details about the treatment of private and confidential data that is not relevant to the ongoing investigations and the way this data is handled. This is further compounded, Mr. Speaker, by the absence of data protection and privacy legislations which we have been calling for some time now. Mr. Speaker, how will situations where keys, example, passwords are required, be treated, keeping in mind that a key may provide access to all data, not just data pertinent to an investigation? And I am sure everyone of us have seen or heard of cases where persons give access, or for example, just go to a simple phone repair store and you give access to the repairer by giving that repairer your password, and you have some photos, for example, or some other information.

Mr. FAGAN: Photos, say photos.

Dr. WHEATLEY: Information. Information.

(Laughter by Government Members)

I don't want to talk about your photos, you know. Information.

(Laughter by Government Members) Information, and -

(*Sotto voce* comments by Government Members)

Mr. SILVERA: Uncompromising photos?

Dr. WHEATLEY: Mr. Speaker, information, whether it be photos or other intellectual material being…

(Heckling)

(The Speaker gavels)

…being copied from or taken from that instrument, and it is all over social media. All over social media. What level of protection does a citizen have when a constable, notwithstanding the fact that we believe that all our officers are upstanding persons, but suppose there is a situation where a constable, whether maliciously or otherwise, should in the process of having access via a key or a password –

Dr. PHILLIPS: So you never raise those things at Joint Select Committee?

Dr. WHEATLEY: As I said before, you know, the Joint Select Committee recommendations are very good recommendations, I support it, but is the way the legislation is now crafted, there appears to be a number of gaps, and so we are here to fill those gaps.

Mr. D. SMITH: Hear, hear!

Mr. M. PHILLIPS: Well he wouldn't know, you know. He only came to two meetings so he wouldn't know.

Mr. SILVERA: Out of ten -

Dr. WHEATLEY: Well, Mr. Speaker, this is a very serious issue and while my colleagues over there are laughing they don't understand but I'm sure, if Mr. Speaker I should come here and present some photos of my colleagues on that side -

(Laughter by Government Members)

I don't waan go there, you know. Mr. Speaker, I will not go there, and I am warning some of my colleagues, be careful, be careful.

Mr. ROBINSON: You threatening me?

Dr. WHEATLEY: Be careful. But Mr. Speaker, on a more serious note. There are no adequate or acceptable details about the treatment of private and confidential data that is not relevant to ongoing investigations and the way this data is handled.

Mr. Speaker, all those requirements that a key or a password be provided, affect issues of citizens' rights to privacy, and moreso, the possibility of self-incrimination - a very critical point that we need to consider.

Mr. Speaker, Section 22 states that this Act applies in respect of conduct occurring wholly or partly in Jamaica, wholly or partly on board a Jamaican ship, or Jamaican aircraft, wholly outside of Jamaica, and attribute to a Jamaican national, or wholly outside of Jamaica if the conduct affects a computer or data wholly or partly in Jamaica, or wholly or partly on board a Jamaican ship or Jamaican aircraft.

Section 2, Mr. Speaker, defines a Jamaican aircraft, a citizen, and so forth, and so forth. But, Mr. Speaker, the jury is still out one this section given the extraordinary reach that this has.

(MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern, entered and took his seat.)

One question is how this will be enforced, and that, perhaps Mr. Speaker, some light can be shed on existing, or proposed partnership with other jurisdictions, in furtherance of the enforcements of this section.

Mr. Speaker, the Opposition supports the Cybercrimes Bill here before us, in principle. We supported the recommendations coming out of the Joint Select Committee. However, Mr. Speaker, there appears to be some disconnect with the recommendations, and now the Bill that was tabled here. And maybe, Mr. Speaker, it is appropriate that we are having this Debate to iron out these issues, because I am sure that both sides realize that cybercrimes is something that we need to plug as is. We heard the Minister of National Security saying that the murders that took place in Hanover is as a result of scamming - lottery scamming - which of course, is a cybercrime.

But, Mr. Speaker, it must not be that in our effort to put legislation in place to stem cybercrimes, that at the same time we are stifling or preventing our citizens from fully utilizing technology that's available to us to advance us as a society, to ensure that Jamaica is not left behind, where we not only look at Jamaica as a user or consumer of the technology, but also be innovative to become producers of the technology, and ensure that Jamaica grows like the rest of the world.

And so, Mr. Speaker, in closing, I do hope that the Ministers and the Members on the other side will give serious considerations to some of the issues, or the issues that we have presented here, because it is not something that we believe that we should be very antagonistic towards each other about, but one

where we need to work together to ensure that we utilize the technology that is available while at the same time stem the level of crime resulting from cybercrime activities.

Thank you very much. (Applause)

The SPEAKER: Mr. Robinson.

Mr. ROBINSON: Mr. Speaker, let me thank the Member from South Central St. Catherine, and the Opposition, for the constructive comments he has made with regard to the Cybercrimes Act.

I want to start by indicating the process that we went through in the amendment of this Act. The first Cybercrimes Legislation was promulgated in 2010. It called for a review after a three-year period. We established a Joint Select Committee two years ago in 2013. The Joint Select Committee met eight times. In addition to the Members of the House who participated, we deliberately invited submissions from the general public, so we placed an advertisement in the newspaper. We had submissions from a number of, what you might call, civil society groups: the Press Association, the Media Association, the Bar Association participated.

We went further, Mr. Speaker. We had engaged the services of an international consultant. His name is Dr. Marco Gerche who has - you know him, Daryl...

Mr. Daryl VAZ: Yes.

Mr. ROBINSON: ...who has expertise in cybercrimes and the development of cybercrime laws across the globe. He also participated in the deliberations.

Mr. Speaker, I say that to make the emphasis that there was extensive consultation in looking at the amendments to the Cybercrimes Act which went beyond the normal purview of just Members of this House, but we went broader, and we included experts globally. And in fact, Mr. Speaker, probably for the first time we had a Joint Select Committee where persons from abroad participated via Skype, right here in this Chamber, and gave very constructive and useful comments.

Mr. Speaker, we went further. After the amendments were made and everything - and I take in good faith what the Opposition Spokesman has said, because some of the concerns he has raised, members of the industry has raised, but we went further. Even after those concerns were raised, we met with members of the industry: the National Advisory Committee on ICT; we met with the Jamaica Computer Society, and we went extensively through the provisions and provided clarity. But, Mr. Speaker, for the purposes of the House, and this Debate, I am going to go through the items that the Member from South Central St. Catherine raised.

The first issue he raised was the definition of a computer, and I don't think there is any argument there. His only point was that we need to ensure that there is education. And when I wrap up, I am going to go through what we are doing with the National Cyber Security Strategy which we collaborated on, which we shared with the Opposition, and which they gave us input on, and I will share what we are doing with public education in that regard. But there is no issue with the definition of computer.

Sections 5 and 6 he has raised concerns about, which others have as well. And I want to refer to Clause 2(4) of the Cybercrimes Act because there is a particular emphasis on *unauthorized*, and I think it has to be made clear. Legitimate ICT professionals who are doing their jobs on a normal basis are not affected, and I am going to spell out what *unauthorized* means.

Clause 2(4) of the Bill provides guidance on what activities would be viewed as unauthorized. It states:

"*For the purposes of this Act, a person who accesses, modifies, or uses any programme or data held in a computer, or causes the computer to perform any function, does so without authorization if:*

i. he is not himself entitled to control the access, modification, use or function of the kind in question;

ii. he does not have consent for the access, modification, use or function of the kind in question from any person who is so entitled; and,

iii. he is not acting pursuant to a power of function given to him under this Act, or the Interception of Communications Act.

What this means, Mr. Speaker, is that a normal ICT professional would not be captured here, because he would have authority to perform the functions he is functioning. The people who we are dealing with here are people who have no authority, and who do so willfully to access systems that they should not be accessing.

So I want to make it clear to the Member - and I know his concern is shared by others - that this does not at all affect those persons who legitimately have authority to deal with ICT systems.

(*Sotto voce* comments by Dr. Wheatley)

Mr. ROBINSON: I think part of the discourse - we need to have further dialogue with the professionals because I know they have the concerns but this does not affect them because they are acting with authority. The people we're dealing with are the people who are not acting with authority.

(*Sotto voce* comment)

Mr. ROBINSON: We could deal with it in Regulations too. Mr. Speaker, I want to - that's Sections 5 and, as I said, I know concern has been expressed there. Section 9 is the one that has probably caused the greatest concern, and that relates to - and we included this, Mr. Speaker, because there is a new phenomena of what is termed as cyber-bullying where persons willfully send messages which are designed to annoy, harass, *et cetera.*

But we recognize - I want to make two points in relation to this, and emphasize two things. First, the data that is sent must be obscene, constitute a threat or is menacing in nature. That is the first point. And secondly, the persons sending the data does so intending to cause, or are reckless as to whether the sending of the data causes annoyance, inconvenience, distress, *et cetera.*

Now, Mr. Speaker, in recognition that there were concerns about this aspect of the Bill, we have made, and we are proposing

some amendments to this. And I just want the Member to follow me here, in terms of what we are proposing as the amendment. Section 9... and we intend to delete Clause - subsection (1); we intend to delete 9(1)(b), and we intend to replace it with the following:

"A person commits an offence if that person willfully –

and I am placing the emphasis on '*willfully' –*

uses a computer to send to another person any data that is obscene, constitutes a threat, et cetera".

So, Mr. Speaker, I want to assure persons who may send a message and they think that simply sending a message which might be a joke or something, that you will be caught here. That's not what this provision and the Act is meant to deal with. It is meant where persons willfully, with intent, and secondly where the data that is being sent is obscene or constitutes a threat.

Mr. SAMUDA: Could you yield a minute, please; I am just asking a quick question. Minister, what mechanisms, if any, are you contemplating to monitor that of which you speak, because, recently we saw where Mercer killed nine people in a school, and when they checked his computer, everything that manifests itself afterwards was contained on his computer? But, in America, a highly sophisticated society, did not know that that was taking place.

(*Sotto voce* comment by Mr. Chuck)

Mr. ROBINSON: Mr. Speaker, what the Member has raised is a serious concern, and there has to be a balance between what is legitimately a national security concern, and privacy. Now, in the same way that in our Interception of Communications Act, if the police have reason to believe that you are engaged in criminal activity, they can go to the Court to request - they can go to a Resident Magistrate, for example, to request that your phone be bugged, as an example.

(*Sotto voce* comment)

Mr. SMITH: Not Resident Magistrate.

Mr. ROBINSON: They can't... all right, Supreme Court. Derrick, don't hold me to that one. But similarly, what we have found with many of the criminal activities taking place is that in chatrooms, on social media, persons indicate their intention in these ways. Now, is a balance because you can't just go to intercept unlawfully, everybody who is on social media, but certainly, if the police have intelligence to believe that someone is planning to commit an offence, they would have to go through the appropriate legislative means to secure access to that data which could prevent a crime taking place, so it's something which is of great concern, and which we will have to manage in this jurisdiction.

Dr. WHEATLEY: May I... just for clarification here.

Dr. PHILLIPS: No, no!

(*Sotto voce* comments)

Dr. WHEATLEY: It is to assist, you know, it is to assist.

Mr. CHUCK: You always ask, of course, he can ask.

Dr. WHEATLEY: Minister, if, for example, myself and Member Chuck here, we communicate with each other and we use certain language, for example...

Mr. CHUCK: And codes.

Dr. WHEATELY: ...and codes, which by mistake I will say... type in, for example, DL for Delroy, part of his e-mail address, and it comes up...

Mr. CHUCK: Or ISIS...

Dr. WHEATLEY: No. (Laughs) Say for example, I am typing the recipient's name and I put in DL, and normally you have that auto...

A MEMBER: Auto correct.

Dr. WHEATLEY: Yes, auto correct. And so, someone else who sent me some e-mail some time, professional that I interacted with some time ago, and I just pressed enter, and so the message is inadvertently sent to that person, but the person now thinks that the message that I sent to him is very offensive, or he takes issue with that message.

Now the problem is that I'm wondering now how it is written? If that person is very malicious, now go to the police and report that I sent to him an email that contains certain obscenity. Not that I would send that to my colleague here or - but on a serious note, the problem is that, you know, how do you deal with a situation like that? And I think that is something that we need to strike a balance on as it relates to this particular - in this Bill here.

Mr. ROBINSON: And that's a valid question. But again to emphasize, which is why we've made the amendment to address the issue of '*willfully*', and remember what you're sending...

Dr. WHEATLEY: The onus is on you to prove to make... (Inaudible)

Mr. ROBINSON: Will. But what you're sending first must constitute a threat, must be obscene or menacing in nature, right, and it must be willfully sent.

Now clearly in the case that you mentioned, that was inadvertently sent, there was no intent on your part to cause this so it wouldn't qualify as constituting an offence under the Act.

Dr. WHEATLEY: But who would prove the intent?

Mr. ROBINSON: Well it's going to be a court of law; it can only be a court of law, that's the reality. I mean there are many other cases in other legislation where persons may be arrested, but then you have to go and prove it in a court of law.

Alright, let me address the issues related to Section 10, and again that relates primarily to what I would call the aiding and abetting. And the Member raised concerns that again, someone who may have provided a computer or who may have provided a device may be criminally liable.

Mr. Speaker, this is - the provisions in here are not necessarily any different from many of the other Acts which exist. If, for example - and I just used the analogy - if you, for example, provide a gun to someone who commits a crime, right, you are going to be treated as an accessory. Similarly, if you provide a computer or some other device which is used then to commit a crime, it's the same principle.

Now again, in the subject of a court of law, if you argue that you provided the computer and you did not know that the person was going to commit an offence, then that becomes something which you're - the

Court will have to adjudicate on. But what we're trying to deal with here are persons who deliberately provide an accessory to those who're committing criminal activities.

The Member raised concerns about Section 11 and about the definition of a protected computer and the fact that we may need to make amendments as we go. I don't think that's a major issue if we do need, and we can bring amendments or it can be treated in regulation as we move forward.

He also made reference to Section 17, I think it is - let me just find that - Section 17, Section 19, 19 which deals with the issue of the police accessing your data, some of which may be relevant to the particular crime, but others not, and I think that's a genuinely valid concern.

Again the analogy I would use in the physical world is, if the police obtains a search warrant for your house, there may be one room in which the basis of their primary investigation is, but they may also search the entire house because they may believe there are other things in the rest of the house that might assist them in their investigation. But I do take it as a valid concern that they may have access to data which is confidential or, as you said, proprietary, and that's something we gwine have to manage. And I know it puts a lot of trust on the part of the security forces, but it's something that we will have to manage, but I accept that as a legitimate concern.

The Member also raised the concern about how far the jurisdiction in terms of cyber-criminal activities. But I know the Member would be acutely aware that you can be anywhere, quite frankly, you don't have to physically be in Jamaica because of the technology to commit a crime. So a perpetrator of a cybercrime in Jamaica can be physically present anywhere in the world, and the hackers of a server in Jamaica may be half way around the world. And in fact, our own investigations, based on some of the activities that we have been subject to, are that some of the persons who are participating are not necessarily residents in Jamaica.

So the provision seeks to ensure that wherever the offence is committed, once the activity was conducted partially or wholly in Jamaica or by a Jamaican, the person if caught, can be prosecuted here in Jamaica. And we have corporation mutual legal assistance treaties, we don't do it a lot, but a mean, if someone commits a crime, as we extradite people to other countries, so we can also request that person.

(Inaudible comments by Dr. Wheatley)

Mr. ROBINSON: It's not practiced often, but it can be done. And really, the provision in this legislation is to cover that, so that covers that.

Finally, Mr. Speaker, the Member refers to the issue of data protection, and he has raised the issue on a number of occasions. We're committed, Mr. Speaker, to providing and having data protection legislation by the next financial year. This legislation, Mr. Speaker, will have significant and far-reaching implications for persons who manage data, financial services institutions, governmental institutions, but it's really designed to ensure

that individuals who share data online have appropriate protection.

Mr. Speaker, I just crave your indulgence for two minutes to share what we're doing in terms of our cybersecurity strategy. We passed the strategy and it was launched in January of this year. The strategy has four critical components.

The first relates to legal and regulatory environment, and hopefully today we will complete the passage of the Cybercrimes Act, which is one of the critical milestones. I mentioned that we're also going to be dealing with data protection legislation in the next financial year.

The second area relates to technical measures. We are quite advanced, I'd say 90% complete in the establishment of our cyber emergency response team. We have already trained over 40 persons in the public sector; we have gotten the physical equipment; we've identified a location and we expect the cyber emergency team to be operational before the end of this year.

Thirdly, Mr. Speaker, in terms of capacity building - and this is probably one of the most challenging areas - we recognized that throughout Government, many of our MIS officers do not have the requisite cyber security training, and as such there is exposure to the systems that they have to manage. We have undertaken a process to upgrading those officers so that every officer in every Ministry, Agency and Department, will be exposed to some level of cyber security training.

Mr. Speaker, we've also recruited the first Chief Information Officer for government, Dr. Louis Shallal, who will have responsibility among other things, for ensuring that there are common standards across all Ministries, Agencies and Departments to ensure that at every level, we have a basic minimum standard that prevents particular types of cyber-criminal activities.

The fourth area of the strategy, Mr. Speaker - and it relates to the first point the Member raised - is public awareness and the public awareness campaign. This month, actually, is Cyber Security Awareness Month globally. We will be launching, before the end of the month, a cyber-security campaign. We have enlisted and gotten the support of a number of private sector companies, starting in the financial services institution, and very shortly you'd be seeing an advertising campaign in both the print and the electronic media, raising awareness about cyber-security issues.

We're very cognizant as a government, as a government that has worked hard to increase access to technology and computers, whether it is through our islandwide broadband network where we've connected our schools, post offices, libraries, 60 of our health centres and hospitals and now we've connected nine (9) of the 70 police stations. We are cognizant that moving more and more data online requires that there'll be a commensurate effort in cyber awareness.

The work we're doing we're a community access point, where we've built out over 230 of these throughout the length and breadth of Jamaica. Our Tablets in School Project, where

we've distributed 25,000 tablets to 38 institutions across the board.

Mr. VAZ: Unoo nuh reach Portland.

Mr. ROBINSON: Portland under this too.

(Inaudible comments by Mr. Daryl Vaz)

Mr. ROBINSON: Mr. Speaker, we as government are committed to ensuring that every Jamaican has access to the technology. We are committed equally to ensuring that as we move online, provisions are in place to protect Jamaicans who want to do business online.

Mr. Speaker, I hope I've addressed the concerns raised by the Member. We will continue whether in the House or otherwise, to deal with the ICT practitioners who have concerns. But we believe the provisions in the Act here are designed to protect Jamaica as a country and the world in which we operate.

Thank you very much, Mr. Speaker.

(Applause)

Mr. PAULWELL: Thank you very much, colleagues.

(Inaudible comments by a Member)

Mr. PAULWELL: Absolutely not.

...for the interventions.

Mr. Speaker, my colleague who chaired the Committee and who, in his ministerial responsibility directs this area, has quite adequately...

Mr. VAZ: Him sound more confident than yuh.

Mr. PAULWELL: ...addressed the issues that the Member from South Central St. Catherine raised. I just want to make one point so that we can be clear what we're talking about. We're talking about crimes, crimes. And unlike strict liability crimes, these crimes require an act and an intent. And we have been faithful to ensure that both aspects are provided for so no innocent bystander will be caught by this. Nobody who is engaged in doing ICT business, programming, software development you name it, will be caught by this, you must have an intent to do some wrong. And the onus is to establish that in addition to the Act, that the intent has been proven.

Mr. Speaker, we will be at Committee Stage moving some amendments, amendments in relation to the Long Title, Clause 9 as was raised, we intend to clarify that. And very importantly, if we're going to do an amendment to Clause 10 and we intend to insert a new Clause 28, I think all of these are intent on making sure that there is no confusion. And it is true, it is new, so we have to educate the public. And Minister of State has advised on a programme to do just that.

I therefore move for second reading of the Bill, Mr. Speaker.

The SPEAKER: The question is that the Bill be read a second time.

Put to the House and agreed to.

Bill entitled:

"AN ACT to Repeal and replace the Cybercrimes Act",

read a second time.

The SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

The CHAIRMAN: House Leader?

Mr. PAULWELL: Yes, Mr. Chairman.

The CHAIRMAN: You have some tidying up to do.

Mr. PAULWELL: Yes, I want to firstly deal with the Long Title, to insert - they're very simple amendments I'll just go through them - to insert next to the words, '*Cybercrimes Act*', the words, '*and to provide for consequential matters*'. And there are no other amendments until we get to Clause 9, so we could proceed.

A MEMBER: It was circulated.

Mr. PAULWELL: It was circulated, oh I gather it was circulated.

(DR. THE HON. KENNETH WYKEHAM MCNEILL, (PNP), Westmoreland, Western, Minister of Tourism and Entertainment, entered and took his seat.)

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

The CHAIRMAN: We have an amendment - you mentioned Clause 10.

Mr. PAULWELL: Well, we're going to have Clause 9, there is a new amendment to Clause 10 and...

The CHAIRMAN: A new clause.

Mr. PAULWELL: ...and a new Clause 28.

The CHAIRMAN: Okay, we shall proceed.

Clauses 1, 2, 3, 4, 5, 6, 7, and 8 put to the Committee and agreed to.

And you have...

Mr. PAULWELL: Yes, at Clause 9 if you're putting it.

The CHAIRMAN: Clause 9.

Mr. PAULWELL: Yes, to delete Section 1 and substitute therefor the following new subsection:

"(1) A person commits an offence:

uses a computer to send to another person any data (whether in the form of a message or otherwise) that is obscene, constitutes a threat, or is menacing in nature".

The CHAIRMAN: I put the amendment to Clause 9.

The amendment to Clause 9 put to the Committee and agreed to.

I put Clause 9 as amended.

Clause 9 as amended put to the Committee and agreed to.

Clause 10.

Mr. PAULWELL: Mr. Chairman, I want to draw your attention on Clause 10 to the words:

"*designed or adapted primarily for the purpose of committing an offence under any of Sections 3 to* 9".

We want to move those words back to the margin of subsection (1) to make sure that all the other items are, in fact, designed or adapted primarily for the purpose of committing an offence. So it's just a repositioning of that.

The CHAIRMAN: Okay. I put the amendment to Clause 9…

Mr. PAULWELL: It's 10. That's 10**.**

The CHAIRMAN: Ten. Those in favour.

(Cross talk)

Mr. PAULWELL: It's just a repositioning.

The CHAIRMAN: Oh, just a repositioning.

Mr. PAULWELL: It's really to move the words.

Okay. I put Clause 10.

Clause 10 put to the Committee and agreed to.

Clauses 11, 12, 13, 14, 15, 16, 17 and 18 put to the Committee and agreed to.

I put Clause 19.

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

Dr. WHEATLEY: Mr. Chairman, Clause 19. How do you plan to deal with Clause 19 as it relates to protection of the intellectual property or the protection of information that does not pertain to a particular investigation?

(HON. HORACE WASHINGTON DALLEY, OD, (PNP), Clarendon, North, Minister without Portfolio in the Ministry of Finance and Planning with responsibility for the Public Service, entered and took his seat.)

Mr. PAULWELL: That does not what?

Dr. WHEATLEY: Pertain to the information. How it is treated by the Constable.

Mr. PAULWELL: I thought Julian had dealt with that. Yes, I thought you...

Dr. WHEATLEY: The level of protection that we plan to offer to our citizens if they are being investigated and for example, the Constable as is...

Mr. PAULWELL: No, but these are adequate provisions.

Dr. WHEATLEY: How do we protect - but...

Mr. PAULWELL: Nobody can willy-nilly seize or utilize a person's equipment/devices without proper process.

Dr. WHEATLEY: I understand that in terms of serving of a summon that the process would have - they would have gone through the process of getting the necessary permission but the problem I'm having is the privacy of a person who is served that summon as it relates to information being stored on a device that is not part of the investigation. Do we offer them any level of protection?

Mr. PAULWELL: Nobody can use such information for illicit purposes.

Dr. WHEATLEY: No - so if a Constable for example, sees on the computer something of intellectual value then takes that and sell or copies it or gives to someone else, a competitor, there is no protection here.

Mr. PAULWELL: No, but Member we did say we're moving to also deal with the data protection law and that is going to provide adequate protection for such data. Mr. Speaker, may we put it.

The CHAIRMAN: Clause 19, those in favour.

Clause 19 put to the Committee and agreed to.

Clause 20, 21, 22, 23, 24, 25, 26 and 27 put to the Committee and agreed to.

Mr. PAULWELL: Mr. Chairman, I now wish to insert a new Clause 28, which is an amendment to the Interception of Communications Act, to make it keep in sync with these new provisions and I read:

> The Inception of Communications Act is amended in Section 2 in the definition of key by deleting the words, "*means any key, code, password, algorithm*" and substituting therefor the words, *"includes any key, code, password, algorithm, authentication or authorization token biometric identifier, gesture".*

The CHAIRMAN: I put the new Clause 28.

The new Clause 28 put to Committee and agreed to.

I put the Title and Enacting Clause - let me - I put the Title as amended 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.

Put to the Committee and agreed to.

The SPEAKER: I do report the Bill as having passed Committee Stage with two (2) amendments.

Mr. PAULWELL: Mr. Speaker, I move for 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 Repeal and replace the Cyber Crimes Act and to provide for consequential matters",

read a third time and passed.

THE OFFICE OF UTILITIES REGULATION, BILL

Mr. PAULWELL: Mr. Speaker, I now move to Item 20 on the Order Paper, which is an amendment to the Office of Utilities Regulation Bill. It's entitled: Office of Utilities Regulation (Amendment) Bill, 2015.

Mr. Speaker, you will recall on August 27 this year, a new Electricity Act was promulgated replacing the 1890 Electric Lighting Act. The new Electricity Act was the first step in modernizing the energy landscape in Jamaica. The second step in this process of modernization is to strengthen the regulation of the sector. The Office of Utilities Regulation is a statutory body that regulates the electricity sector and its powers are derived from the Office of Utilities Regulation Act.

One of the more crucial regulatory powers exercised by the Office of Utilities Regulation is its tariff setting power. As the Office of the Utilities Regulation executed its mandate of setting tariffs for the electricity sector, it became apparent to all of us that there was the need for the promulgation of specific guiding principles that would enhance transparency and investor confidence. Investors have repeatedly expressed concern as it relates to the seeming lack of transparency with the mechanism bring utilized to set tariffs for the

electricity sector. The OUR (Amendment) Bill will seek to address these matters by requiring the Office of Utilities Regulation to be guided by not only the amended Office of the Utilities Regulation Act, but also the new Electricity Act, the amended and restated All-Island Electric Licence, 2011 and certain principles - and I'm doing this on behalf of the Prime Minister - when setting tariffs for the electricity sector.

Further, an expanded governance framework is being proposed to the Office, which is the decision-making arm of the Office of Utilities Regulation. After extensive research, assessment and consultation, Mr. Speaker, the Electricity Sector Enterprise Team submitted recommendations to Cabinet for changes to be made to the legislation and policy environment of the electricity sector to enhance and improve the governance of the sector and to ensure alignment with global best practices. These amendments also take into account suggestions made by the Office of the Utilities Regulation. In order to spur development and facilitate growth in the economy, Cabinet approved the amendments to be made to the Office of Utilities Regulation Act regarding the governance structure of the Office as well as amendments to accommodate a redesigned and modernized tariff structure.

Mr. Speaker, consultations commenced with the commissioning of study on international best practices for licensing and regulation of the electricity sector. This study was carried out with the assistance of the World Bank who retained the consultants. Thereafter, further consultations were completed to achieve the Bill that is being presented today for consideration. Those further consultations consisted of meetings with the Electricity Sector Enterprise Team, the Office of Utilities Regulation, the Ministry of Science, Technology, Energy and Mining, the Jamaica Public Service Company and the World Bank consultant, Mr. Martin Pardina, a leading global consultant economist on utility regulations of the firm Macro Consulting. And I daresay that ESET also consulted with the Opposition - certainly with the Opposition Leader and his team.

The amendments to the Office of the Utilities Regulations Act are as follows - and I will go through clause by clause starting with the functions of the Office:

Section 4 of the Principal Act is amended so as to require the Office of Utilities Regulation to set the rates in relation to electricity in accordance with:

(The Speaker gavels)

1. The Office of Utilities Regulation Act and any regulations made thereunder;
2. The Electricity Act and any regulation made thereunder;
3. All policy directions issued by Cabinet with respect thereto;
4. The tariff provisions set out in all licenses and enabling instruments; and
5. A determined rate of return on investments calculated with guidance from the Bank of Jamaica.

Section 4 of the principal Act is also amended so as to require the Office of the Utilities Regulation, when setting rates, to

take into account the following:

1) The interest of consumers in respect of matters including the cost, safety and quality of the services;
2) Jamaica's economic development;
3) The best use of indigenous resources;
4) The possibility of including specific tariffs to encourage the regularization of, and payment for, electricity usage by consumers who are unable to pay for the full cost of the services provided;
5) And the possibility of including specific tariffs for special economic zones and wholesale rates for large consumers whose activities enhance Jamaica's economic development.

Section 4 of the principal Act is further amended so as to permit the Cabinet to issue to the Office of Utilities Regulation policy directions in respect of any prescribed utility service which the Office of Utilities Regulation must adhere to in carrying out its functions. Under the regulations, Mr. Speaker, because this, indeed, is a very short Bill, Section 16 of the principal Act is amended so as to allow the Office of the Utilities Regulation to make regulations prescribed in the procedure for and analytical tools to be used in determining the tariffs applicable to prescribed utility services for the generation, transmission, distribution and supply, dispatch and use of electricity.

Mr. Speaker, the Second Schedule which deals with the Constitution of the OUR and functions of the Director General. The Second Schedule of the principal Act is amended to change the constitution of the office. Currently the office consists only of the Director General and such number of Directors General as may be required or appointed. The Office of Utilities Regulation (Amendment) Act will now expand the office to include non--executive members as outlined below. Governance best practice for regulators recommends majority non-executive members to comprise the office which will enhance independent review of recommendations and decisions. The general management of the Office of Utilities Regulation will remain the responsibility of the Director General who will report to the newly constituted office.

The fourth schedule Mr. Speaker deals with the expanded office. The Office of Utilities Regulation Act is amended to include this Fourth Schedule to address the revised governance structure of the office. The office will consist of seven members and includes the Director General as an *ex-officio* member. The members will be appointed by the Governor-General for five-year term and remuneration will be determined by the Minister with responsibility for the public service, that is, the Minister of Finance. It is clear that the global best practice is to have independent oversight of regulatory bodies. The expansion of the office will achieve this within the original structure or construct of the Act. There is also an addition to express the basis upon which members of the office may be replaced and the circumstances in which the Director General or his deputy may be replaced. Those are all in the Schedule, the Fourth Schedule.

So Mr. Speaker, those are the amendments that have been recommended by ESET after the various rounds of consultations and after achieving assistance from the World Bank in trying to identify what are best practices globally. And I so move for the second reading of this Bill.

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: Mr. Speaker, there are just a couple of issues that I would like some clarification on.

The expanded composition of the executive, non-executive members and how we manage; can the Minister indicate on what basis would these non-executive members will be selected? Would it be by way of professional organization, would it be by way of their known qualifications to work within this area, and to what extent would the *ex-officio* member, that is the head of the OUR, play a role in determining the final outcome of any decision made by the *ex-officio* member.

The other issue Mr. Speaker, is that it is clear that in the past at least, the attitude of the OUR is very important for a harmonious relationship to exist between the main players and the OUR. That has not been present and indeed, it is viewed by one of the main players that that has been a contributing factor to the sort of clandestine warfare that has taken place.

Is the Minister in a position to advise this Honourable House if a deliberate attempt has been made to work in a more harmonious way, so that by working together we can get the best possible results?

Is it intended also, for ESET and the members of ESET to play a role more significant than that which they now play? Is it that it is intended for them to begin to participate in the setting of tariffs *et cetera*? Or is it that they will continue in the role that they play working in conjunction with the OUR to determine the best way forward for the expansion of the sector?

And finally, Mr. Speaker, we speak a lot about alternative energy and everyday you wake up you hear a new project being announced. But if you follow it to its logical conclusion this is something I would like the Minister to comment on in his closing. If you follow it to its logical conclusion what is going to happen is that the JPS will lose market share and this may impact on their profitability.

Now, what measures are being contemplated to ensure that the position of the JPS is not compromised to the extent where the quality of service starts to decline, because it is all a matter of dollars and cents and profits? And as you take off from the grid through alternate energy sources you might compromise the earning ability of the JPS.

Is it intended that these alternate energy sources will eventually feed back into the main grid and by so doing enable the JPS to maintain a minimal level of profit and return on investment to make it a viable relationship rather than now to be just constantly talking of expanding in alternate energy at the detriment of the only supply of energy in the country that is at this stage, the dominant supplier that you have to rely on, Minister?

Mr. PAULWELL: I want to thank my colleagues for allowing this debate to proceed,

largely because there has been a lot of consultations and dialogue.

Mr. Speaker, you are aware that we had in 2012 and we still have an energy council that meets and it has helped, I think, significantly to reduce the level of competition in this area and have certainly helped in sharing information. So when we get to Parliament on some of these matters there is tremendous consensus.

The Member for North Central St. Andrew has raised some questions so let me deal with them as they were raised.

So what we are trying to do Mr. Speaker, is to separate the executive arm of the OUR - those persons who are involved in investigative matters, who are involved in tariff setting from a non-executive arm that will comprise the new office.

Four members will be appointed by the Governor-General on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, four. Then one will be appointed by the Governor-General on the recommendation of the Private Sector Organization of Jamaica or such other body representing the private sector as the Governor-General is satisfied on the recommendation of the Prime Minister and after consolation with the Leader of the Opposition has succeeded to the function of the Private Sector Organization of Jamaica.

So one member of the PSOJ will also be a member of the new office after consultation with the Prime Minister and so this is not a function of the Minister. It is a function that the GG - not the Prime Minister - it is a function that the GG will be fulfilling and clearly a deliberate attempt not to in any way politicize the appointment of these new members. And of course, the Director General now is in a different position; he now reports to the independent members and so he is in an *ex-officio* capacity. I think, again looking globally, that's the best way to proceed.

The Member has raised the issue of the - what appears to be tremendous strife existing in the sector, and to such an extent, you know, it is not bad to have tension between the regulator and the regulated and even sometimes the policymaker gets into the fray, yes, and sometimes that is good because you don't want the regulator and the regulated to be too chummy, but you are right; when we have national objectives to peruse, all the parties must come together and decide that this is far more overwhelming for us to achieve than for each of us to hold our corners and to maintain our respective interests.

So ESET has been very useful in that regard because under the chairmanship of Vin Lawrence, and I want to congratulate him and the team for enabling better dialogue....

(*Sotto voce* comment by a Member)

Mr. PAULWELL: I am coming to that. Better dialogue and to a large extent the players are seeing things more harmoniously and that has really worked.

In terms of the future of ESET, ESET is not going to take on tariff-making functions, that is the role of the regulator and we will leave the regulator to do that of course accepting some of the guidelines that we think will enable a greater balance between the

interest of the Jamaican people and investors who now have to fork out millions of dollars to correct our energy situation. The role of ESET will be as a body that the Cabinet will from time to time ask to procure base-load capacity for the system.

The Member has raised an issue about renewable, alternative energy. And first let me say Mr. Speaker, the energy transformation is happening in Jamaica, as we speak the transformation is gathering steam and we are not being deterred by the lower oil prices that we are witnessing in the market.

Today I was so pleased to hear from the CEO of JPSCo that in Jamaica today there are some customers who are paying fifteen cents per kilowatt hour; the JPSCo CEO mentioned that today... (Applause) ...yes, the average price today is about twenty-four US cents, we are coming from close to forty cents in 2011. But there are some people - bearing in mind that our original objective was to get to between fifteen and eighteen cents so we are truly on the way. And notwithstanding the lower price of energy we are unrelenting in the transformation process and that transformation process has a number of areas.

Firstly, the recognition that renewables is what God has given us to generate electricity and we should try to, as far as practicable, maximize it. So we are very proud that as we speak today, not by announcement, no announcement, but by what is happening on the ground, US$200 Million worth of renewable projects are being implemented right now in Jamaica. Two wind projects - one at Wigton, an expansion of Wigton, an expansion from forty to sixty-odd megawatts, a new wind project in South East St. Elizabeth BMR which is a US$90 Million investment, 34 megawatt of new capacity and then the single largest solar project in the Caribbean, 20 megawatts in Content in Clarendon, $60 Million all of those are being implemented to make Jamaica the single largest user of renewable energy in the Caribbean come the middle of next year. That is very significant, Members.

(*Sotto voce* comments by a Member)

Mr. PAULWELL: Yes, I am coming to that. All of this is not being done in a vacuum, it is being done largely due to an integrated plan that has been developed, where a specific target has been established for renewable, we started at 20 per cent, we are now trying to get to 30 per cent. We have done the analysis, and we know that the grid can accommodate up to that amount and there will be no instability as a result but we have to ensure that we use the sun, the rivers, and the wind to generate electricity because that is what we have and we don't have to spend foreign exchange to achieve that. And all the players are on board, JPSCo including.

Today was a significant day for us because the next aspect of our diversification also starts to unfold with the work being done at Bogue in Montego Bay. One hundred and twenty megawatts of electricity being transformed from using automotive diesel oil to gas, in the form of LNG. So Jamaica now for the first time, after many years of trying to get gas, we now have gas largely due to our relationship with the United States of

America, the President of the US came here this year and out of that Jamaica became the first non-NAFTA country to get gas. That's a significant achievement. (Applause by Government Members) And that project will be completed come April, and then we have the 190 megawatt project at Old Harbour. So the transformation is happening, and I think it goes to, again, the harmony that exists across the aisle in relation to the implementation of our energy policy.

Mr. Speaker, I move for second reading of the Bill.

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 Office of Utilities Regulations Act",

read a second time.

(Cross talks)

(The Speaker gavels)

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. PAULWELL: Mr. Chairman, there is an editorial matter that we will deal with separately but there is going to be one amendment at Clause 7, so we can proceed.

The CHAIRMAN: Okay.

I put Clause 1.

Motion put to the Committee and agreed to.

I put Clause 2.

Motion put to the Committee and agreed to.

I put Clause 3.

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.

Mr. PAULWELL: Mr. Chairman, at Clause 7 in paragraph 5(c) of the new Fourth Schedule insert next after the words, "*any person*" the word, "*appointed*". A very simple straightforward amendment. I think it reads better, and makes sense. So, next after the words, "*any person*" the word, "*appointed*". It is not Clause 7 though. It's in the Fourth Schedule. Right. It's in paragraph 5 of the new Fourth Schedule, so it's not Clause 7 we are dealing with, we are dealing with the Fourth Schedule. So insert next after the words, "*any person*" the word, "*appointed*".

The CHAIRMAN: Appointed to act temporarily.

I put the amendment to Clause 7.

Motion put to the Committee and agreed to.

I put the Title and the Enacting Clause.

Motion put to the Committee and agreed to.

You have some editorial work, you say?

Mr. PAULWELL: Yes. At Clause 2 but that will be done -

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage with one (1) amendment.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage with one (1) amendment.

Mr. PAULWELL: Mr. Speaker, I move for third reading of the Bill.

The SPEAKER: The question is that the Bill be read a third time.

Put to the Committee and agreed to.

Bill entitled:

"AN ACT to Amend the Office of Utilities Regulation Act",

read a third time and passed.

Mr. PAULWELL: Mr. Speaker, the Minister of Finance will now take Item 12 which is the amendment to the Bank of Jamaica Act.

THE BANK OF JAMAICA ACT

The SPEAKER: Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker, this legislation before us seeks to amend the Bank of Jamaica Act and is a result of experiences in recent times both internationally and locally, which has underscored the importance of clearly defining and codifying and assigning the institutional responsibility for the stability of the financial sector as a whole.

Currently there is no such assignment of responsibility, there being multiple supervisory agencies none of which have the responsibility. There is the Bank of Jamaica, for example, there is the Financial Services Commission, but none of these supervisory agencies have the mandate to oversee the links between the different kinds of activities taking place within the financial sector nor is there any responsibility placed on any one of them to identify and address the potential risk that may arise.

To address these deficiencies, the Bill to amend the Bank of Jamaica Act that is before us seeks to give the Bank of Jamaica the overall institutional responsibility for the stability of Jamaica's financial system. Adding financial stability oversight to the role of the Bank of Jamaica has been the logical choice in light of that institution's existing supervisory role over deposit-taking institutions, and in view of their core mandate to influence conditions in money and credit markets and their essential function as a store of liquidity in the economy.

The Bill before us proposes to amend the Bank of Jamaica Act and to provide the specific procedures to be in place and powers to be in place to enable the Bank of Jamaica to perform this role.

Clause 2 of the Bill seeks to amend Section 2, that is to say, the interpretation section of the Bank of Jamaica Act, by amending or inserting definitions for the following terms: Financial institution, which will have the meaning assigned to it in the Banking Services Act, 2014. This will ensure consistency and greater clarity and it also introduces a definition for Relevant

Regulatory Authority which will mean the Bank of Jamaica, the Financial Services Commission, or such other regulatory authority for financial services operating in Jamaica that the Governor may specify by notice published in the *Gazette*.

Clause 3 seeks to amend Section 5 of the Act, which sets out the objectives or mandate of the Bank of Jamaica by including an additional mandate of ensuring financial systems stability.

Clause 4 seeks to amend the Act by inserting a new Part V(B) after Section 34(F) of the Act. This new Part V(B) will set out the provisions dealing with the new function of Financial System Stability. The new Section 34(G) sets out the definition of terms to be used in this part as it relates to Financial System Stability. Some of the important terms which are defined includes the following committee, which makes provision for the establishment of a Financial System Stability committee; it defines the term "financial system stability" which means in relation to Jamaica the orderly operation of financial institutions, financial markets, the payments and settlement infrastructure, and the capability of these components that make up the financial system to absorb internal and external shocks without impairment to the financial system, or to the real economy.

It also defines the term "macro prudential" oversight which includes:

1. The detection of risks to the financial systems stability, and the taking of effective measures to mitigate and control the risks.
2. Assessment of vulnerabilities in the financial systems, including those arising from links between the financial system and developments, whether in Jamaica or elsewhere, and;
3. The exchange of information among relevant regulatory authorities in Jamaica, overseas, and
4. Risks which includes the potential shocks that could disrupt the orderly functioning of financial institutions in Jamaica or financial markets in Jamaica, or Jamaica's payment and settlement infrastructure.

Section 34(H) contains provisions for the establishment of the financial sector oversight - Financial Systems Stability Committee which would be responsible for coordinating the activities pursuant to the objective of ensuring financial systems stability. The Committee will consist of six *ex-officio* members and two appointed officers. The section also sets out the criteria for being a member of the Committee and how an appointed member's appointment can be revoked. The procedures of the Committee with respect to frequency and conduct of meetings; appointment of support staff; recording of proceeding which shall be determined by the Committee are all outlined in this Section 34(H).

Let me just point out Mr. Speaker that in relation to Section 34(H) the *ex-officio* members of the Financial Systems Stability Committee shall be the Governor of the Bank of Jamaica who shall be Chairman, the Senior Deputy Governor or the Deputy Governor or

other senior officer of the Bank with assigned responsibility for the Bank's financial systems stability mandate, the Financial Secretary, the Deputy Supervisor of banks and financial institutions, the Executive Director of the Financial Services Commission, and the Chief Executive Officer of the Jamaica Deposit Insurance Corporation. Those are the *ex-officio* members, Mr. Speaker, and then there will be two persons appointed by the Minister, on the recommendation of the Governor. Two persons to be members of the Committee who shall be referred to as the appointed members.

The appointed members is provided for in subsection (5) of Section 34(H):

- shall be persons who are knowledgeable and experienced in financial regulation, public expenditure, or the formulation of macroeconomic and fiscal policies;
- have the relevant expertise, qualifications, or experience to make a valuable contribution towards the macro-prudential oversight of the Jamaican economy;
- who do not have any financial or other interest which could cause or result in a conflict of interest in respect of the activities of the Committee, and
- who do not fall within any of the grounds for revocation referred to in subsection (9). That is to say, they have to meet a fit and proper position.

And it's also the case that there are persons who are not eligible for appointment, and these include Members of the House of Representatives or the Senate, members of the Council of the KSAC or any municipal council or any parish council, public officers, directors, officers, employees or external auditors of a financial institution, or the connected persons in relation to financial institutions.

Subsection (9) of this section sets out the persons who may not be appointed or whose appointment may be revoked whether by virtue of physical or mental infirmity, or bankruptcy or being convicted of an offence involving dishonesty, failing to carry out the functions required of a member of the Financial Systems Stability Committee, or engaging in activities that may reasonably be considered to be incompatible with their continued membership of such a committee.

Section 34(L) sets out the provisions and tasks for the functions or task of the Financial System committee. The functions of the Committee cover tasks which include:

- macro prudential analysis, that is, producing forward financial stability assessments in relation to developments in the financial system, as well as international markets, and the regular exchange of information between members of the Committee regarding monitoring risk to stability of the financial system, and assessing the macro-financial inter-linkages with the real economy, and abroad;
- oversight to the design and conduct of periodic stress test scenarios in relation to plausible systemic threats to the stability of the financial system;
- contributing to the development and

implementation of mechanisms and procedures of financial sector crisis prevention, crisis management and resolution;

- international cooperation in support of financial system stability objectives;
- preparation and provision of periodic and exceptional reports to the Minister of Finance, assessing the performance of the financial sector; and,
- any other activity as determined by the Committee in support of the financial systems stability objective.

Section 34(J) seeks to ensure that all Members of the Committee are subject to confidentiality requirements relating to the work of the Committee, so as to ensure that members are not empowered to divulge, or in fact, put it the other way, members are prohibited from divulging any information that is specific to any customer, or share information in a manner that will impede or interfere with the functions of the supervisory authorities of the financial institutions.

Section 34(K) provides indemnity to the Committee's members, and persons working on behalf of the Committee, or members of staff of the Bank who are engaged in macro-prudential supervision.

Section 34(L) empowers the Bank to be responsible for conducting macro-prudential oversight of financial institutions for the purposes of maintaining stability of the financial system.

This section also outlines the categories of financial institutions which are not limited to institutions currently being regulated by either the Bank or the Financial Services Commission.

Financial Institution is so defined that it includes persons who undertake business in financial services, such as lending, consumer credit, financial/commercial, transaction, transfer of money or value, financial guarantees and commitments.

The provision also allows the governing consultation with other regulatory authorities to designate a financial service.

Section 34(M) - The provisions of this section expand the powers of the Bank to expressly allow for the provision of emergency liquidity assistance to financial institutions in the event of a threat to financial system stability.

Therefore, in the event of a threat to stability, the powers of the Bank to provide liquidity assistance include:

- buying and selling securities and obligations;
- making loans, guarantees or other credit facilities;
- entering into international arrangements to ensure coordination of actions that may be taken with regard to financial institutions based outside of Jamaica that are, or may be the parent, subsidiary, or branch affiliate of a financial institution based in Jamaica;
- requiring or accepting collateral in such form and on such terms and conditions as the Bank sees fit with regard to the provision of the emergency liquidity assistance to

financial institutions, and entering into any other type of financial transaction, or arrangement deemed necessary to promote or preserve financial system stability.

Section 34N gives the Bank the power to initiate inspection of these institutions. Inspections would be undertaken if the Bank determines that the institution's financial condition or conduct poses, or could pose a threat to the stability of the financial system.

The Bank will consult with the relevant regulatory authority and request the authority that has jurisdiction over the financial institution to perform for a specified purpose, an inspection of that institution.

I think it is important to note here that such inspections of institutions not directly supervised by the Bank of Jamaica would require those inspections to be carried out in collaboration with the appointed supervisory - the regular supervisory institution.

The system also gives the Bank the power to obtain information directly from any financial institution for the purpose of carrying out inspections in the event that the institution poses a threat, or could pose a threat to the financial system stability.

Section 34(0) - Under this section the Bank has the power to request information pertinent to macro-prudential oversight in carrying out its mandate of ensuring financial systems stability. The Bank, after consultation with another relevant regulatory authority, or Government agency, may require that the authority, or agency, to provide any information in the possession of, or accessible to that authority or agency, where the information will assist in the execution of the functions of ensuring financial systems stability.

This section also includes provisions which allow special arrangements to be made with the Statistical Institute of Jamaica for the Bank to receive information should that be deemed necessary. There is also a provision to allow the Bank to request information from every person who resides in Jamaica, or a company that has a permanent establishment in Jamaica, and carries out international financial transactions.

It is important that the Bank has information of the stock of external financial assets and liabilities - it is important that the Bank has information on the stock of external financial assets and liabilities of residents as it will be relevant to establish Jamaica's international investment position. Such information is necessary to provide an accurate assessment of the country's vulnerability and exposure to external creditors and external debtors.

Importantly, the section includes a provision for the Bank to preserve the confidentiality of the person providing information, and any specific information provided.

Section 34(P) gives the Bank the power, in consultation with the Financial System Stability Committee and the relevant regulatory authority, to issue rules, standards, and codes pertinent to macro-prudential oversight. The rules, standards, and codes would specifically address gaps and

imbalances in the financial system that could threaten stability. They will also specify the time required by an institution for compliance with such rules, codes, or standards. In the event of a breach in complying with the rules, standards, or codes, or delay in complying according to the specified time, the relevant regulatory authority which has oversight over the financial institution has the power to take regulatory action.

Section 34(Q) includes a provision that the Bank should establish and maintain a central database containing data related to its mandate for financial system stability. This database could be made available to Committee members.

Section 34(R) includes provisions which require the Bank to publish a Financial Stability Report within three months after the end of each financial year to support its accountability on matters relating to the stability of the financial system, having regard to its secrecy and confidentiality obligations.

Clauses 5 and 6 of the Bill make consequential amendments to the Banking Services Act and the Financial Services Commission Act. The proposed amendments to both Acts seek to provide for regulatory action to be taken when a licensee or financial institution breaches any rules, standards, or code issued by the Bank or there is a delay in complying with the time specified for compliance.

As part of the reforms of our financial system, it has been determined, Mr. Speaker, based upon the consultations with our international partners, including the International Monetary Fund, and in keeping with the provisions of most best case financial system oversight practices globally, that the Bank of Jamaica is the appropriate institution to designate with the overall responsibility for financial system stability.

This Bill will go a far way to strengthening the foundations of Jamaica's financial system, and should help obviate any recurrence of financial sector crises as have occurred in the past, including in the mid nineties, the so-called FINSAC crisis which then necessitated a substantial build-up of debt, which still affects the country's capabilities in financial matters.

So Mr. Speaker, with those comments, I move second reading of the Bill.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Thank you, Mr. Speaker.

Mr. Speaker, the Minister is quite correct in pointing out that this particular Legislation is long overdue. And in fact, it has been in gestation for some time, and to that extent it is not by any means, a controversial Bill, because it is necessary in order to preserve the maturity and expansion of the financial sector. Because the truth is, Mr. Speaker, that we have a way to go in terms of creating a more appropriate and encouraging environment for growth and development in our country.

I've pointed out in this Honourable House that our private sector - our total credit portfolio in Jamaica: private sector credit, development banking credit, as a percentage of Gross Domestic Product, is just about 45 per cent. Private sector credit as a percentage of Gross Domestic Product is about 30 per

cent, and that is by no means an acceptable standard of credit for the country, Mr. Speaker.

In developed countries like the United States of America where total annual private sector credit is almost 200 per cent of Gross Domestic Product, that is the comparison so we are way below, in terms of what we have as a base for promoting investment and growth, because that really is the bottom line. But I do want to ask the Minister, however, what is the status of the regulatory function linking the Bank of Jamaica to credit unions, corporative societies? I would like the Minister to indicate whether they will be coming under the direct regulation of the Bank of Jamaica, which is what was conceived, or they will simply form part of this stability system, which, while it allows for more scrutiny, I don't know that it will be adequate, given some recent experiences that we have seen?

Certainly at the National People's Co-operative Bank issue, which came out to light in Parliament recently, there are even issues that remain unresolved. And you know, the Minister of Agriculture has, on several occasions said that, well, this is a private institution. But the truth is, whether it's a private institution or not, does not give the leaders of that institution the right to abuse the funds at the institution. Because here again, it's the Government's responsibility to protect the assets of the depositors of the PC Bank, which are about 200,000 small farmers, who get up early in the morning before daybreak and go and toil and plant their potato and their yam and the vegetables and everything and raised their animals and deposit funds in the PC Bank as their equity in the bank. And what we've seen here, still unresolved, because $655 Million of depositors funds can't be adequately accounted for. Except for the Minister having told us at a Press Conference that some of those funds, or most of those funds, are listed as fixed assets...

Mr. DALLEY: It's the Banking Act you're talking about?

Mr. SHAW: I'm giving an example why we need more regulation.

Mr. DALLEY: You must be more wide-ranging.

Mr. SHAW: Now you'll stay away from me; don't let me take you on today.

Mr. DALLEY: I know you are wide-ranging.

(Cross talk)

Mr. SHAW: Mr. Speaker, the Minister of Agriculture has admitted that a substantial amount of the fixed assets were inappropriately acquired. But we have not been told the exact details of, and the nature of that inappropriate acquisition, neither have we been told whether those assets are realizable in terms of the amount that has been expended to purchase them.

So I have asked, Mr. Speaker, outside of this House, for a forensic audit to be carried out on the National People's Cooperative Bank. And I think that the Minister of Agriculture should force it and have that forensic audit, because we're in an age of transparency, no financial institution must feel that because they are 100% privately owned

that they can do anything with depositors' funds. That cannot be acceptable at all. So I'd like Minister, if you can tell us exactly where the regulation of these Co-operative Societies will fit now, within the context of these new arrangements that will flow from this Bill?

Now Mr. Speaker, the other point that I'd like to make to the Honourable Minister has to do with whether or not consideration should not also be given to oversight of development banking institutions that we have, government development banking institutions, such as the Development Bank of Jamaica, the Export-Import Bank. I would suggest that the Bank of Jamaica should have a role, not in regulation, but certainly, I'm asking the Minister to comment on whether within the context of this Bill, whether monitoring by the BOJ of these institutions like the DBJ and the EX-IM Bank, will be a part of that as well?

And I would like to ask the Minister if any research has been carried out by the Ministry, looking into the question of the role of the Central Bank, in helping to guide what would be considered to be prudential rates of interest rate spreads, the spread between depositors' rates and lending rates? Because we have expressed constantly in this House our concern that while in America they settle with interest rate spreads of 3% between depositors' rate and what they lend to borrowers, and in Europe we've seen where those spreads are 3% - 4%, in the Caribbean the average spread is 6%, but in Jamaica, the spread between depositors and borrowing is 12% to 14%, in Jamaica.

Mr. CHUCK: Disgraceful!

Mr. SHAW: It is disgraceful. And the issue is whether or not...

Mr. CHUCK: They're taking too much money.

Mr. SHAW: ...the issue is whether or not the Government has done any research and if they haven't, would it not be helpful that we do some research to find out how does central banking globally in mature economies work with the financial sector in matters like this, including the interest rate spread.

And then the Minister, of course, ended his remarks by appropriately referring to the financial sector collapse of the 1990s...

Mr. D. SMITH: Run wid it.

Mr. SHAW: ...which we all know had a devastating impact on businesses, it also had a devastating impact on the culture of doing business and also the fear of borrowing money, the fear of investing, the fear of venturing out into entrepreneurial activity. It had a lot of impact and it still has its tailwind that is in the economy. We still have what is called the Jamaica Redevelopment Foundation, a name that was never really a fit because there was no redevelopment at all, it's more like an undertaking role that the JRF has taken overtime; they're undertakers they're not redevelopers.

Mr. D. SMITH: Persons who commit suicide.

Mr. SHAW: And Mr. Speaker, we've expended - taxpayers have paid, I believe, over $112 Million - $115 Million already on this enquiry into the financial sector. I've mentioned in this Honourable House before that the projected cost of completing the

Report is about $10 Million; $10 Million, Mr. Speaker.

A MEMBER: Chicken feed.

Mr. SHAW: And it would be very important in terms of financial sector stability going forward, that we have a proper report of that crisis and a report of FINSAC and how FINSAC performed, and to have that as part of virtually a benchmark as we implement this Financial Sector Stability Bill. And I really think that it would be, Minister, a sign of great maturity, a great maturity as a democracy, that you should consider reversing your position on that $10 Million to have that Report completed. Another enquiry is taking place right now, and it's going to cost anywhere between JA$400 Million and JA$500 Million.

Mr. D. SMITH: Not true.

Mr. SHAW: Absolutely!

Mr. D. SMITH: No!

Mr. SHAW: That is going to be the final cost, don't bet me on it. Between $400 and $500 Million is what the Commission of Enquiry into Western Kingston activities that...

Mr. CHUCK: That would be scandalous!

Mr. SHAW: That will be.

(Inaudible comments by Mr. Chuck)

Mr. SHAW: But that is the amount of money, and I'm saying, $10 Million is what we need now to have a proper report, proper documentation so that the Financial Sector Committee that is established in this Bill can have a careful read of that Report and know that it sets up for them a kind of road map that says, 'never again can we have this happening in Jamaica'. I think it would be a sign of great political maturity for you, Minister, not for me when I become Minister, but for you now...

Mr. ROBINSON: What you said?

Mr. SHAW: ...to authorize the $10 Million that is required.

(Laughter/Heckling)

Mr. ROBINSON: You're delusional!

Mr. SHAW: Mr. Speaker, just one final question I'd like to ask the Minister, is whether or not there has been any borrowing by the Government from the Bank of Jamaica in recent days and if so, how much and when will it be paid back? (Applause)

Dr. PHILLIPS: Mr. Speaker, as has now become his regular habit...

(Laughter)

Mr. ROBINSON: Wide-ranging.

(Laughter/Inaudible comments)

Dr. PHILLIPS: ...the Opposition Spokesman on Finance has taken the opportunity to speak about whatever crosses his mind, but in between, he raised a couple relevant things.

Mr. ROBINSON: Words!

Mrs. NEITA-HEADLEY: Somewhere there.

Dr. PHILLIPS: You have to take them - you have to go very closely through it all. Let me say, we're all agreed that it is desirable to have this financial stability function reside in the Bank of Jamaica, and that's the purpose of this Legislation, and relevant question was raised in relation to Credit Unions.

I can report, Mr. Speaker, that the Credit Unions, after extensive discussions with the Bank of Jamaica, with myself, with - are at the

point where a Memorandum of Agreement will be arrived at, or has been arrived at, between themselves and the Bank of Jamaica, whereby they will accord with the regulatory standards set by the Bank of Jamaica. That was a work long in progress preceding you and during your time, but it will be concluded now and that is a good step forward. I want to commend the Credit Union leadership... (Applause) ...for having taken the mature position in arriving at this...

Mr. D. SMITH: The leadership of the Credit Union League.

Dr. PHILLIPS: The leadership of the Credit Union League, which is a tremendous example of corporation of cooperative supplies.

Mr. D. SMITH: Continuity.

Dr. PHILLIPS: Yes. And the Regulations - the Bank of Jamaica Credit Unions Regulations are close to being finalized, which will form the basis of that. And as I said, much respect and much credit is due to the Credit Union League in that regard.

This, in relation to the specific issue of the Development Bank Institutions, they, like all other financial institutions, will fall within the purview of the Bank of Jamaica as far as the insurance of financial stability standard is concerned. So they will come under the oversight to that degree of the Bank of Jamaica and to meet all the standards required.

I don't think there is much to add in relation to the People's Co-operative Bank, suffice it to say that discussions will be taking place between the Ministry of Agriculture and ourselves, to ensure - a point was raised to ensure that appropriate financial supervision is applied to that institution and as soon as the Ministry of Agriculture has completed its audit, there is another aspect to it, which is to ensure that there is adequate supervisory oversight being exercised in relation to that institution.

The question concerning the spread is more complex. There is no doubt that the spreads in Jamaica are high - the spreads that the commercial banks utilize, there are important historical reasons why this has been so. I think we would - I think all persons sober and reflective persons in this House, including yourself, would be of the view that it is not desirable for any governmental authority to set, by way of edict or control, price controlling effect for the financial institutions; that would not be desirable. We have been seeking to both strengthen the foundations of the financial system: the regulatory foundations, regulatory oversight while at the same time enhancing competition reforms have been made to the securities dealers sector. I should point out that the emergence of a significant market for commercial securities has added pressure, competitive pressure, to the banks. In fact, bond issuances of commercial paper in that securities dealers sector have been growing at a faster rate than commercial loans and the spread puts pressure - the spread there or the interest rates there for those issuances are competitive in relation to the banks and have constituted pressure on the commercial banks.

In addition we have, as you know, given indication of willingness to issue an additional

licence to a specific commercial banking licence to a specific institution - it's public knowledge to Jamaica National, subject to it meeting certain conditions. There are other steps in this regard in relation to other possible institution which, providing they meet appropriate standards and could be contemplated. And of course, in addition to that, the commitment of the administration to restrain our appetite for debt to not be the principal borrower of the financial - of the banking system will also add to the competitive pressures in that sector. And as I have said before, the banks need to address their business models including their spreads, especially in light of the payout that is to come - the major payout that is to come early next year. Of course, in addition to all of those things, I would point to the fact that the Bank of Jamaica has been undertaking steps to relieve some of the liquidity constraints which exists and so we're seeing a downward pressure at least on the signal rates from the Bank which will constitute another element of the competitive pressure to be applied on the banks. And we are in fact seeing a trend in particular interest rates in the marketplace.

The final element, in fact, that arose in relation to the motion moved by the Member from South St. Catherine considered by the Committee, I believe, which you Chaired, (referring to Mr. Samuda) which was referred to the Cabinet and where the Bank of Jamaica is to give some indication as to measures to be taken and a report brought back here. But among the measures which are obviously needed is shall we say consumer protection measures in relation to the banks to ensure transparency truth in advertising and in information, simplicity in their communications with their clients as to actual rates, hidden fees and other things which the banks may charge from time to time. All these - this range of consumer protection measures will add yet another layer to the powers of the consumer of banking services that would be added to the increased competition in this sector and bring downward pressure on this spreads.

Mr. Speaker, the Member made his usual appeal for more expenditure in relation to the FINSAC Commission. If I have answered him once, I've answered him ten times. We await the report from the Commissioners. It has been paid for and we await it and look forward to using it. I would add just one additional point, if the level of majority, which the Member now implores of me, had been exercised when the original Act of establishing that Commission had been exercised then we would probably had not only the output but something which we could have long coalesced.

Mr. D. SMITH: So Minister, correct it, nuh man. Correct it now.

Dr. PHILLIPS: I have paid - the public of Jamaica, the taxpayers have paid for it. We await it, Mr. Speaker. I move second reading of this Bill. (Applause)

The SPEAKER: The question is that the Bill be read a second time.

Bill entitled:

"AN ACT to Amend the Bank of Jamaica Act",

read a second time.

The SPEAKER: the House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

The CHAIRMAN: Minister.

Dr. PHILLIPS: There is just one typo at 34.... (Inaudible comment) ...not really a typo. It's just the phrase repeated twice. You want it to be treated as an amendment? Delete the clause?

The CHAIRMAN: We will treat it as an amendment.

I will be guided by you as always, Mr. Speaker; we are recalcitrant like other people.

Mrs. NEITA-HEADLEY: Hear, hear!

Clause 1, 2, and 3 put to the Committee and agreed to.

The CHAIRMAN: Clause 4.

Dr. PHILLIPS: Clause 4 in the proposed Section 34H, delete from paragraph (d) the words, *"of banks and financial institution".*

The CHAIRMAN: Those in favour of the amendment to Clause 4.

Put to the Committee and agreed to.

The CHAIRMAN: And in 34 - and the other one was editorial?

Dr. PHILLIPS: What was it - 34R.

The CHAIRMAN: I put the second amendment to Clause 4.

Put to the Committee and agreed to.

I put Clause 4 as amended.

Clause 4 as amended put to the Committee and agreed to.

Clause 5, 6 put to the Committee and agreed to.

The Title and Enacting Clause put to the Committee and agreed to.

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage with two (2) amendments.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage with two (2) amendments.

Put to the House and agreed to.

Dr. PHILLIPS: Mr. Speaker, I move third reading of the Bill.

The SPEAKER: The question is that the Bill be read a third time.

Put to the House and agreed to.

Bill entitled:

"AN ACT to Amend the Bank of Jamaica Act",

read a third time and passed.

The SPEAKER: House Leader.

Mrs. NEITA-HEADLEY: Mr. Speaker, I'll ask for a recommittal of the item, Notices of Motions Given Orally.

The SPEAKER: The question is for the recommittal of item, Notices of Motions Given Orally.

Put the House and agreed to.

NOTICES OF MOTIONS GIVEN ORALLY
(Recommitted)

Dr. PHILLIPS: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move the Provisional Collection of Tax Act, Provisional Collection of (Licences on Trades and Business) Order (Continuance in Force) Resolution, 2015:

Whereas by virtue of subsection (1) of Section 3 of the Provisional Collection of Tax Act (hereinafter referred to as "the Act") the Minister may, by Order, published in the *Gazette* provide for the variation, renewal, or imposition of any tax:

And Whereas the Provisional Collection of Tax (Licences on Trades and Business) Order, 2015, was made by the Minister and published in the *Gazette* on the 31st day of March 2015:

And Whereas subsection (3) of Section 3 of the Act also provides that the House of Representatives may, by Resolution, authorize the continuance in force of the Order for an additional three months:

And Whereas it is desirable that the Provisional Collection of Tax (Licences on Trades and Business) Order, 2015, be authorized to continue in force for an additional period of six months:

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 (Licences on Trades and Business) Order (Continuance in Force) Resolution, 2015;
2. The Provisional Collection (Licences on Trades and Business) Order which was laid on the Table of the House on the 6th day of October 2015 is hereby authorized to continue in force for an additional period of three months.

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

Mr. Speaker, I'm assuming that we are now on Public Business.

PUBLIC BUSINESS

The SPEAKER: Yes, we are.

Dr. PHILLIPS: I beg to move the suspension of the Standing Orders to enable me to take the Motion notice of which I gave earlier.

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

Put to the House and agreed to.

Minister.

Dr. PHILLIPS: Mr. Speaker, this permanent legislation had been brought to effect this permanently in the law, but that legislation had to be withdrawn because of errors in the legislation. In order to facilitate the continuing collection that has been in force, we're seeking this Provisional Collection of Tax (Continuance in Force)

Order to enable the appropriate amendments to be made to the draft legislation to be brought to the House. I so move, Mr. Speaker.

Put to the House and agreed to.

ADJOURNMENT

Mrs. NEITA-HEADLEY: Mr. Speaker, it is not intended to do any further business today except to acknowledge the greatest secondary institution sitting in the gallery from Monk Street and to...

(Inaudible comment by a Member)

Mrs. NEITA-HEADLEY: ...and to also indicate we will resume Parliament next Tuesday 20th of October, 2015 at 2:00 p.m.

The SPEAKER: Minister Robinson.

Mr. ROBINSON: Mr. Speaker, on the Motion of Adjournment, I'd just like to bring to the House's attention and to acknowledge a Jamaican is the - won today the Man Booker Prize for his novel, *"A Brief History of Seven Killings".* He's Jamaican, Marlon James. The first time a Jamaican has ever been the recipient of this award.

(Applause)

And just to put in perspective, this would be the equivalent for an athlete of an Olympic gold medal and I think it's significant that - in the literary world - I think it's significant that Jamaicans continue to excel not just in the sports and in culture but in the literary world and I want the House to acknowledge and recognize his excellence and the recognition of the Award.

Thank you. (Applause)

Mr. D. SMITH: Mr. Speaker, (Inaudible) join with the Government in extending our congratulations.

Mr. SAMUDA: To who? To who? (Laughter)

The SPEAKER: The question is that the House do adjourn until next Tuesday, the 20th of October, 2015 at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: (Gavels) The House stands adjourned.

The House accordingly adjourned its sitting at approximately 5:18 p.m.

SESSION 2015 – 2016

TUESDAY, October 20, 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:

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

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

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

HON. 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

OTHER MEMBERS

MR. EDMUND CURTIS BARTLETT, CD, (JLP), St. James, West Central

DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central

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

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

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

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

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

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

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

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

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

MR. AUDLEY FITZ ALBERT SHAW, CD, (JLP), Manchester, North Eastern

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

MR. RUDYARD CONRAD SPENCER, CD (JLP), Clarendon, South Eastern

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

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

PRAYERS

Prayers were offered by Dr. Lynvale Bloomfield.

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

The SPEAKER: Before we get down to today's business let us welcome some visitors here, we have here His Excellency Bernardo Hernandez, the Cuban Ambassador. (Applause) We have a group of students from CARIMAC visiting with us. (Applause) And we also have three parliamentary interns with us today. (Applause)

I think it is appropriate for us to make mention of the fact that our Members who have received National Honours over the weekend: Minister Paulwell, (Applause) Minister McNeill, (Applause) Miss Olivia Grange (Applause) and Mr. Fitz Jackson, congratulations.

(Applause)

(THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, ON, St. Andrew, South Western, entered and took her seat.)

Mr. PAULWEL: Mr. Speaker, if I may on behalf of my colleagues thank you and the House for mentioning and acknowledging the honour that was bestowed on us.

ANNOUNCMENTS

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

- **Ministry Paper No. 131**
  Cabinet Agenda Issues dated September 7, 2015
- **Ministry Paper No. 132**
  Annual Report of the Office of Utilities Regulations for the year ended March 31, 2015
- Petrojam Limited
  Annual Report for the financial year 2011/2012
- Jamaica Bauxite Institute
  Annual Report for the financial year 2013/2014
- Report on the Regulations Committee of the House of Representatives on its deliberations on the National Housing Trust (Housing Benefits) (Special

Selection) (Perth Housing Development, Phase 1) Order, 2015

- Charter of the Municipality of Portmore, 2015 under "the Municipalities Act" Local Government

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, on the agenda that I had gotten, I had seen that question Number 21 would have been answered today. I wonder if the Minister would explain why the reversal.

Dr. PHILLIPS: What has happened, Mr. Speaker, I have not had a chance, having been off the island, I have not had a chance to actually receive and read the answers that were prepared.

Mr. Speaker, I will say at the next opportunity, when I am present, the answers will be presented.

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

(*Sotto voce* comments by Members)

The SPEAKER: Okay.

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, you have already acknowledged the presence of the Cuban Ambassador and his team in the House today.

We therefore will commence Public Business with Item 18 on the agenda. The Minister of Industry will commence that debate.

The SPEAKER: Mr. Hylton.

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

CUBAN EMBARGO

Mr. Anthony HYLTON: Mr. Speaker, in exactly one week from today the United Nations General Assembly will have before it what we anticipate will be yet another year in which a resolution will be moved before the General Assembly, and we anticipate that it will be yet another year in which the entire United Nations will have an opportunity to vote on that resolution which we anticipate will be titled:

> The Necessity of ending the Economic Commercial and Financial Embargo imposed by the United States of America against Cuba.

And as it was last year, Mr. Speaker, and the many years before that, the United Nations will yet again vote in broad concurrence and unanimously with the resolution and the usual few suspects of the United States, Israel and maybe one other would either vote against or abstain from that Resolution.

Mr. Speaker, today we move for the seventh time, seventh consecutive year, a resolution in this Honourable House in support of that Resolution when it will come

up at the United Nations and tabled in support of lifting the Embargo.

Mr. Speaker, when last we met in October of last year and moved a similar resolution, we had, as we had done in the previous year, bi-partisan support in this Honourable House on this resolution. Some Members rose and asked questions even as they supported the Resolution; they asked questions about the utility of bringing what they perhaps saw as meaningless resolutions and they asked to what end will these resolutions - to what will they redound and how would they help Cuba's cause and the people of Cuba.

Well Mr. Speaker, subsequent to that Resolution, we were to learn in December - on December 2014, that the United States, through the Presidency, has agreed to measured steps in normalizing relations with Cuba, and of course, that represented a moral victory for those of us on both sides of the aisle who supported the lifting of that embargo - the blockade and the unilateral policy and aggression against Cuba for these past 55 years.

And so we saw significant developments in the normalization of that relationship, we saw embassies in both United States of Cuba and of the United States in Cuba opening up, representing meaningful steps in the lifting of that embargo policy. And so that normal relations, normal dialogue between member states of the United Nations can take place and their embassies, respective embassies to facilitate that dialogue. And we applaud the effort, Mr. Speaker.

I want to, on behalf of the House, Members on both sides of the House, to applaud the developments so far, so far as the normalizations of relations are concerned.

However, Mr. Speaker, I think one may then wonder why is there the necessity for a seventh tabling of this Resolution in this Honourable House, that the objective may very well have been achieved through the developments that I have adumbrated so far?

And so, Mr. Speaker, let me be clear that this seventh continued Resolution, successive Resolution, we believe is necessary, Mr. Speaker, because as we say in our common parlance the more things change the more they remain the same. Because in a real sense, Mr. Speaker, while some things have changed as I have indicated, there has continued in a sort of contradictory kind of way, a tightening of the Resolution, a tightening of the rules and the regulations against Cuba in many respects. And there are indeed, a number of issues that are to be discussed and to be resolved before we see a lifting of the embargo and we have to wonder how long will that take, because our - originally the reason, the *raison d'être* for the original resolution of lifting this unilateral sanction embargo/blockade against Cuba still remains the same. Because on September 11 of this year, the US Government moved to extend the Trading with the Enemy Act which is a fundamental piece of legislation which underpins the policy of blockade against Cuba. So that on the one hand, while there are steps to normalize relations at the diplomatic level, there is tremendous still, anxiety - the continued pressure on the Cuban people and the Government because blockade itself has not been lifted. And we have even more

reasons to be concerned, Mr. Speaker, because whilst the actions that have been taken so far has been at the level of the diplomatic - at the executive branch where the President using his executive powers have moved to resolve certain aspects of that very outdated and damaging policy of blockade. The fact is, the fundamental underpinning of the blockade has to have the support of the United States Congress in both the Senate and the House of Representatives.

And there, Mr. Speaker, there remains tremendous uncertainty about whether the US Congress is in step, is in lock-step with the Administration, the Executive Branch and that we are likely to see any real movement on the blockade any time soon. And so, Mr. Speaker, for those among us who will say well we have won a moral victory and why continue this Resolution. I simply say that Jamaica, as we have done for seven consecutive years and previously at the United Nations, that we must continue to agitate for the lifting of what has been the unilateral application of US power and might against the Cuban Government and the Cuban people.

Today, Mr. Speaker, we see that Cuba continues to represent itself in the international community as a Member State in step with humanitarian - with the quest to assist humanity. Cuba has 55,000 health workers today in 66 countries, member countries of the United Nations doing yeoman service in their health sector.

Mr. Speaker, it wasn't too long - it was last year, I think, this time the world was all worried about the Ebola crisis and the spread of the crisis throughout not only Africa, but the threat of it coming into the developed countries and may be reaching our shores. We were very concerned about that last year. Cuba, we should recall, stepped up to the plate and while developed countries sent aid and military personnel, Cuba sent its civilian troops into the field to assist in the most dangerous way one of the most dangerous diseases known to mankind to date. They had their workers at the front line. And so, Mr. Speaker, here is a country that has sustained 55 years of embargo, 55 years of embargo and the Cuban people have remained resilient; they have remained strong and in defense of their country, their patrimony, their resolution. (Applause)

Mr. Speaker, we can do no less than to continue to support our Resolution in this House on a bi-partisan basis to send a very clear message to the American Government, both to the Executive and the Legislative Branches, that the Jamaican people, through its Parliament, continue to insist that the unilateral imposition of this Embargo should be lifted and should be lifted forthwith.

And Mr. Speaker, some of us may say well, why we are continuing to support Cuba in this way. And my answer is simple, Mr. Speaker, for a long time the debate has been conducted as if it was a debate simply in defense of Cuba. But as I have pointed out on previous occasion Mr. Speaker, our position on the Resolution is not simply about a resolution on Cuba. Because although Cuba is the focus and has been the focus of this Blockade, I think we should all accept and

understand that in its extraterritorial applications of its laws, its domestic laws, the United States continue to interfere with the normalization and navigation of trade with not just Cuba, but with the entire Caribbean region and Jamaica and the rest of the Caribbean, in that respect, have suffered and suffered significantly with the imposition of the Blockade.

So, Mr. Speaker, in bringing this Resolution to this Parliament today asking for us to come together again to send a united message, a message of consensus to the United States to its Government in its various forms, we are in a real sense addressing and speaking to Jamaica's national interest in normalizing and having normal economic relations with Cuba, as we have done in the past in a very limited way but understand the significant opportunities for doing business with Cuba.

And lastly, Mr. Speaker, I will say this - finally I will say this, it is very important, it is very important that we move to lift this Blockade, this scourge from our midst in the Caribbean because the Caribbean represents a zone of peace and of commerce and to remove that aggression, that unilateral aggression from our midst we send a very positive signal to the rest of the world that the Caribbean is a zone of peace for investment and for doing business. And so it is in our interest, our national interest that we continue, as we have done for the last five years, to support - the last six years I should say - to support the lifting of this Embargo and to support the Resolution when it comes at the United Nations.

I thank you, Mr. Speaker.

(Applause)

(HON. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western, Minister of Local Government and Community Development, 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. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, entered and took his seat.)

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

(MR. MIKAEL ASHER PHILLIPS, (PNP), Manchester, North Western, entered and took his seat.)

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

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

The SPEAKER: Mr. Bartlett.

Mr. BARTLETT: Mr. Speaker, we on this side continue, in fact, a long tradition of support for our nearest neighbour and indeed, to be concerned about relationships within the Americas in general and certainly in the Caribbean in particular. And we, over time Mr. Speaker, have maintained, along with the

vast majority of the world, that the matter of the trade embargo was and continues to be a scourge on the business of unity and collaboration, not just within the Caribbean area but within the Americas.

We are always of the view, Mr. Speaker that a single America with a strong resolve and a deep commitment to building the well-being of its people must inure to a better world in the long run. And part of making sure that that happens is that all the nations within the area find a common cause for subsistence and to be able to collaborate on critical areas to recognize those areas of differences that may exist, but to glory in fact, in the similarities and to make those things which bind us become more valuable than those things that divide us.

The issue therefore, Mr. Speaker, of the continued embargo by the US on Cuba is one of those dividing things which I think the world at large today is at one that it should be removed because, indeed, it can become a critical value in terms of the element which unites us once removed. And I think that it is fair for us to note that some progress has been made in this direction. And my colleague on the other side has alluded to those, and quite correctly so, and we all applauded it.

The thawing of relations between the US and Cuba has been welcomed by not only us here in Jamaica and in the Caribbean, but in the entire world. And indeed it was one of the very positive developments within the last century in this Caribbean and global area. And we want to see now a continuation of that initiative. And I think it is careful for us to think through the process of engagement from now on.

Many things that we have seen, Mr. Speaker, happening in the last ten months we have never seen happened for the last 55 years. The US Secretary of State visiting Cuba, the US Secretary of State saying in Chile that the embargo needs to be lifted so as to benefit the people of Cuba, American senior lawmakers and Cabinet Members visiting Cuba for key relationship issues and sensitization issues and to learn more, according to the Secretary of Commerce who visited only a few weeks ago, to learn more about the systems in Cuba, how the private sector operates such as it is and to make points about being more liberal in terms of allowing more of the Cuban people to become involved in the commanding heights of the economy, to look at issues in relation to how import and export are managed and to look at the way generally in which the bureaucracy operates and how investment flows can be facilitated. Those, Mr. Speaker, are very positive signs I believe in terms of getting the US Congress to respond appropriately and timely on this matter.

I note with interest too, Mr. Speaker, that for the first time the October 27 date of the tabling of the Resolution by the UN is being anticipated like it never was before. Because there is a feeling, Mr. Speaker, that the narrative may change, that the language may be reflecting of this new feeling and this new wind that is blowing across the Caribbean and the world in terms of those two great countries. And it is important, therefore, that

we watch this one carefully, because some have even gone to the extent to suggest that there may be, not necessarily positive vote, but abstention even, to further reduce the number of nays in that regard.

So, Mr. Speaker, I believe that our rhetoric must also change to be less accusatory and more facilitatory of a process of full thawing of a process that will enable - a process that will enable those points of division, those points of division.

(*Sotto voce* comments by Mr. Anthony Hylton)

Mr. BARTLETT: Mr. Speaker, I think that the Member should not be so sensitive about this, because this is a language that we are using which defines not just the relationship here but in the broader space. Because how we see it is not very much different from some others, and they have articulated pretty much the same position that we have. But what we need to do is to ensure that...

Dr. PHILLIPS: Remember you only have 15 minutes to talk.

Mr. BARTLETT: No, in all fairness we allowed your speaker to speak.

Dr. PHILLIPS: Time provided by the Standing Orders.

Mr. BARTLETT: Thank you.

Thank you very much. Thank you very much. And the Opposition will not be stymied by your participation.

(Cross talk)

Mr. Speaker, the importance of the removal of the embargo is not just for the Cuban people. And you made the point - but I want to add some critical, strategic imperatives why we on this side, in particular, are very bullish about the removal of the embargo. Because the removal of the embargo will see the unlocking of the entrepreneurial energies of the Caribbean and perhaps to enable the development of a new architecture within the northern Caribbean space that will see Cuba becoming a vital and critical part of the economic activities of the region bringing into being the countries of Jamaica, Cuba, Haiti, Dominican Republic, in particular, within a kind of trade relation that will see enhancement of the well-being of the Jamaican people.

Multi-destination marketing, for example, Mr. Speaker, is a critical area that we have been pursuing. I as Minister of Tourism in the past have gone as far as to Jung-gu in South Korea to sign with Cuba and Mexico on joint tourism activities. But those signatures meant very little because the process which would allow for active multi-destination activities couldn't happen because of the embargo. And so, therefore, Mr. Speaker, even now as we speak there are so many other areas of critical engagements which need to be unlocked. Cuba's well-known proficiency in what you call the life sciences is something that the world has taken note of. And they have gone beyond that, their research is now taking them into nanotechnology so that they can now break molecules and break atoms and do all sorts of very detailed research work to allow for the development of new vaccines to treat with a number of diseases, including heart disease which is a major killer in our area. The

need therefore for the trade embargo to be released will allow for international trading relations and for Cuba to benefit from that sort of creative explosion that is taking place in their country.

Beyond that, Mr. Speaker, Cuba stands, I believe, at the crossroads of what we call the potential for a new Caribbean, and on this side we are committed to a new configuration, a new architecture within the Caribbean integration movement, to ensure that Cuba becomes a critical part of it and the countries of the northern Caribbean do get a chance to take a position as a critical area for development within the western world.

In supporting the Resolution therefore, Mr. Speaker, we hope, we hope, we hope that there will not be a need for an (a), resolution in this House and that within the next UN period a new architecture will emerge that will see Cuba fully liberated and trade within the region fully established and made to work on behalf of the people of the Caribbean.

I thank you, Mr. Speaker.

(Applause)

The SPEAKER: Minister Paulwell.

Mr. PAULWELL: Mr. Speaker, I rise to again, to support the Resolution that we are debating for the seventh time, and to start by my own reflection to remark how absolutely amazing the Cuban people have been throughout it all. Absolutely amazing. (Applause) And it is not only in relation to how they have been able to sustain themselves, but Cuba has been one of those nations in this region that has always lend support to others despite the meager resources that they have. (Applause) They are always generous in lending their support, and Jamaica has benefited continuously. And Mr. Speaker, it is in that regard that I want to also signal that we are working far more closely in terms of mutual cooperation, and benefit with ourselves and Cuba, and I want to thank the Ambassador for recently facilitating a mission by myself to the Republic. I was able to meet with my counterpart ministers, both on the energy side and on the telecommunications ICT side, and I should say, Mr. Speaker, again as part of that relationship Jamaica was able, some years ago, when I was the President of the CTU, Caribbean Telecommunications Union, to insist and we got Cuba to become a full member of the CTU and they have played their part fully in relation to the CTU. (Applause)

But more importantly, and again I don't think many of us are aware, there is now a direct fiberoptic cable facility linking Jamaica, Cuba and Venezuela. In 2006 a decision was taken but it was implemented during the administration of the former administration.

Mr. D. SMITH: My administration.

Mr. PAULWELL: Yes, when you served for that period as Minister, but again it was a part of a vision, because as we engage more south cooperation countries like Cuba and Jamaica must see the strategic role that they have to play, and in my discussion with my colleague in relation to ICT, Jamaica has put forward a position that we be the hub for telecommunication services through Jamaica via Cuba and elsewhere in the region, and it's a matter that we are working on as we try to

expand the fibre capacity through Cuba, and it has been received with tremendous receptivity.

One area where we intend to benefit from, Mr. Speaker is the whole business of the training of software developers, programmers. Cuba has a university that is dedicated totally to ICT training. Five thousand (5000) residential students, and it's amazing the aptitude that these students have over a short period of time, and engage in not only undergraduate but postgraduate studies. We are forging an alliance with a number of our institutions locally where we can exchange faculty members, where we can have student exchange programmes, and very shortly we will be able to announce the furtherance of that. So in relation to ICTs we are working together for the benefit of both countries.

On the energy side the Speaker would be aware that recently we staged the PetroCaribé summit in Jamaica, and out of that we were able to get an interest by Cuba on the question of the gas hub for Jamaica. (Applause by Government Members) And this is the reason why it is so important for the embargo to be lifted, because Jamaica being strategically located as we are, and having been the first country to receive from the US Administration, the first non-NAFTA country, a gas license.

Mr. PARCHMENT: That's great.

Mr. PAULWELL: A gas license. And you should applaud that, you know, because it's an achievement for all of us, out of the visit of President Obama. It is important that that gas be made available not only to other Caribbean countries but to Cuba as well, but to Cuba as well, and they are very interested in relation to this gas hub.

We have a tremendous working relationship in relation to renewables. Cuba will tell everybody that it was Jamaica that they first understood the role of wind energy when they visited Wigton in 2006. They fully appreciated the value of wind, so much so that they have surpassed Jamaica in relation to wind capacity, in fact, they have more than quadruple our capacity in wind, but they benefitted from that, and as I have already remarked in relation to solar, Cuba now manufactures solar water heaters and I am only able at my home to have solar access, solar photovoltaic because of Cuban manufacturing panels, solar panels which I acquired some years ago.

Now, this is another area of strategic partnership because the Government has just established NESOL which is a company to promote the use of renewables throughout the Government, and I believe that we have the capability in Jamaica to assemble and manufacture panels as well. And imagine Jamaica manufacturing panels, we can export to CARICOM, we can export through the CBI, and we believe that Cuba can assist us in developing the human competence to pursue this and we are signed to do that Mr. Speaker.

So in relation to those areas, we are seeing the further development in our relationship, and it can only be enhanced if the blockade is lifted. So I fully support this Resolution once more and every time it comes here it will have the full support on this side.

Thank you, Mr. Speaker.

Miss HANNA: Mr. Speaker.

The SPEAKER: Miss Hanna.

Miss HANNA: Mr. Speaker, I rise to really pay tribute to the spirit of a people. Cuba is a country that I love dearly and my heart and spirit resides in Cuba, and I rise to pay tribute because not only do I support the lifting of the embargo but I support it for a different reason.

I remember years ago when my son was leaving prep school and I said, "in order to open your mind and your horizons about the culture of a people and about what really resonates in terms of the purpose of a people, I'm taking you to Cuba." Because what young people are taught, especially in the international environment, about Cubans and about what Cuba is, is not exactly what it is and I think for those of us on this side, who has visited Cuba, who has studied in Cuba, who has worked in the culture of Cuba, we understand it.

But there is one thing that I think in support of the Member from East Kingston and the Member from St. Andrew, Western St. Andrew also alluded to, is that the cultural policy in Cuba is a policy that is at the forefront of their agenda. Persons are taught to play instruments, dance, how they are put forward in terms of the curriculum, the literary festivals, and I really believe that in terms of lifting the embargo will also help persons internationally to feel a common sense of friendship and belonging to a country that has given so much in terms of culture to the rest of the world. And so today, Mr. Speaker, I could not as the Minister of Culture sit and not stand up in solidarity with our brothers and sisters in Cuba.

The culture and creative industries around the world is something now that young people have, in a very real way, bought into and they have been receiving tremendous opportunities in terms of these industries, and Cuba has a lot to teach, to give to the rest of the world, for other people to go there and study to see the excellence that has been given and that has been harnessed in terms of classical music, dance performances, theatre art, Cuba has it. And so, Mr. Speaker, today not only in terms of energy and other kinds of trade relations but in terms of an education, but in terms of culture, in terms of so many other things that Cuba has been able to give to the world and the purpose in their footstep to the people around the world. And so I support this Resolution and I will always support this Resolution.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Chuck.

Mr. CHUCK: Mr. Speaker, let me just say that we on this side have always supported the removal of the embargo. I happened, Mr. Speaker, when I sat where you were, of -

(Cross talk by Opposition Member)

When I sat where you are.

(Laughter)

Visited Cuba along with the then Member from North West St. Ann and also the Member from South East St. Catherine, and to develop a good rapport between - and also the Clerk, the present Clerk, to develop a good

rapport between the Parliaments of Jamaica and also of Cuba. And then, Mr. Speaker, I recall speaking to a number of the Cuban persons, indicating that we hope that during the time of President Obama, that the embargo will be lifted. I still hope that during the presidency of Obama that the embargo will be lifted.

A major step has occurred during this year where relations between the United States of America and Cuba have started, have been restored but the next step, which is the removal of the embargo, which we have debated in this Parliament, supported here and at the United Nations, that that step needs to be supported by the Congress so that it can be removed.

Mr. Speaker, Jamaica has an interest in the embargo being removed. Jamaica and our tourist industry need not fear because when we discussed it, when I visited Cuba, we are not in competition with Cuba for the tourists coming from Europe or from Asia because there can be synergy between the tourists coming from Europe and Asia and indeed Mr. Speaker, it could be beneficial to Jamaica because just like how we visit Europe and Asia and we don't just visit one country, we try to take in three or four countries so we can say that we visited several cities, in the same way Europeans and the Asians, whether they are from Japan, China, Singapore, or wherever, when they come to the Caribbean I know if they visit Cuba they may also want to visit Puerto Rico, Jamaica, Barbados and so the synergy will be beneficial to Jamaica in the Tourist Industry.

Moreover, Mr. Speaker, if the embargo is lifted, free trade between the United States and Cuba will enhance our products too because we can also look to trade without any restrictions with Cuba. So, Mr. Speaker, once again, we support the lifting of the embargo not only for the benefit of the Cuban people but also for Jamaica's benefit because we stand to gain from more tourists coming to Jamaica and also better trade with Cuba. (Applause)

The SPEAKER: Dr. Duncan.

Mr. D. SMITH: Nuh worry, go back to the 70s, yuh nuh.

Mr. PARCHMENT: Yu wah company?

Dr. DUNCAN: Mr. Speaker...

Mr. D. SMITH: Where is your leader today?

Dr. DUNCAN: ...I rise to...

Mr. CHUCK: Campaigning.

(Inaudible comments)

Dr. DUNCAN: ...make a short contribution to this...

Mr. D. SMITH: Where?

A MEMBER: East Central St. Andrew.

Dr. DUNCAN: ...in support of this...

(The Speaker gavels) (Laughter)

Dr. DUNCAN: ...to make a short contribution in relation to this resolution before us, particularly since I might not be here next year when it is debated again.

Mr. CHUCK: How you suh sure? How you suh sure?

Mr. D. SMITH: Not you alone, nuh worry yuhself, not you alone.

Dr. DUNCAN: But hopefully, hopefully, that those comments on the debate would be

celebrating the removal of the blockade - the economic blockade.

Mr. Speaker, one of our national heroes, Norman Washington Manley once said: "Jamaicans do not lack ideas, what we lack is fixity of purpose and continuity of effort."

In this case, Jamaica's record is very strong on the continuity of effort and the fixity of purpose. (Applause) It relates to decades of a history where a country has stood up, not just for the manifestations that we see revealed in things like the economic blockade, but for the philosophical framework that underpin that blockade... (Applause) ...which was the right of small nations or any nation, to self-determination...

A MEMBER: Yes!

Dr. DUNCAN: ...the right to self reliance and the right to independence in all its forms. (Applause)

It was that recognition in the 1970s that led Michael Manley and the people of Jamaica to support the Cuban people in that right. (Applause) It was in the exercise of that right that things like the economic blockade and other things resulted. Hopefully, as I say, that in short thrift, although we have been at it now – the debate has been for seven years on the resolution, but we have been at it for, as you know, for decades.

Just looking at the body of the Resolution, it has a quotation in it from 1960, quoting the Deputy Assistant Secretary of State, Leslie Mallory, and it states - but it is in the body of the Resolution for all to see, I'll just quote a few words from it because the principle adopted by those who put in place this economic blockade and other things, is well embodied here and apply to not just Cuba, but a number of other countries. In part, it says:

> *"Every possible means should be undertaken promptly to weaken the economic Cuba, denying money and supplies to Cuba…*"
>
> **A MEMBER:** What!
>
> **Dr. DUNCAN:**
>
> *"...to decrease monetary and real wages to bring about hunger, desperation, and overthrow of government*."

I make no further comment on that philosophical attitude which underpinned, I say, the other things that have happened like the economic blockade. But we live in hope and hope that that blockade will soon be lifted and that Jamaicans can be proud that they contributed directly and consistently over the years to insist of the right of small countries to self-determination. (Applause)

We in Jamaica suffered because of that resolve. The history books are now clear and most persons who have otherwise, to put it mildly, been unaware of the circumstances which led fundamentally to what has taken place in Cuba, has realized that faulty foreign policies, the capacity because of their size of countries to undermine smaller countries and poorer countries that has led to situations like this, have also contributed to some of the, if not all, also contributed to the kind of economic conditions which exist in the LDCs and the MDCs like ourselves. And so our own progress, apart from following the orthodoxies that we have to follow in order to get ourselves out of certain economic conditions...

(Cross talk)

Dr. DUNCAN: ...that other things in the political make-up of the world still continue to weigh heavily on the aspirations of countries like ours. And I don't need to go into it to see it, but taking Cuba as a case study, the United States still continue in this year, as the resolution states, to punish Cuba despite the fact that they have a President who clearly would like to see the situation change radically.

I wish that we will continue and I know Jamaicans will continue, and this Parliament will continue on both sides, to support the right for this self-determination of our people of Cuba and our people in Jamaica.

Thank you, Mr. Speaker. (Applause)

The SPEAKER: Prime Minister.

The PRIME MINISTER: Thank you very much, Mr. Speaker.

I want to begin by saluting the reestablishment of diplomatic ties between the United States of America and Cuba. (Applause) For us, as I'm sure both sides of this Honourable House, there are countries that no other country can tell us whether we establish or we keep our friendly relations with them or not, we're always steadfast. When we are friends, we're friends forever, friends for life. (Applause)

A MEMBER: Who's side?

Dr. PHILLIPS: Both, you came late.

The PRIME MINISTER: And so I want to commend both President Obama and President Raul Castro for not only the - to reestablish diplomatic ties, but I hope that they will have an even stronger relationship as the weeks, the months and the years go by.

Miss HANNA: Hear, hear!

The PRIME MINISTER: For us in Jamaica we have been very good friends of Cuba and we have benefitted from our relationship. We benefit a great deal from it where they gave us four schools: GC Foster, Jose Marti, Garvey Maceo and the Anchovy School, now the Fidel Castro School in St. James. (Applause)

Mr. D. SMITH: We get them building other things.

Miss HANNA: Don't answer… (Inaudible)

The PRIME MINISTER: That's my friend from...

Mr. WARMINGTON: Continue talk man, nuh listen to him.

(Laughter)

The PRIME MINISTER: …over the other side said we got other things.

Dr. DAVIES: Don't listen to him.

The PRIME MINISTER: I don't know what, but I'm just saying, the kind of relationship, the number of nurses...

Miss HANNA: Yes, and doctors.

The PRIME MINISTER: ...in Jamaica that were trained in Cuba by Cubans…

Miss HANNA: And doctors.

The PRIME MINISTER: ...the number of Jamaican doctors that were trained in Cuba by the Cubans... (Applause) ...I'm just saying that it is good that both sides can agree that Jamaica benefitted greatly from our relationship and our friendship with the

country - both countries that are so close to us. (Applause)

We are friends of all and enemies to none. (Applause) And we will continue to work with the countries that pay some attention to Jamaica and from time to time, if we need assistance, will rally with us and give us that assistance. But then, it will be careless of Jamaica, no matter whether in government, that side or this side that would not have a good relationship with a country that is so close to us. It wouldn't make any sense and so I want to commend both sides that we've never severed our relationship with Cuba, no matter what and we will continue to stand with the countries of the world, stand with us and with our friends.

I want to thank and I want to commend both Governments, the Government of the United States of America and the Government of the Republic of Cuba.

(Applause)

Miss HANNA: Hear, hear!

The SPEAKER: Mr. Hylton.

(Applause)

Mr. HYLTON: With that, Mr. Speaker, I would like to thank speakers on both sides and I now move for the support, and I now move for adoption of the resolution.

Put to the House and agreed to.

The SPEAKER: Motion passed.

Mr. PAULWELL: Mr. Speaker, we will now move...

(Inaudible comments by Dr. Phillips)

Mr. PAULWELL: Okay.

Mr. Speaker, we will close the debate on the Income Tax (Amendment) Act dealing with transfer pricing and thereafter we will move to the Capital Development Fund (Withdrawal) (No. 1) Order, 2015 in that order.

The Minister of Finance.

THE INCOME TAX (AMENDMENT) ACT, 2015

Dr. PHILLIPS: Mr. Speaker, we are continuing the Debate on the Act to further Amend the Income Tax Act which was started but not concluded, I believe, two sittings ago. Just to recall, Mr. Speaker, some essential points that were made: one is that we need to bear in mind that this deals with transfer pricing, and to establish a framework - strengthen the regulatory framework in relation to the application of transfer pricing rules. We must remember that transfer pricing and the concept of transfer pricing is not new to our Income Tax Act. It has existed for many years, as has the arm's length principle that is being - that is at the centre of today's - of the amendments which are before us now.

I think it bears mention also that this measure is of increasing significance in the context of, what I might call, the intensification of globalization, which is to say that more and more transactions in today's world economy - more and more cross-border transactions - more and more trade - more and more flows of money - of capital - are flows taking place within particular firms. And that is a feature of today's world economy but which opens up the door for the avoidance, if not the evasion, of tax liabilities by

particularly, multinational corporations operating in multiple jurisdictions.

So the effort that we are embarked upon here is to be seen as primarily a tax compliance effort that is underway and which I would say is in keeping with international standards. I think it is also worth noting, Mr. Speaker, that this effort to revise the rules and reform the arrangements has been underway since 2011 with the previous Administration and it received support in 2012 from the Private Sector Working Group on Tax Reform, as I indicated last time, and I should point out also that we have increased the level of support in devising these rules that we have received from the OECD, the Organization for Economic Co-operation and Development which has provided considerable training to Tax Administration, Jamaica; we have trained officials, and we've provided particular assistance to the Government of Jamaica in developing our approach to strengthen the legislative framework that is before us.

In particular, what these amendments seek to do is to put the onus now on the taxpayer to demonstrate that the arm's length principle is being applied, and to set out the way in which these can be - this fact can be demonstrated. I'd mentioned one final point, Mr. Speaker, in this regard, which is simply to point to the fact that there have been extensive consultations between TAJ and various stakeholders, that we have, in fact, strengthened our staff capacity within the Tax Administration, Jamaica with the support of the Organization for Economic Corporation and Development. I should point out also, that in the context of the recently approved Sustainable Development Goals that were approved at the United Nations this past September, where particular attention was paid to the whole concept of base erosion and profit shifting by companies, which speaks to the question that countries are being increasingly called upon to finance their own social expenditure, and expenditure in infrastructure, to enable us to meet the global standards as embodied in the Sustainable Development Goals to be achieved by 2030, that this means that we have to look to domestic financing in the main, and that what is recommended by the United Nations with the support of the multilaterals is that countries, individually and collectively, need to make the effort to ensure that taxes are collected in the jurisdiction where they were earned - where they were generated, instead of having wealth generated in one jurisdiction, and in fact the profits move to other jurisdictions where there is little or no tax liability. And that is the whole purpose behind what we are embarked upon today, Mr. Speaker.

I should point out in the clause by clause - I should point out that we propose to move some amendments during Committee Stage to address some particular issues that - related to the Bill. But, clause by clause, Mr. Speaker, Clause 1 of the Bill speaks to the Short Title and construction and commencement of the Bill. This is an amendment to the Income Tax Act, and shall be read as one with the Act.

With respect to subsection (2), we will move in amendment - we will move, in Committee, an amendment that the Bill will

now take effect when it is passed. However, it will have retrospective application to the year of assessment 2015 for which taxpayers will give account in 2016 when they file their returns.

Clause 2 provides amendment to the definition section of the Bill. This is an amendment to Section 2 of the Income Tax Act. The definition section is amended to include the definitions of business organizations and, the Income Tax Act regards trade, business, profession, *et cetera,* as the sources of taxable income. However, the definitions of these terms are to be found in common law and not in statute. The inclusion of this definition allows for not only certainty and specifically highlights which types of entities will be subject to transfer pricing rules. The definition of *permanent establishment* is being added to Section 2. The concept is traditionally referred to in the double taxation agreements, and more recently, in amendments to the GCT Act to facilitate group accounting.

And so, in subsection (3) we have indicated definitions for *permanent establishment* which means subject to subsections (5), (6) and (7) of a fixed place of business through which the business of a business organization is wholly or partly carried on, and includes a place of management, a branch, an office, a factory, or workshop, a mine, an oil or gas well, a quarry, or any other place of extraction of natural resources, but does not include a building site, construction or installation project which does not last for more than three months, or the use of facilities solely for the purposes of storage display or delivery of goods.

So that sets out clearly what we mean in relation to some of the definitions there in Clause 2. It is intended to capture facilities of a more permanent nature. The other definitions are included in this subsection (2) of the Bill, definition of agent, for example.

Clause 3 amends Section 5 of the principal Act, includes the income of a permanent enterprise in the tax base. Section 5 of the Act provides for a charge to tax on sources of income of residents and nonresidents. Nonresidents are taxed in Jamaica on income sourced in Jamaica. To this section is added the income of a business organization which has a permanent establishment in Jamaica.

Section 17 of the principal Act is repealed in Section 4 - in Clause 4, and that amendment to Section 17 of the Income Tax Act is the current section which refers to the use of the arm's length principle. This section has been found to be deficient in offering a structured anti-avoidance mechanism. Section 17 is to be repealed and replaced by a new 17 supported by new inclusions, Section 17A and Section 17B. The new Section 17 defines key pillars of the arm's length principle.

Section 17 provides a definition of the arm's length principle. The arm's length consideration is defined as the consideration such as price, profit margin, other terms and conditions which is charged in relation to connected party transactions that would have been charged between independent parties in comparable circumstances. It does provide a

definition also of *comparable independent transaction*; the connected transaction must be compared with a comparable independent transaction which must have certain features which are further detailed in the Eighth Schedule. The arm's length consideration is to be determined in connection - in accordance with the Eighth Schedule.

Connected Person

The term *connected person* is defined in accordance with Section 22 of the Income Tax Act. The Income Tax Act includes as connected persons, the following partners and control bodies corporate; a connected transaction is between connected parties. There is a definition of *consideration* in the Bill, *independent person* and *independent transaction.*

I think also in Section 17 - the new Section 17 is Clause 2, which places the onus on the taxpayer to account for connected transactions. In accounting for income and tax payable, the taxpayer is expected to supply information related to transactions which are connected. This is a major reform as the responsibility of applying the arm's length consideration in transactions between connected parties is now placed on the taxpayer. That is to say, in this instance, the taxpayer, we really mean the companies - essentially, companies operating in more than one jurisdictions with permanent establishments.

And so, it is not for the Tax Administration of Jamaica to demonstrate that the arm's length principle is applied. The definition of the arm's length principle is set out and the taxpayer provides, on the basis of their own assessment and appraisal, a warranty in effect, that the movement of funds and resources between them is in accordance with the arm's length principle, and they are required to file returns to the tax authorities in Jamaica on the basis of their justification that the arm's length principle has been applied as defined in the law. The taxpayer is to certify information about connected transaction. The taxpayer is obligated to certify the information on the return contains information about connected party transactions.

Where the certification is not done, this is considered to be an offence, and is punishable by conviction, or a fine. The taxpayer may be required to state to the Commissioner General what the arm's length consideration is. The taxpayer is required to keep - as is set out in subsection (7) - to keep proper documentation, to provide the Commissioner General should proof be required that the transaction is at an arm's length. This documentation must contain information on the relationship between the parties and the consideration involved in a transaction.

If the documentation requested is not turned over, the transaction will be treated as a connected party transaction and the arm's length consideration applied. The applicability to low - to transactions in low - tax jurisdictions is also set out, Mr. Speaker, and the burden of proof on the taxpayer is set out.

Clause 5 inserts new Sections 17A and 17B in the principal Act; 17A makes provision for transfer pricing agreements. The Commissioner General may, upon application

by any person who is liable to pay tax under this Act, enter into an agreement with that person, (hereinafter referred to as a transfer pricing agreement) regarding the manner of determining the arm's length consideration for connected transactions by that person.

These transfer pricing agreements are sometimes referred to as advance pricing agreements. The Commissioner General is authorized to enter into these agreements with taxpayers on application by the taxpayer. The agreements typically outlined the transfer pricing methods that will be used in determining the arm's length consideration involving transactions by the taxpayer. The agreement may also contain critical assumptions on which the agreement is based and the term of the agreement and the Commissioner General is empowered to make rules in relation to arrangement for these agreements.

There are some industries and some transactions which are typical of particular sectors and where there may be voluminous transactions involved. In these circumstances, Mr. Speaker, to really emphasize the point that this is intended not to be onerous to the taxpayer, but indeed to facilitate the specific interest of taxpayers, in particular industries which might have unique features. It might be a mining consideration or concern, it might be a tourism concern which has unique features, where these agreements can be arrived at upon application by the taxpayer who will say in relation to my industry and company, and these are the considerations and the methods which are to be used.

Once the Commissioner General of Tax Administration is satisfied, then these are the specific rules that will apply to that enterprise. Again, Mr. Speaker, I want to emphasize that the purpose is not to penalize but to facilitate. The purpose is not to be draconian, but to enable a fair return to the people of Jamaica by having everyone pay what is due to the Consolidated Fund of Jamaica in doing this. (Applause)

There are arrangements in 17(b) to eliminate double taxation. This section applies in circumstances where an adjustment to the consideration in respect of a connected transaction is made by a tax authority of a country other than Jamaica. To eliminate double taxation in transfer pricing cases, a tax authority may consider making adjustments. A corresponding adjustment may be undertaken as part of the mutual agreement provided for in the relevant treaty. Double taxation may occur where one tax administration, for example, United States increases a company's taxable profits after applying the arm's length principle to transactions involving a connected party in the other jurisdiction, say Jamaica. This is known as the primary adjustment. Jamaica may then make a downward adjustment on the application of the connected party to the profits of that connected party so that the allocation of profits between the United States and Jamaica is consistent with the primary adjustment made in the United States to ensure that no double taxation occurs to a particular entity.

Again, Mr. Speaker, I want to emphasize that the purpose is not to be draconian, but to

ensure that a fair profit can be made and fair taxes collected without placing one jurisdiction at a disadvantage *vis-a-vis* another.

Clause 6 amends Section 93 of the principal Act by deleting the word or words '*six'* and substituting '*sixth, seventh and eighth'* and this refers to the Schedules.

Clause 7 inserts the Eighth Schedule. The Eighth Schedule is added to the Act which outlines the details of the transfer pricing mechanisms.

In the Eight Schedule, definitions are provided for financial indicator which is an element of the consideration. The methods to be used in arriving at the arm's length consideration are outlined in paragraph 5.

Paragraph 2 of the Eighth Schedule sets out the determination - the considerations in the determination of the arm's length, or the basis for the determination of the arm's length principle; the arm's length consideration shall be determined using one of the prescribed methods or any other method authorized by the Commissioner General.

Paragraph 3 sets out the determination of an independent transaction to be considered to be truly comparable. There must be certain elements to compare the independent transaction to the connected transaction. The elements are as follows:

- The characteristic of the property.
- The functions performed by the relevant parties.
- The terms and the conditions of the considerations.
- The economic circumstances in which the comparable transactions took place.
- The business strategy employed.

Also to be considered in determining the suitability of the comparability is whether a reasonable adjustment made to financial indicator such as profit margin by the use of the transfer pricing method would remove any significant difference between the independent transaction and the connected transaction.

Mr. Speaker, other elements in the Eighth Schedule set out the criteria for determining the transfer pricing method, and sets out the recommended methods there. And there are a lot of technical definitions which I should point out, Mr. Speaker are the standard definitions used in the global community and are increasingly being applied by all countries.

Mr. Speaker, as I indicated, this is an important measure aimed at ensuring that the people of Jamaica and the Consolidated Fund of Jamaica is not in any way denied the benefits of resources that have been earned in Jamaica. Because the truth is, all firms operating in Jamaica are the beneficiaries of expenditures made from the Consolidated Fund. Whether it is for the provision of security services, whether it is for the provision of educational services to prepare the workforce of Jamaica for participation in the life of these companies and enterprises, whether it is the health sector or the energy provisions that have to be made, our road infrastructure and other things.

And therefore, Mr. Speaker, it is only appropriate that having benefitted from the efforts of the Jamaican people and the expenditures of the Jamaican taxpayer that they, in return for the receipt of these benefits,

ensure that a fair share of the wealth earned is returned in accordance with the tax laws of Jamaica.

(Applause)

That is the purpose of this legislation, Mr. Speaker, and I move second reading of this Bill.

Mr. SHAW: Mr. Speaker, this legislation has been tabled some time now and despite the Minister's assurance that adequate consultation has taken place, I remain somewhat doubtful as to whether - although some consultation has taken place with various stakeholders, remains questionable as to whether some of the major issues related to this Bill have been resolved.

And I say this, Mr. Speaker, because by the Minister's own admission, this is a fairly complex legislation and it is not just the complexity of putting the legislation together, ultimately it is the proof of eating the pudding, where the rubber hits the road in terms of the practicality of its implementation, that must become the mutual concern of all that are involved.

And so, I think that in the case of this particular legislation Mr. Speaker, and I know I am beginning to sound now like a stuck record, this Legislation should automatically, automatically, Mr. Speaker, have been referred to a Committee of Parliament for more detailed and rigorous examination.

It is part of the tradition of this Parliament that when we have serious and complicated legislation we put - and technical legislation, the tradition has always been that you either put it to a Committee of the House or a Committee of the Joint Houses of Parliament for the kind of careful review and consideration and report. And in fact, this Legislation has been lying around long enough that it could easily have accommodated in terms of the time, it could easily have accommodated, Mr. Speaker, that process of due diligence and traditional consultation in order to promote greater compliance at the end the day. And sometimes in order to promote greater compliance, what you need is greater understanding as I will demonstrate in my presentation that other jurisdictions have had to endure the teething pains of implementing transfer pricing in an effective, transparent way that does not end up being a process that actually can become a deterrent to encouraging foreign investments rather than an encouragement to foreign investments.

And just by way of a few thoughts as I go into a more detailed examination. Despite the Minister's recent pronouncements, there is a lack of clarity as to the proposed effective date. For example, the Legislation mentions regulations being drafted for November and the whole Bill and regulation being retroactive to the 1st of January of this year; and I will come back to that.

The fact is, Mr. Speaker that this Bill substantially increases the burden on compliant taxpayers and this burden could be reduced if the legislation is linked to measured compliance requirements that are in line with the OECD master file concept. And the Minister has mentioned the OEC on several occasions and therefore I would commend

him to the OECD master file concept whereby multinational enterprises are required to prepare group documentations once every three years.

The Legislation, as currently drafted Mr. Speaker, is likely to further slide - to a further slide in Jamaica's ranking. Right now we ranked 147 out of 187 countries in the world index of ease of compliance for taxpayers, ease of compliance, and we are 147 out of 187; not a good score at all, despite the other scores that the Minister of Industry is celebrating.

Mr. CHUCK: Close to Haiti.

Mr. SHAW: Foreign and domestic investors need certainty before making investments in our country. Taxpayers need to know just precisely how the transfer pricing rules will be applied. And I say that, Mr. Speaker, because while existing legislation, as the Minister has said, incorporates the five most common methods of transfer pricing, this Legislation provides the Commissioner General with the authority to use any other method that he or she chooses to use. This does not provide investors with the certainty that they need before making investments in Jamaica.

Legislation that breaks from international conventions such as the OECD and opens the door to heavy-hand from tax administrations has deterred investments. There is a very good example in India, by way of an example and I will give some other examples later. But the specific concern here is that existing legislation incorporates the five most common methods of transfer pricing. But this Legislation, as proposed, gives the Commissioner General virtually unlimited powers to use any other method that he or she chooses in the determination of the final outcomes.

Mr. Speaker, rules pertaining to Advanced Pricing Agreements, APAs for short, must be clearly set out in advance of the implementation of the new transfer pricing regime and must – and should be approved by Parliament. Once approved by Parliament, taxpayers should be allowed time to familiarize themselves with the regulations before they become effective. As it turns out, we haven't seen the regulations yet. And in a technical Bill like this, both the Bill and the regulations should really be examined by the Committee of Parliament, Mr. Speaker. Taxpayers should be allowed time thereafter to familiarize themselves with the regulations before they become effective. International best practice usually allows a grace period of up to a year to enable taxpayers to implement such complicated legislation and regulation.

The Advanced Pricing Agreement Programme should afford filing discussions on a named or no-name basis as is the case in other countries. Certainty on whether transactions are connected should be provided along with transfer pricing. For example, the tax authorities in Mexico, Mr. Speaker, have been swamped with over 1,000 applications since the inception of an Advanced Pricing Agreement Programme and so an industry-wide template or what is called a 'materiality complexity threshold' to transfer pricing compliance and disclosure should be

considered, as recommended here again by the OECD.

Mr. Speaker, the General Consumption Tax Legislation regarding connected persons introduced in 2014 needs to be reconsidered in the context of this Transfer Pricing Legislation. The legislation should expressly grant, within this Bill, taxpayers the right to appeal against any determination by the Commissioner General. Mr. Speaker, it's important that I repeat that because that is not clear in the legislation. The Legislation should expressly grant, within this Bill, taxpayers the right to appeal against any determination by the Commissioner General.

The proposal to reset transfer prices to the median of the arm's length range rather than to the edge of the range, or to a point determined by a scientific analysis of the circumstances of the transaction is arbitrary and unfair. The maximum penalties are draconian and it needs to be much clearer how they would apply in terms of being linked to the magnitude of tax at stake and level of openness and co-operation of the taxpayer. The imposition of excessive penalties, especially in the context of complex legislation that has inherent uncertainties, will act as a disincentive to foreign direct investments. It is also unclear, Mr. Speaker, to what extent the penalties might be payable by an individual and who would be liable for imprisonment.

Consequently, Mr. Speaker, I would strongly encourage this House and the Honourable Minister to defer any consideration of this Bill until the regulations - the regulations are tabled in Parliament. And the Minister I think has said that they are currently being drafted. I think November was mentioned as the target month for the regulations to be promulgated and to be ready, but at least await those regulations so final consideration, hopefully, with some of the points I am making along with the regulations would, I think, lead to a more streamlined and smoother approach to the implementation of this Bill. To do so beforehand would be doing so without full awareness of all matters pertaining to this important Bill.

Now, Mr. Speaker, I want to spend a few minutes on a few proposed changes that I am suggesting to the Honourable Minister. The first one is the Provisional Collection of Tax (General Consumption Tax) (No. 5) Order, which I mentioned a while ago while the Minister was consulting, sought amongst other items to deny an input GCT credit where a service importer receives imported services from a connected person unless it could be shown to the satisfaction of the Commissioner that:

a) the consideration payable by the service importer to the connected person for the imported services does not exceed the market value for those services. That was the imported services amendment of last year; and
b) the connected person has the capacity to supply the imported services to the service importer.

The application of both sets of legislation, Mr. Speaker, is unduly burdensome for international businesses in Jamaica; that is to

say the Transfer Pricing Bill and the Import Services Bill. And therefore the GCT Legislation should be repealed when the new Transfer Pricing Legislation comes into effect otherwise this is potentially duplicitous and could be overly burdensome.

In terms of withholding taxes, Mr. Speaker, it is a consideration that should be entertained that in the context of the Transfer Pricing Legislation that is clear, that is unambiguous, that is specific, that is understandable by everybody that withholding taxes should either be reduced or in some cases removed and replaced with the transparent-transfer pricing policy.

Most countries that introduce transfer pricing legislation do so with the objective of gaining greater control over the taxation of international trade with their countries. The Minister spoke in his presentation of his concern and I quote:

> "That abusive transfer pricing distorts competition and puts domestic businesses at a competitive disadvantage to their multinational competitors."

The introduction of transfer pricing rules is sometimes accompanied by the withdrawal of withholding tax on payments for cross border services. Jamaica should consider adopting this approach to ensure that international companies operating in Jamaica are not at a competitive disadvantage by virtue of having to pay high rates of withholding tax on services where its international competitors do not have to pay such taxes in their home countries.

Mr. Speaker, in paragraph 2 of the Act where it speaks to the effectiveness of the implementation, it should not be effective before the documentation guidelines or the regulations, as I mentioned before, currently being drafted, are finalized. And this, of course, includes the advance pricing rules-agreement rules. Accordingly - so it is two things, Mr. Speaker, it is the regulations and it is the Advance Pricing Agreement that has to be finalized to avoid any confusion.

Accordingly, the Transfer Pricing Legislation should not apply until such time as the framework rules for advance pricing agreements have been fully implemented. If this approach is not adopted, international businesses will be forced to operate without any certainty as to whether their transfer pricing policies are acceptable to the Commissioner General. And remember what I said to you about the awesome powers of the Commissioner General.

Accordingly, the accompanying regulations as well that provide the detailed guidelines for the promulgation of the advance transfer pricing agreement should be published before this Bill is passed. To consider one without the other would be premature in the extreme.

The Minister correctly referred in his presentation to the considerable work being done internationally by the Organization for Economic Co-operation and Development the OECD. The aim of Government should be to encourage businesses to employ best practices consistent with international transfer pricing rules. To do this, companies need a lead time to implement. This would lead to greater

incidents of compliance and less likelihood of disputes with complaint taxpayers.

Mr. Speaker, the proposed Section 17(2) and 17(4) need to be amended to merely confirm that each return is true and correct. Listing of individual transactions between connected persons is not feasible. Is not feasible. Despite the Minister's protestation in his presentation, this is a further very significant increase in the burden and the cost on tax compliance taxpayers. Indeed, the OECD does not recommend such an approach, and consequently the vast majority of countries do not require disclosures of this kind of specificity. The Bill is too wide-ranging and not practical. Reference to new section of 17(2) of the principal Act which requires:

a. that the person whose income the return relates to shall state the arm's length consideration and no other consideration in respect of any connected transaction in which the person participated in that year of assessment; and
b. this requirement is replicated in Section 17(4) with respect to certification of their annual return.

A multinational company could have hundreds, indeed thousands of such transactions; to expect them to deal with each such individual transaction in their tax returns would be unduly burdensome. Jamaica should be trying to improve its ranking from 147 of 187 countries in the world index of ease of compliance for taxpayers and countries in which to do business. Nothing in the Minister's remarks or indeed the amendments to the Bill has addressed this issue, Mr. Speaker, either the proposed amendments or even the Minister's remarks.

The proposed Section 17(a)(3) needs to be amended to clearly be defined and not at the sole discretion of the Commissioner General. The proposed Section 17(a) of the Act provides for agreements to be reached between the taxpayer and the Commissioner General on the application of the Transfer Pricing Legislation to that taxpayer's business commonly referred to as the Advanced Pricing Agreement. However, the Legislation states that the Commissioner General can stipulate the rules under which an APA can be discussed and agreed. This places a huge amount of power in the hands of the Commissioner General without any oversight by the Jamaican legislative bodies.

Opposition MEMBER: Hear, hear!

Mr. SHAW: Given the huge importance of this Legislation and its potential impact on the positioning of Jamaica as a place for international business, it is important that the rules governing how advanced pricing agreements are to be conducted should be set out in regulations that are approved by this Parliament. This follows the principle that Parliament and Government should set matters of law and policy and the Commissioner General implements such matters insofar as they relate to taxation.

Mr. Speaker, in the Eighth Schedule, paragraphs 9 and 10, we suggest to the Minister, should be deleted. And why? Schedule Eight defines the methods for

determining whether a transaction is at arm's length and prescribes five methods of doing so, which are available to the Commissioner and the taxpayer. Having used these methods and possibly having gone to the vast cost of confirming their policies to be correct, the taxpayer may then find themselves in a position where the Commissioner General may apply a totally different method from those prescribed in Schedule Eight. This provision is not in accordance with international best practice on transfer pricing legislation, creates uncertainty for the taxpayer and would again act as a disincentive for foreign direct investment in Jamaica. Also in the Eighth Schedule, paragraph 15 should be deleted as it's not required.

Paragraph 15 of the proposed Schedule Eight imposes additional requirements for transactions in respect of intellectual property between connected parties. It is generally accepted international practice that the five main methods - notice I keep coming back to the five main methods - of calculating an arm's length price, can ensure that an arm's length price is determined for all kinds of transactions, including those related to intellectual property. Accordingly, there should be no need for the additional rule in paragraph 15 to be imposed. Indeed the imposition of such rules may even result in a deviation from an arm's length price for intellectual property transactions.

Mr. Speaker, this Bill should also include a provision giving the taxpayer the expressed right of appeal against any of the provision of the new section.

Dr. DAVIES: But you say it already.

Dr. PHILLIPS: You made that point already.

Mr. SHAW: And I am repeating it because some of us head tough so I am repeating it.

Dr. DAVIES: You said it already. Two different -

Mr. SHAW: So I am repeating it for emphasis, and deliberately so.

(Heckling by Government Members)

Mr. CHUCK: Head tough. Head tough. (Laughter)

Mr. SHAW: Mr. Speaker, you know what I did? No, no. You know what I did? I summarized it at the introduction.

Dr. DAVIES: Again.

Mr. SHAW: I going into the body and I am going to summarize it again at the conclusion.

Dr. PHILLIPS: All right.

Mr. SHAW: Because oonu head too tough.

(Inaudible comment by Dr. Phillips)

Mr. SHAW: Mr. Speaker, this transfer pricing legislation contains many provisions that allow the Commissioner General to make determinations on matters such as whether parties are connected and what the arm's length price should be for transaction between connected parties. It is possible that the determination reached by the Commissioner General may be incorrect due to incomplete information, misunderstanding or some other reasonable reason. The draft legislation does not appear to grant the taxpayer the right to appeal against such determinations by the Commissioner General.

Dr. PHILLIPS: It is a repeat of the repeat.

Mr. SHAW: The Legislation should grant expressly taxpayers the right to appeal against such determinations by the Commissioner General. This would ensure that the Commissioner General will act reasonably in reaching his or her determination and help Jamaica demonstrate that it intends to apply the transfer pricing rule on a just and reasonable basis. These appeal mechanisms should be expressly included in this Bill. And I would add, Mr. Speaker that incorrect determinations made by the Commissioner General will ultimately prove expensive to resolve and would further adversely impact the reputation of Jamaica as a suitable location for foreign direct investment. And now I summarize.

Dr. PHILLIPS: Again?

Mr. SHAW: And now I summarize.

(Cross talk by Dr. Davies)

Mr. SHAW: Mr. Speaker -

Mr. CHUCK: Repeat everything. Repeat everything.

Mr. McKENZIE: Start again. Start all over.

Mr. SHAW: Mr. Speaker, to introduce the Legislation in its present form would be a recipe for confusion, prosecution of innocent parties, inefficient tax administration, and the costly litigation which the Government cannot afford. Capital investments, Mr. Speaker, are based on certainty and the predictability regarding taxation, and this Bill will, without question, either delay or put on hold foreign direct investment which is a vital part of the engine of growth so badly needed to create a sustainable economy. Compounding these concerns about ambiguity is the lack of evidence that the Tax Administration will be staffed to handle - adequately staffed to handle the resulting highly complex specialist work.

An example of what can go wrong in this respect, Mr. Speaker, is the first years of similar and initially inadequate transfer pricing rules in the United Kingdom. We must learn from others their experiences. There, all tax inspectors were left to initiate transfer pricing inquiries leading to very burdensome demands for irrelevant information and tax assessments which could not be justified on appeal or in the courts. That happened in the UK. Eventually the UK treasury realized that it needed to recruit and train a large team of transfer pricing specialists, and provide that no transfer pricing audit could be initiated unless that specialist team was satisfied that it was merited and that the team had the spare resources to work on it. It took many years to clear the backlog of bad transfer pricing assessments with some assessments taking five years to resolve at great cost to the taxpayer and tax authorities in the United Kingdom.

Many jurisdictions are looking to setting transaction cost limits below which transfer pricing would not apply materiality thresholds and safe harbours to manage the compliance burden for low risk transactions.

(Inaudible comment by Dr. Phillips)

Mr. SHAW: Pardon me?

(Inaudible comment by Dr. Phillips)

Mr. SHAW: Yes.

So Mr. Speaker, in the circumstances that I have outlined, and with the absence of a parliamentary committee review of this important Legislation, I recommend that the Honourable Minister does not seek to use his power of the majority to pass this Bill today but to suspend the Debate pending the publishing of the regulation and the treatment of how the advance pricing agreements which will be a part of the regulation, how that is and let it be transparent and upfront and easily understood by everybody. I also recommend a review by the Ministry of the proposals contained in my presentation and to consider putting this Bill or to put the Bill and/or and the accompanying regulations to a parliamentary committee for review and to receive opinions from relevant stakeholders.

Thank you very much, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Parchment.

Mr. PARCHMENT: Thank you, Mr. Speaker. I just ask permission to speak from a seat other than mine own.

Mr. CHUCK: You got permission to speak?

Mr. PARCHMENT: Mr. Speaker, I rise to give support to this Legislation. It is generally accepted that you should give to Caesar what is due to Caesar. As someone who has spent considerable time in the accountancy field I know that the method of intercompany transfers have been used over time to either avoid taxes or outright -

Mr. CHUCK: What is this, a confession?

Mr. McKENZIE: You ah speak from experience?

Mr. CHUCK: Is a confession?

(Laughter)

Mr. PARCHMENT: I have never had an intercompany.

Mr. Speaker, this Legislation will move Jamaica in the right direction. It will move it in the direction in conformity to generally accepted accounting principles and it will level the playingfield for local businesses. Mr. Speaker, I can just give you a practical example. I can give you a practical example, Mr. Speaker.

(*Sotto voce* comments)

Mr. PARCHMENT: Mr. Speaker, the world is now a global village and there is no restriction of entry from any company anywhere in the world from setting up business in Jamaica, we encourage them but we have to keep the playfield level, and I say I will give you a practical example.

Mr. Speaker, in the used car trade, we have companies in Japan who have used vehicles who have set up shop in Jamaica as well, and if there isn't some control over what they will price their goods at what they send to Jamaica, then it would create some amount of hardship - it could create some amount of hardship for local companies.

Mr. CHUCK: You're avoiding competition?

Mr. PARCHMENT: So, Mr. Speaker, this is already in place...

Mr. CHUCK: Competition yuh avoiding?

Mr. PARCHMENT: ...this is already in place for motor vehicles at Customs, because they have a way of valuing each and every motor vehicle that come into Jamaica, irrespective, irrespective of the person who is sending it.

(Cross talk)

Mr. PARCHMENT: So Mr. Speaker...

Mr. McKENZIE: Yuh know wha yuh a talk bout?

Mr. CHUCK: Mind yuh confess too much, yuh nuh.

Mr. PARCHMENT: So Mr. Speaker, what I'm saying is that I am in full support of this Legislation because I know that in time Jamaica will get the revenue that it rightly earns and also to protect the interest of local businesses.

I thank you very much, Mr. Speaker.

(Applause/Laughter)

Mr. CHUCK: Hey, hey, that sound like a protectionist argument, a protectionist argument.

(Cross talk/Laughter)

A MEMBER: It apply to Christiana too.

Mr. CHUCK: Hey, a protectionism.

A MEMBER: The same problem that I...

(Inaudible)

Dr. PHILLIPS: Yeah, and hardware.

(Laughter)

Dr. PHILLIPS: Mr. Speaker, I want to thank particularly the Member from South East St. Elizabeth.

(Applause)

Mr. CHUCK: For what? Yuh mean to support protectionism? To support protectionism?

Dr. PHILLIPS: And I thank the Opposition spokesman...

Mr. PARCHMENT: Fair play man.

Dr. PHILLIPS: ...despite the fact that he repeated his three points ten times.

Mr. PARCHMENT: Foreign practice.

(Laughter/Cross talk)

Mr. SAMUDA: Was that before or after?

(Laughter)

Dr. PHILLIPS: But, Mr. Speaker, given the significance of what we're talking about, I want to treat his contribution - both contributions with the utmost seriousness.

I want to emphasize first of all, Mr. Speaker that this consideration - this Legislative amendment does not break new ground in relation to the concept of transfer pricing, it is provided for already in the Legislation. It does not break new ground in relation to the arm's length principle that is already provided for in the Legislation. What it does is to provide the rules to be used to determine when a transaction is at arm's length and it ensures that these rules, when applied by anyone, will yield the same result. In other words, it's replicable, that is what is new, provides for the rules. These rules that are applied are the rules - and there may be some misunderstanding by the Member, the rules that are applied are the OECD standard rules that are applied globally, we are not making up new ground in that regard.

He spoke about the experience of the United Kingdom and he is entitled to that view. What I would say is this, most of the multi - this talk about it deterring foreign direct investment is with respect misplaced.

All of the multinational companies are already headquartered or most of them, 95%, if not 99%, if not 100% are already headquartered in jurisdictions that apply these rules. They're headquartered there, that's where they operate from. What we're seeking to do is ensure that in the shifting of profits we get our share for the Jamaican people that's what we're seeking to do. (Applause)

The British, according to the report given by the Opposition Spokesman, did not prepare their staff. I can say our staff have been under preparation for three years now. They have been trained by the OECD, they are developing the concepts, they have been - the Legislation that is with us has benefitted from the technical advice and consultation with the OECD. It has benefitted from advice and consultation with the local private sector, advice and consultation with the local accounting professions, it is not intended to be like Nicodemus and spring something on anybody; it is intended to be carefully worked out.

Let me address another point, Mr. Speaker. The Bill cannot come into force, will not come into force until the regulations have been prepared and considered by this Parliament. It is to be brought in force on a date to be fixed and it can't come into place if the regulations are not there and the regulations will be here. But we cannot, Mr. Speaker - one of the deficiencies collectively that we have endured is this tendency to study and study and study and talk and talk and talk and not act to put things in place.

(Inaudible comment by Mr. Jackson)

Mr. CHUCK: No, that is not Old Hope Road. That is not Old Hope Road.

Dr. PHILLIPS: We cannot take a decision in 2011 and this is what year now, 2015, that so many decisions, they have taken them and we have had to, in fact, act to put it in place; that's why you say action, we can't delay it any further. But let me say - you said the issue - we have had the consultations, we are applying the OECD standards.

Another issue was raised about the taxpayer's rights of appeal. The taxpayer always had and the main body of the legislature - remember this is an amendment to the Income Tax Act. You can't put the same thing in every amendment that is in the main body of the Act. Every taxpayer has the right to an appeal. There's a Revenue Appeals Tribunal which we set up here. (Applause) And after he has appealed, if he so chooses to appeal to the Revenue Appeals Tribunal, then he has to - he can go straight to the Revenue Court for we don't anticipate all of that, Mr. Speaker. Because the fact of the matter is that the power to approve advanced payment arrangements exist and it exists with the Commissioner General. It has to rest somewhere, but we must stop creating this vision that to give our public officials the authority and the power is somehow to make them into dictators. It is not so. We have never approached it, they have never approached it, so I can't speak for that administration but I can say we have operated on the basis of participation, accountability, transparency and a willingness to collaborate. All we seek is that when the rules are applied Jamaica gets

its fair share of the revenues arising for wealth created in Jamaica.

Mr. PARCHMENT: That's right.

Dr. PHILLIPS: That's all we seek. (Applause)

Now, there is the question - he said the question arises as which taxpayer will be liable for imprisonment and which taxpayers would be liable to fine. That is not a matter for us; that's a matter for the Courts. The Courts determine those things.

But you know one of the things, Mr. Speaker, you know why some of the developed countries which we all admire and people line up to get visas to go to these places, one of the things about those places is that when you don't pay the taxes they deal with you swiftly and comprehensively. That's why their schools have all the facilities that school children need. That's why their roads and their cities have the facilities and the libraries that make for a better educated population. That's why those places are developed more than others which are not because they take the difficult decisions that have to be taken in order for a country to move forward.

Mr. Speaker, any taxpayer - another point was raised about whether the advance to delay the implementation. Let me say this, it is intended that taxpayers - and the teething period will be there - we accept that it is a complex legislation but we have to start at some point in time and we are not prepared to delay any further. The taxpayers will be given...

Mr. CHUCK: Hey, Derrick, what are those? Where is mine?

Dr. PHILLIPS: ...up to one year. It will come into force after the regulations are provided...

Mr. CHUCK: Richard, I want mine man, where is my little?

Dr. PHILLIPS: ...and developed in the year of assessment 2015. Now it is standard. You make your returns for 2015 in 2016. In the year 2016 all that is intended is that taxpayers will have the opportunity to provide up to one year, to provide the documentation to support their assessments. It is not intended that if there are disagreements, these will be dealt with in any draconian way, but in any event, there is one year.

We accept that the point made about the teething pains to be resolved. You know, the imagery of teething pains is an imagery drawn from the human condition of a child growing up and teething, but the child exists and goes through the teething pain. We intend for this Legislation to exist, it has to exist before it can go through its teething pains and so we're not going to delay any longer the Legislation.

In March 2015, taxpayers will file their transactions, stating their connected party transactions. In March 2017, they'll be asked to file documentations - 2017. There will be the right of appeal, as we say.

(Inaudible comment by Mr. Chuck)

Dr. PHILLIPS: A point was made about - and I am not certain what the point is, about the GCT and the repeal of GCT...

(Inaudible comment by Mr. Chuck)

Miss HANNA: Delroy, turn off yuh mic.

Dr. PHILLIPS: ...and all of this, I'm not certain because this does not apply to GCT.

This is applied to income tax and return on income tax. So I know it is said in some places that everything is everything, but that is not a philosophy to apply to taxation. Income tax is income tax and GCT is GCT; one is a consumption tax and the other is a consumption tax and one is an income tax.

But, Mr. Speaker, having said that, I am proposing, Mr. Speaker, to move second reading of the Bill. I am proposing that we not go to Committee today, so that we will give the Opposition a chance to reflect on the amendments which we propose to move, and we will take an opportunity to peruse the substance of your presentation. Once we put aside the re-statement of your summary, we will go to the gravamen of your point. Because Mr. Speaker, we are anxious that any issue that may be a difficulty is resolved; we accept the complexity issue. So Mr. Speaker, I move 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 further to Amend the Income Tax Act",

read a second time.

Dr. PHILLIPS: Mr. Speaker, I propose now, speedily I hope, to move the withdrawal from the Capital Development Fund.

The SPEAKER: I thought you were going to move that we suspend the...

Dr. PHILLIPS: Mr. Speaker, I appreciate your guidance. I propose that at this point, further action on the amendment to the Income Tax Act be suspended. It remains for us to go to Committee, which we propose to do at a subsequent sitting. I will ask that the Clerk circulates, if it has not already been done, the amendments to...

The SPEAKER: Is that the wish of the House?

Put to the House and agreed to.

THE CAPITAL DEVELOPMENT FUND (WITHDRAWAL) (NO. 2)

Dr. PHILLIPS: Mr. Speaker, the withdrawal from the Capital Development Fund, (Withdrawal) Order (No. 2) is before us. We know, Mr. Speaker that it has been typical in relation to the Bauxite Production Levy Act, proceeds of which go into the Capital Development Fund, that it is required of this House from time to time to make specific provisions for withdrawals from this Fund. These funds have been traditionally utilized to provide budgetary support for the Jamaica Bauxite Institute.

For this financial year, $200 Million is to be withdrawn from the Capital Development Fund to finance the Institute's operating activities. The Institute will continue to undertake the following activities to strengthen its alliance with NEPA to ensure good environmental practices in relation to land reclamation, a matter which I know in your capacity as the representative for South Manchester you have very strong views, Mr. Speaker. As I am also told is the case of the Opposition Spokesman on Finance who has great concern about the land reclamation practices of bauxite company lands in his

communities; water treatment issues, pollution control, and red mud disposal.

The Institute will also undertake work to identify and protect Jamaica's mining resources, and to support sustainable development through the Bauxite Community Development Programme which is of particular interest to many here. I have always made the case, without success up to now...

Mr. CHUCK: You want some of it so do I.

Dr. PHILLIPS: ...that the persons who have been forced to reside in Kingston from bauxite communities should be also in receipt of supports.

Mr. CHUCK: Absolutely!

Dr. PHILLIPS: I will not press the point here today.

Mr. CHUCK: Well, let's adjust it, so everybody gets.

Dr. PHILLIPS: I will not press the point here today. Under the Bauxite Community Development Programme which has been provided, $350 Million under Phase IV has been allocated; $130 Million has already been drawn from the CDF for activities. A further $200 Million withdrawal from the CDF for the Bauxite Community Development Programme is now to be made to continue financing activities under this phase.

The funds provided to the Bauxite Community Development Programme under Phase VI have been utilized in the areas, such as agriculture, provision of greenhouse projects at eight sites, and water harvesting. It has continued to focus on appropriate water harvesting and crop production technologies, particularly in drought prone bauxite areas. Disbursements have also been made to the Rural Agricultural Development Agency (RADA) toward implementation of avocado, that is to say pear, expansion project in Mocho, Clarendon, peanut production in Lime Tree Gardens, St. Ann, and St. Ann apiculture project. Additional funds have been provided for the JBI plant nursery. Adult learning and skills training have been provided in St. Catherine, Manchester and Clarendon, repairs to schools, also in Manchester, Clarendon and St. Ann, repairs to roads, gullies and other infrastructure, water catchment and pumping facilities.

The Development Bank of Jamaica continues to provide management services for the Capital Development Fund. In this regard, a withdrawal of $6.5 Million is requested for payment to the DBJ. The sum represents management fees of $5.5 Million, and $1 Million for audit fees. The affirmative resolution is now being sought for the withdrawal of $406.50 Million from the Capital Development Fund as set out in the Resolution.

Mr. SHAW: Mr. Speaker, the matter of course is not a controversial one and you know the...

(*Sotto voce* comments)

Mr. SHAW: You are interrupting the conversation.

Dr. DAVIES: You are interpreting us. (Laughter)

Mr. SHAW: Mr. Speaker, you know, the Minister made mention of land reclamation and I am sure that he did not - could not have been referring to it in the context of the use of

the bauxite community funds because certainly that is a separate issue altogether but nonetheless a vexing issue - a very vexing issue, because if you want to see an example, Madam Prime Minister, of a community that has been depleted of resources, I would direct you to have the JDF fly you over - don't drive - fly you over a community in South Manchester - the Member of Parliament sits at the pinnacle of this House - called Harmons, and the caverns that are there, all over, which was...

A MEMBER: Dangerous!

Mr. SHAW: Yes, dangerous as well, but it was also prime agricultural land. And little or no reclamation has been done in those areas. We don't have to speak about St. Ann; just fly over St. Ann and the evidence of the neglect... And the truth is that we all have to share blame over the years because we have failed to ensure that the bauxite companies honour their commitment for land reclamation. Now, most of them gone *'bout dem* business, can't get it from them again. But the issue is, what can we do for communities like that?

The Member of Parliament for North Central Clarendon has consistently complained about the lack of water in the Mocho area as an example. Here is another community where the resources are depleted; they don't even have water much less arable agricultural land. And so, what that amounts to is that we get some money out of the bauxite, but too many of our communities have been left the poorer from the extraction of our resources...

Mr. CHUCK: Hear, hear!

(Applause)

Mr. SHAW: ...left poorer, and it's something you have to admit to. And so, I would say to - the Minister of Mining and Energy is not here now, but Prime Minister, I want you to hear this because there is the talk of more exploration and more mining licences that have been granted, not necessarily the cockpit country. I have heard that denied. But even if it is on the outskirts of the Cockpit country, I am asking and begging that we must put in place very specific reclamation agreements with the bauxite companies... (Applause) ...more detailed than what we already have in place now, because it is a crying shame when you go around this country and see the kind of depletion and the impact that it has had on the economic life of those communities.

In terms of the funds for the development programme, which is a drop in the bucket, it can't go anywhere, in terms of what needs to be done. But in terms of that - the last time it was announced Minister, I got the little - our Minister, chicken feed man there would say, I got the... (Laughter) I got that about six months after this was announced. So I am hoping that on this occasion the money will be forthcoming on an expeditious basis, to put it as diplomatically as possible.

Thank you.

The SPEAKER: Mr. Parchment.

Mr. PARCHMENT: Thank you, Mr. Speaker.

Mr. CHUCK: What happen to you, Parchment?

Mr. PARCHMENT: Mr. Speaker, I ask for permission to speak from a seat other than my own.

Mr. CHUCK: Again?

Mr. PARCHMENT: My mic is not working.

The SPEAKER: Proceed.

Mr. PARCHMENT: Whilst I rise to give my support for the withdrawal from the Capital Development Fund, I understand the need that we must have withdrawals to take care of certain, to take care of our businesses.

But Mr. Speaker, when this Fund was first established in 1974 by former Prime Minister Michael Manley, the overwhelming mandate of this Fund was to provide funds to balance the lives of people in bauxite mining areas. For example, Mr. Speaker, in the 1970s there was a Tank Building Programme, substantial Tank Building Programme in St. Elizabeth that many people benefitted from, but persons in the bauxite operating areas could not benefit from this programme because the effluent from the plant would contaminate the water to be harvested because it would settle on the roof and then go down into the tank. So they never benefitted from this programme and it was thought of that the Capital Development Fund would provide for them a potable water system known as the Essex Valley Water System and today Mr. Speaker, as I speak, that programme has been announced numerous times in Parliament and up until today it has not produce one gallon of water for the residents in the Alpart operating area.

Whilst I understand that we have to make withdrawals, we have to deal with what it has been intended for. Mr. Speaker, we just came out of a 11- months drought in that area and people suffered greatly and not one penny was used from this Fund to truck any water to any individual in that area. And if we are going to balance people's lives, Mr. Speaker, we will have to ensure that the funds are used for the intended purpose and to ensure that people who have been relocated on lands which are no longer arable are provided with alternate ways that they can make their living.

So, Mr. Speaker, I want to say in order to honour the memory of our visionary former leader, Michael Manley, we should use the funds for the intended purpose.

I thank you.

Mr. PAULWELL: Mr. Speaker, I rise to support the Motion that we are debating. And sometimes you don't see me in the Chamber, but I am actively involved in the debate elsewhere, especially if I am engaged in a meeting I do listen intently to what the Members are in fact saying. And I want to respond to the Member from North East Manchester in relation to the specific issue about the environment, and in particular the matter of the rehabilitation of our mined-out lands.

I should say that this Government has been very insistent especially over the last four years that the bauxite companies, the bauxite alumina companies abide strictly to the terms of their licences, whether it is for exploration or whether it is for actual mining.

We, Mr. Speaker, recently engaged and got the support of the Russian Government, for example, to enable us to do full rehabilitation especially of those areas that are mined by Rusal, UC Rusal and in fact, a team came recently to engage us because there are two aspects to it. One is to ensure that after mining there is a substantial rehabilitation in terms of the physical look, because there are too many places across Jamaica where you have gaping holes and it is just physically, it is unpleasant, and it is a breach of the agreement, and we are going to insist that that be dealt with.

But secondly, that these are lands that can go back into productive use, and we have seen elsewhere where they do mining that there is full rehabilitation. In fact, in .Jamaica now we have full examples. Noranda, for example, they are now doing - using low-level technology, hydroponics where they do green houses and they are able to see tremendous expansion in the agricultural output. In fact, the prediction is that from the bauxite alumina industry, you can tremendously expand your agricultural output by the rehabilitation of the lands to productive use. And it is a matter that the JBI has recently received instructions from me to insist on that in every case where the companies are involved in mining, that right after you have removed the deposit, you move to swiftly re-establish the lands into productive use.

The other aspect of that, Mr. Speaker, is that when the companies are engaged in acquiring lands, many persons are displaced. And after mining the policy is to, as far as possible, to get those lands into the hands of Jamaicans and there are two major projects now that we are pursuing to provide titles to Jamaicans who were displaced, but now are back on the lands. Jamalco they are doing a number - hundreds of titles, also Rusal in relation to both Alpart and WINDALCO in Ewarton. This is a project that we have placed high priority on because it will enable smaller farmers to now participate and to contribute to the agricultural output.

The Russians have indicated to us a number of items that they would import from Jamaica if we are able to produce them and we are working *in sync* with them to ensure that we can do this. So I take the point raised by the Member and to assure the House that we are more than ever insistent that the environmental aspect of mining be put on the front burner. And that all the companies now must abide by the prescription that is given in their agreements, in the licensing for full and complete rehabilitation, and I so commit.

(Applause)

Mr. SAMUDA: Mr. Speaker, I really had not intended to say anything but when the Minister of Mining and Energy rose and made mention of the rehabilitation of mined-out lands, you know, Mr. Speaker, I recalled when I - my first job was with Alcan Jamaica in Kirkvine. I worked with them for four years. And I can recall that at the time, Alcan and the other bauxite companies had the finest herds of prized beef cattle. Mile Gully, for instance, was the place to look at like an ocean of grass, beautiful. Well the grass has not changed, what was changed is that there is no cattle.

There is no cattle being reared on bauxite lands of any magnitude, that is not disputable.

(*Sotto voce* comments by a Member)

Mr. SAMUDA: He is interrupting me to try to put me off course but I know you are going to guide the whole process, Mr. Speaker.

The point I am trying to make, Mr. Speaker, is that we in Jamaica, I hear the Minister talking about hydroponics - you don't need to rehabilitate all the lands to put in hydroponics. What you need to do is to prepare the land after mining to build out the pastures and to re-establish herds, the envy of the Caribbean, Latin America everywhere you go, those herds don't exists anymore, don't exist.

A MEMBER: Farming.

Mr. SAMUDA: Farming in the areas don't exist, so if you even give back the land to the original owners they would not know what to do with it because of the incident of praedial larceny. And until we come to grips with that problem, Minister, until we come to realize that vast wealth continues to elude us in agriculture, because a few people are hell bent on destroying the potential by stealing expensive livestock and other produce. And we have to come to grips with that. So don't tell me about this business about hydroponics and solar, well, you know, I heard you speak earlier about the LNG hub, well I take it that there is no hub for wind. So we must refocus, Minister of Mining and Energy, refocus and use the land for that which the Jamaican people have for years been accustomed to and have developed expertise in agriculture. And, if necessary, undertake with the owners of the lands to give people who are interested in going into agriculture and braving it to get large parcels of lands so that we can build out the economies of scale to enable us to be competitive. That is the kind of thing you should be talking about. So there is no justification for what the bauxite companies are doing; they should be forced by law, enforced under the provisions to try to rehabilitate the land and to repatriate to the original owners so that they can create the kind of economy that can help the country.

Minister that is a project for agriculture to take on in conjunction with Mining and Energy and insist that they do it without compromise.

The SPEAKER: Mr. Henry.

Mr. HENRY: Mr. Minister, clarify for me very clearly. As a beneficiary of some of the funds, but equally a town that has suffered from the development of bauxite which has not been fed into the main capital in terms of the Clarendon area. This amount that you are now drawing, is this from the early budget? Because up until now what was allotted I can't seem to access those funds, I am still waiting with programmes there and none of the money has yet been disbursed. I am told it is next month or this month. Is this additional? Because it took me to write a letter to your Ministry of Finance to remind them that this money was in the budget, had been passed, and the Minister of - JBI said that they had not received any funds and could not be able to meet any of the programmes. So I merely want to be clear as to whether this is now

addition or whether it is feeding into that and, therefore, allow me to know if indeed, what has happened to the funds before which is still not disbursed as I speak.

Dr. PHILLIPS: Mr. Speaker let me thank all the Members that have participated.

Let me address the first, the comments made by the Member from Central Clarendon. The process is that the funds can only be withdrawn from the Capital Development Fund by approval of the Parliament. Once Parliament has authorized they can only pay for the funds - pay from the fund as the resources flow in to it from the bauxite levy and that in turn is dependent on the extent of the mining and the earnings from that. So I can't speak specifically to what you have received or may not have received, but this represents an additional authorization. Yes, right.

(*Sotto voce* comments by a Member)

Dr. PHILLIPS: Yes, but you may not need it, or want it even though you may need it.

There are a couple of fundamental points and I don't intend to belabor the issue but we collectively need to learn from our experience with the Capital Development Fund. It really represents one of the earliest examples of what has come to be known as sovereign wealth funds that other countries have put together. But in many respects, we have not utilized it as was originally conceived and have been compelled because of - for a variety of reasons and I won't belabor it, but to use it for recurrent expenditure, largely rather than fundamental investment in enhancing the capital stock and the capacity to generate wealth.

So Mr. Speaker, we - I think collectively it is a lesson which we ought to absorb ourselves so that future generations - I understand that you cannot eat out your basic natural resources and then have nothing to show, as we ought to.

And that lead to the point that was made about the land reclamation *et cetera*. Too many communities only have a hole in the ground to show for this valuable resource. And now, it is the commodity, the one commodity which never benefitted from what they called the super commodity cycle; earnings which fell in '08/'09 have never recovered. There has been a marginal recovery and China's failure to grow at the same pace has meant that aluminum prices which started to move up have not kept pace. And so we need to ensure two things that we, not only do we spend wisely from what remains of this resource, but secondly, we need to ensure that our economic base as a country is broadened.

Mr. SAMUDA: Broaden, over reliance on bauxite.

Dr. PHILLIPS: Mr. Speaker that is a debate for another time.

Dr. PHILLIPS: Maybe when the Member as Chairman of Economy and Production, might want to consider, really examining the history of the utilization of this Fund at some point.

Mr. SAMUDA: Hear that we going to Economy and Production.

Mr. JACKSON: Yes!

Dr. PHILLIPS: I think it is worth doing.

(Inaudible comment by Mr. Jackson)

Dr. PHILLIPS: Looking at the long history of it and it might need some research to be done which you could…

Mr. SAMUDA: Providing we don't run out of time.

Mr. JACKSON: We will have enough time.

Dr. PHILLIPS: But you will have a lot of time. You will have time, man. You will have time.

(Cross talk by Mr. Jackson and Mr. Samuda)

But no, seriously. It is something I prepared - I think even if we commissioned some of our scholars in one or more of our universities, to look at this experience and draw lessons for a generation.

A Government MEMBER: Yes!

Dr. PHILLIPS: So Mr. Speaker, I move that the Resolution be approved.

The SPEAKER: Those in favour?

Motion put to the House and agreed to.

The SPEAKER: I would just like to point out that 20 years ago, 1995 I raised this matter with regards to the…

Dr. PHILLIPS: That's 20 years ago?

The SPEAKER: Yes …the use of the Capital Development Fund. That man next to you was the Minister. So let us hope we are not going back into the same 20-year cycle.

Dr. PHILLIPS: We look forward that before 20 years the Chair will not have - (Inaudible comment) -

(Laughter by Mr. Chuck)

Mr. SAMUDA: That's what you call intellectual recycling.

Dr. GUY: Mr. Speaker, we will continue under Public Business now with the Minister of Transport, Works and Housing doing a Bill entitled: "AN ACT to Amend the Transport Authority Act."

The SPEAKER: Dr. Davies.

Dr. DAVIES: Mr. Speaker, the summary of what this amendment is about is succinctly stated in the Memorandum of Objects and Reasons. The Bill seeks to amend the Transport Authority Act to include the classification of public passenger vehicles which is presently found in Section 60 of the Road Traffic Act, and then to delete that section from the Road Traffic Act. Essentially what we are doing is modifying the classification to increase the seating capacity of hackney carriages from not more than four persons to not more than five persons, including the driver.

Mr. Speaker, for some time now the hackney carriage operators have been asking for the provision in the Road Traffic Act dealing with the number of persons to be carried in this category of vehicles to be amended to bring about this change. The challenge was that we were in the process of revising the Road Traffic Act and we decided to omit this provision from the amended Road Traffic Act and to include it in the Transport Authority Act.

The request, Mr. Speaker, derives from an anomaly that exists between the number of seats or passengers insured, and the number of passengers provided for in the law in these vehicles. Retention of the limit and the number of passengers is untenable as the

hackney carriage operators argue, and with justification, that as their operating costs are increasing they could not make a living carrying three passengers. The Ministry feels that apart from the anomaly, this is a justified complaint. On the one hand they are required to insure for five, but then the Act only allow them three plus one.

Mr. Speaker, although it has taken an extended period before bringing the amendment to Parliament, and I apologize for the delay, that it's here is instructive that the Ministry and the Transport Authority have listened and responded. I wish to stress to the hackney carriage operators and to all private operators in the Public Transportation Sector that the Ministry and the Administration are open to dialogue on all reasonable concerns. However, the one non-negotiable is that order and discipline must prevail. No civilized society can make progress if individuals or groups of individuals seek to pursue their objectives with scant regard for the inconvenience resulting for other citizens.

The Transport Authority which has monitoring and regulatory responsibility for the sector has been consulted, and it has no objection to this change, because it's a commonsense change. However, operators must be cautioned that the amendment does not allow for a free-for-all, it's four passengers plus one, not nine plus one, or seven plus one, and so that maximum number will be rigidly enforced. So, as I indicated, Mr. Speaker, it's straightforward and it should have been brought before but we are acting and doing the right thing.

Thank you, Mr. Speaker.

Mr. SHAW: Hear, hear!

Mr. HENRY: Mr. Speaker, I don't intend to respond to this this evening, I'll respond next week, I only got this Bill - was told yesterday, and I want to do a bit more research in respect of it because there are other issues that can be impacted which needs to be addressed, and I will respond on Tuesday.

Dr. GUY: Mr. Speaker, this Bill was supposed to have been debated from last week and -

Mr. SHAW: Was it tabled last week?

Dr. GUY: No, no, the Bill was tabled weeks ago.

Mr. SHAW: I didn't ask you weeks ago, I asked you when.

Dr. GUY: I will not tell you exactly when but weeks ago, the 16th of September.

Mr. SHAW: You sure or you guessing?

Dr. GUY: Positive. I am advised by the Clerk. A notice was given also, Mr. Speaker. I submit, Mr. Speaker, it's a simple Bill, noncontroversial and it's something that we should deal with this afternoon.

(Cross talk by Mr. Jackson)

Mr. CHUCK: So suspend, we suspend it until next week.

Mr. HENRY: On the contrary, Mr. Speaker, I have had a number of people who wish to speak on this matter, some of whom are not here, and I also have from the associations some questions which I have to analyze into next week.

(Cross talk by Mr. Jackson)

Mr. CHUCK: No problem delaying it now.

Mr. HENRY: Because it's not just, it's not just when you remove, this is only one sector of the transport or the taxi service, there are others right now under question in respect of whether they have been given licence to carry seven people and ending up being told they can only carry four. I therefore want to brief myself fully and with respect to the persons who are out there, of other classes in the transport, I would like to give them an opportunity to give me the information they have said they wish, which I would make part of my presentation.

Mr. CHUCK: All right, postpone until next week.

Mr. SHAW: Reasonable, reasonable. Hear, hear!

(Cross talk by Mr. Jackson)

Mr. SHAW: Yes, you are supporting it there?

Dr. DAVIES: Mr. Speaker…

Mr. HENRY: And I did - sorry. And I did advise, when I received the call, I think it was last night the Leader of Opposition in the House, and I advised him I would not be able to answer and I have sat here waiting to ensure the debate begins for me to respond next week.

Dr. DAVIES: Mr. Speaker, as has been indicated, this Bill was tabled over a month ago. Last week I came prepared to take it through its stages and I was told that the Opposition spokesman needed to be given some time to prepare, and that was done last week. But I really have difficulty in understanding what could there be a debate about in terms doing a commonsense…

(Inaudible comment by Mr. Jackson)

Dr. DAVIES: Yes, taking a commonsense decision as I have indicated is necessary.

Mr. CHUCK: The man wants some instructions.

Dr. DAVIES: But the other issues don't apply to this amendment, and so I would like to conclude.

Mr. SHAW: No, you would not. Sit down. Sit down.

(Cross talk)

The SPEAKER: Mr. Smith.

Mr. D. SMITH: Mr. Speaker, on the surface of it the point made by the Minister make some sense, however, I must say that I gave the Member the assurance that…

Mr. PARCHMENT: You had no such authority.

Mr. D. SMITH: …that it would not be a difficulty for him to respond sometime next week on the basis that overtime we have had levels of cooperation between…

Mr. SHAW: And consensus.

Mr. D. SMITH: Right - both sides. So I am asking, I am asking, Mr. Speaker, that the Minister, that the Minister, you know, accepts the request because as the spokesperson says, the Member from Clarendon Central, he has had some requests from persons who are actually handson in the field, which he would like to bring…

Mr. SHAW: And it would be helpful to you.

Mr. D. SMITH: Yes. I am of that view and the House Leader is here now to confirm the spirit of cooperation that has always

existed between us. And you remember those IMF Bills? Your memory seems to be very short. You remember? Brought the same day and debated the same day, you remember though? So Mr. Speaker, with those few words I am very confident that the request will be adhered to.

Mr. JACKSON: Mr. Speaker.

The SPEAKER: Mr. Jackson.

Mr. JACKSON: I have listened keenly to the Leader of Opposition Business on the matter. The item before us, Mr. Speaker, is a one item amendment. The norm in the House is that when we are making amendments which are far-reaching, indeed we provide some latitude to deal with the various areas of impact…

(Cross talk by Mr. Shaw)

…because of the various impact of the amendment.

The SPEAKER: Mr. Shaw.

Mr. JACKSON: In this instance, Mr. Speaker…

Mr. SHAW: There is an interconnection with other items.

The SPEAKER: That's not how we do it, you know.

Mr. JACKSON: …there is one single item, one numerical change that is being made.

Mr. SHAW: Thank you.

Mr. JACKSON: Mr. Speaker, to relent in this circumstance, and I do appreciate the Member wants to accommodate the concerns by members of the public, but I would have expected that the Member would advise those interested parties that given the restricted nature of the amendment, this exercise does not allow for those wide-ranging examination that they would have brought to him. Mr. Speaker, if we go down that line we are going down a very slippery slope that is going to seriously impact on the efficient operation of this House. In that regard, Mr. Speaker, I ask that the matter before us be dealt with this afternoon.

(Applause by Government Member)

Mr. SHAW: This is a more complex matter. Very complex.

Dr. DAVIES: Mr. Speaker, I indicated that the rationality that you are insured for four plus one and you are being prosecuted, because the present legislation speaks to three plus one. It's a real issue and I can't tell police not to disobey the law.

Mr. SHAW: But how about the vehicles that have seven and can only carry four? Deal with the two of them together.

Dr. DAVIES: No, this is a different - this, this -

Mr. SHAW: No pinchy-coby, itsy-bitsy, little bits of that.

Dr. DAVIES: Listen, my notes are from myself and not unlike this varied collection of pieces of information which cause you to chat so much foolishness.

Mr. CHUCK: We wasting time now.

Dr. DAVIES: You are chatting foolishness.

Mr. CHUCK: Chairman, next week, next week, next week.

Dr. DAVIES: No, Mr. Speaker, we should have taken it last week, we didn't, we postponed it, and I assume that the

Opposition… So Mr. Speaker on that note I move for second reading of the amendment.

Mr. CHUCK: No, no, no, no!

Mr. SHAW: You move what? You move what?

Dr. DAVIES: Second reading.

Mr. CHUCK: No.

(Cross talk by Opposition Members)

Mr. D. SMITH: Mr. Speaker, the Minister misleading the House. If we check the records it will indicate that we got no notification of it being debated last week.

Mr. CHUCK: Nothing at all.

Mr. D. SMITH: So this argument about last week for debate, not true.

Mr. CHUCK: It never debated last week.

Mr. SHAW: It was not on the agenda. Not on the agenda.

Mr. CHUCK: Today was the first time.

Mr. D. SMITH: We did get it, we did get the notification over the holiday weekend, I think it was last night or something like that.

Mr. CHUCK: The first time for this week.

Mr. D. SMITH: So you misleading the House. Not true.

Mr. SHAW: First time. Is not true.

Mr. CHUCK: First time.

Opposition MEMBERS: First time. First time.

Mr. CHUCK: First time that's on the agenda.

Mr. D. SMITH: We not asking about when it was tabled. That's not the point. But the point, it was never scheduled for debate last week and postponed.

Mr. CHUCK: That is the fact.

Mr. D. SMITH: Not true.

Mr. SHAW: The House is being mislead.

Dr. DAVIES: Mr. Speaker, the Opposition is just looking for a reason to be mischievous and to create...

Mr. SAMUDA: No, no, good reason.

(*Sotto voce* remarks)

Dr. DAVIES: Yes? In that regard, Mr. Speaker, let us do the unnecessary...

Mr. CHUCK: And do it next week.

Dr. DAVIES: ...and we'll do it next week. And I look forward to a wide-ranging presentation on the...

Mr. CHUCK: Absolutely!

Dr. DAVIES: ...on the multimodal transportation sector.

(Heckling/Laughter)

Mr. CHUCK: Absolutely!

Dr. DAVIES: Yes, yes.

Mr. CHUCK: That is a major contribution.

Dr. DAVIES: Yes, I look forward...

(Laughter/Heckling)

Mr. HENRY: And I promise not to deal with the failure of the Port Authority.

(Laughter)

The SPEAKER: Is that the wish of the House?

A MEMBER: Yes!

The SPEAKER: So be it.

Mr. PAULWELL: Mr. Speaker, just to make sure that we are clear, next week we also intend to deal with the St. Thomas motion.

Mr. CHUCK: St. Thomas?

Mr. PAULWELL: Yes, we intend - it's a very important motion...

Mr. CHUCK: That's Fenton Ferguson?

Mr. PAULWELL: ...on the agenda, we're going to debate it next week. This year St. Thomas is celebrating 150 years and we want to make sure that it is given pride of place, especially for those of us who are from the parish.

ADJOURNMENT

Dr. PHILLIPS: Mr. Speaker, there is no intention for us to go any further...

Mr. HENRY: From all indications... (Inaudible comment)

Mr. PAULWELL: Oh, Mr. Speaker, I move for the recommittal of items, Announcements, Bills Brought from the Senate, Reports from Committees and Notices of Motions Given Orally, in that order.

The SPEAKER: The question is for the recommittal of items, Bills Brought from the Senate, Announcements, Reports from Committees and Notices of Motions Given Orally.

Put to the House and agreed to.

(Inaudible comments)

ANNOUNCEMENTS
(Recommitted)

Mr. SAMUDA: There are no slaves in St. Thomas. I don't think there were slaves in St. Thomas.

The following is a message from the President of the Senate.

"To the Honourable House of Representatives:

I have the honour to advise this Honourable Senate - House that on the 16th day of October, 2015 a Bill entitled: "AN ACT to Amend the Jury Act" was passed in the Senate with seven (7) amendments.

Signed: Floyd E. Morris,
President of the Senate.

Mr. JACKSON: Omar, prepare for travel.

BILLS BROUGHT FROM THE SENATE
(Recommitted)

(Inaudible comments)

Mr. ATKINSON: Mr. Speaker, I signify my willingness today to take charge of this Bill.

Bill shortly entitled:

"The Jury Amendment Act of 2015",

read a first time.

Mr. ATKINSON: Mr. Speaker, I give notice of second reading of the Bill.

The SPEAKER: Where are we now?

(Cross talk/Laughter)

Mr. ATKINSON: Give notice of the second reading.

REPORTS FROM COMMITTEES
(Recommitted)

Dr. GREEN: Mr. Speaker, I beg to lay on the Table of the House a copy of the report of the Regulations Committee of the House of Representatives on its deliberation on the

National Housing Trust (Housing Benefits) (Special Selection) (Perth Housing Development Phase l) Order, 2015.

NOTICES OF MOTIONS GIVEN ORALLY (Recommitted)

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

Be it Resolved that the Report of the Regulations Committee of the House of Representative on its deliberation on National Housing Trust, (Housing Benefits) (Special Selection) (Perth Housing Development Phase 1) Order, 2015, which was laid on the Table of the House on the 20th day of October, 2015, be approved.

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 27th of October.

The SPEAKER: The question is that the House do adjourn to Tuesday the 27th of October 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 5:46 p.m. until Tuesday, October 27, 2015 at 2:00 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2015 – 2016

TUESDAY, October 27, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:36 p.m.

PRESENT

THE SPEAKER

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

MEMBERS OF THE CABINET

THE HONOURABLES:

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

DR. THE HON. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing with responsibility for Housing

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

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

MINISTERS OF STATE

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

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

OTHER MEMBERS

MR. EDMUND CURTIS BARTLETT, CD, (JLP) St. James, East Central

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

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

MR. ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Leader of the Opposition

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

MR. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western

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

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

MR. AUDLEY FITZ ALBERT SHAW, CD, (JLP), Manchester, North Eastern

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

MR. DARYL WESLEY PHILLIP VAZ, (PNP), Portland, 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 Dr. Dayton Campbell.

The Deputy SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

The Deputy SPEAKER: Members, we have with us today a number of visitors and we want to use this occasion to welcome them. Among the visitors are Mayors and Councillors. We also have the School of Business Administration (UTECH), a group from the MSc in Nursing Programme (UWI), the L'serine Hall Leadership Academy (UWI) and Little Angels Prep. Let's welcome them.

(Applause)

(MR. FITZ ARTHUR JACKSON, CD, (PNP), St. Catherine, Southern, entered and took his seat.)

STATEMENTS BY MINISTERS

Mr. PAULWELL: Mr. Speaker, this afternoon we will have two statements, one from the Minister of Health and the other, which we'll commence with, is from the Minister of Transport, Works and Housing.

The Deputy SPEAKER: Minister Davies.

HOUSING AGENCY OF JAMAICA

Dr. DAVIES: Mr. Speaker, the Housing Agency of Jamaica has been in the news recently and I thought it important to say something about the Agency which falls under my ministerial portfolio.

Let me begin, Mr. Speaker, by saying that the HAJ has been beset by challenges for an

extended period covering both Administrations and several of the issues raised by the recent audits are longstanding ones. The Agency is supposed to be a self-funding entity which generates operating revenues, primarily from sales of housing solutions which it develops. The NHT provides it with construction financing to undertake the developments and the proceeds of sales are used to offset the loans.

(MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern, entered and took his seat.)

Mr. Speaker, Members will no doubt recall that just over two years ago, the Agency was again in the news. The Board, at the time, resigned and I appointed a new Board in March 2014. My instructions to the new Board then were to stabilize the finances of the Agency and to focus on completing existing projects, where this was feasible. In keeping with my instructions, I have been advised that the HAJ is focusing on completing three projects:

(a) Jamaica Economic Housing Project, which is now 90 per cent complete;
(b) The Hills of Boscobel which is 98 per cent complete; and
(c) Whitehall, which is 95 per cent complete.

These projects have been in the pipeline for the last five years. Mr. Speaker, the HAJ is also working on two other projects: Bernard Lodge and Green Pond, both of which were the subject of public/private partnership agreements which had to be cancelled. You will recall that I have continuously updated the House about the status of the Bernard Lodge project and I will say something more about both these projects later in my presentation.

During the last two years the Board has taken steps to address the financial situation through instituting a number of measures such as reducing operational expenses, completing unfinished projects within their financial capability, tighter management of cash flow and negotiating payment plans for outstanding monies owed to contractors. I have been advised that the outstanding trade and other payables at March 2013 was $1,169,000,000. This total has been reduced by $330 Million over the ensuing period March 2013 - September 2015.

(DR. WINSTON LLOYD GREEN, (PNP), St. Mary, South Eastern, entered and took his seat.)
(MR. HUGH CARL BUCHANAN, (PNP), St. Elizabeth, South Western, entered and took his seat.)
(MR. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, entered and took his seat.)

Mr. Speaker, the Ministry is concerned about the audit queries regarding possible breaches which are now in the public domain. It is important for the public to know that the first of the audits is one conducted by my Ministry's Internal Audit Department. In other words Mr. Speaker, we in the Ministry were

proactive. We aren't reacting to any other revelations. However, Mr. Speaker, I am particularly concerned that the draft report of the audit which was done by my Ministry appears to have been leaked before the Agency's responses were submitted, as is the accepted *modus operandi,* following the completion of any audit. It's an accepted approach, Mr. Speaker, when there is an audit that the institution or the individuals about which allegations are made or suggestion have an opportunity to respond. Otherwise queries which may have a credible explanation, may be taken as conclusive evidence of wrong-doing.

(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.)

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

I have been advised that a number of the issues which were raised in the audit have since been addressed and I pledge that all will be fully interrogated. I have asked the Chairman of the Board, the Honourable Derek Lattibeaudiere, to convene a meeting as soon as possible to seek answers to the issues raised and to advise me of the remedial steps to be taken where the deficiencies have been identified. The Board is meeting as I speak.

(MR. RUDYARD CONRAD SPENCER, CD, (JLP), Clarendon, South Eastern entered and took his seat.)

As regards the Bernard Lodge Project, I indicated that in July that it was still on, having signed a new agreement, public/private partnership agreement, with Herzog Jamaica Limited for the construction of 1,585 housing units. The development is being financed by Herzog's parent company, Herzog Contracting Corporation Limited. The project is now at the design stage and construction of Phase I is expected to begin in January 2016. And I should indicate, Mr. Speaker that this project guarantees that the HAJ will make a profit from it. It's guaranteed. (Applause) I should make another point, Mr. Speaker, there is not one single joint venture agreement carried out in housing where the Government has left with a profit.

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

As regards the Green Pond Project in St. James, the public/private partnership agreement was also signed with Herzog and construction has started. The project consists of 324 housing solutions. Mr. Speaker, one of the issues raised at the PAAC meeting is the role of the HAJ *vis-a-vis* the NHT. This, Mr. Speaker, is a matter which the Ministry and the Board have been reviewing. Without question, there is need for a rationalization of

the GOJ's housing agencies and initiatives. A major causal factor of the problems which currently face the HAJ was undertaking projects with noble social objectives, but which were not financially viable.

Mr. Speaker, I will continue to provide updates on the status of the HAJ and the projects being implemented by them. In addition, I will provide subsequent briefs on the queries posed by the auditors and the corrective measures which have been implemented.

I thank you, Mr. Speaker.

The Deputy SPEAKER: Dr. Chang.

Dr. CHANG: Thank you, Mr. Speaker.

A couple of questions to the Minister in relation to the Agency which he has indicated in his prior form of NHDC had several issues.

First of all, I would like to hear from the Minister in relation to paragraph 3, if there are any new projects started by this Agency in the last four or five years, one, and two, among those completed, what was their - were they profitable? I notice you are completing three programmes, a, b and c, in paragraph 5: the project in Runaway Bay, Boscobel, and of course, Whitehall in Negril which was supposed to provide some element of cash flow to the company, and therefore avoid some of the alleged impairment to its financing that currently exist.

Thirdly, in relation to the project in Bernard Lodge, which has been pretty long in gestation - almost elephant time they would say - I would like to ask the Minister to indicate what the likely costs of those houses to date. Initial proposals were for them to be starter home units, coming in at a cost that was affordable by the average low income worker - not no income, low income workers. In fact, if I recall correctly, we are looking at a price of about the $3.5 Million completed. But I won't debate the exact issue, it's some time. Where are they coming now, because that is what will likely determine the profitability of the company, given the constituents that we are seeking to provide homes for in that area?

(REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston Central. Minister of Education, entered and took his seat.)

I know the demand in the St. Catherine area... (Inaudible) ...constituency in a general term is quite high for a certain income category in the St. Catherine belt, but if you exceed that price, you have to go to a different segment of the market. And I notice this has happened in the case of the Runaway Bay project, Jamaica Economic Housing Programme, they are now selling lots at about three plus million dollars, which, while will market in that area, is not necessarily for the very low income worker. Although I am aware that in the North Coast where my constituency reside, low income workers have a little more flexibility in their incomes, but that's something I'd like to hear.

Similar question for the Green Pond project, which had started - had proceeded to a significant level of - not completion, but sales had proceeded to quite a significant number of those homes. What is the new projected cost of these homes?

Again, if you are moving out of the market segment, it would be of some concern, and I would love to ask that you may answer this follow-up question immediately: what is the Housing Agency doing to, in fact, ensure that there is available solutions for the low income workers, because that was the single purpose at the beginning?

Finally, in this section, and my question is: in relation to Paragraph 13, what are the projects that were undertaken by the Housing Agency of Jamaica that was considered not viable, and therefore contributing to its current problems that they are facing, because the intent of the housing and re-branding of the Housing Agency at the time from NHDC was to, in fact, shed a lot of the non-viable projects, financially speaking, and start a new programme as far as the Housing Agency is concerned. I am therefore interested to know what programmes have been started that would have provided, or caused impairment of the financing of this company at this time?

Dr. DAVIES: Thanks very much.

In terms of new projects, no new projects have been started, but there are projects in the planning stage. Any profitable answer is *no.* And that's been one of the challenges.

As regards Bernard Lodge, I would like to separate the units for which the HAJ had received down-payment and the people have retained their down-payment with the HAJ.

(*Sotto voce* comment)

Dr. DAVIES: For anyone who wanted it back, they were paid back. And I understand why they took it, but it was a mistake because they were protected; those who kept their funds were protected. There is a max - we have put caps in terms of any potential increase. This was a sticking point in the negotiation, but we insisted on it, that anybody who had demonstrated faith and kept their deposit with the Fund, would be protected to the extent of capping the increase to something under five per cent.

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

Dr. DAVIES: As regards those who are coming in new, the increases are capped related to any movement in the CPI over the period of construction.

(*Sotto voce* comment)

Dr. DAVIES: Now... construction starting now; well, there was no construction.

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

In terms of Green Pond, the same principle applies in that regard, but the Green Pond Scheme, there is - work has started, but we are going to have a ground-breaking which I think you doing it.

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

There is a ground re-breaking, but work is already... because Green Pond was more advanced than Bernard Lodge.

You raised questions about what would have resulted in HAJ losing money, given that it had been - the loss-making entities or developments had been shelved, they weren't. That's one of the problems. Virtually, all the - to complete any of the existing PRIDE schemes, is going to require significant outlay - any of them. It is something which is worthy of reflexion and analysis, but there was just too much taken on for which the expectations were quite high.

The financial capability of the beneficiaries was not as high, and hence you have this problem which then, has resulted. And one of the things I have asked is for a prioritization of schemes, where we can do basic work, affordable to the beneficiaries. But none of them would be profitable, in term of being able to recoup from the beneficiaries, adequate sums to cover the cost of the infrastructure.

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

Dr. CHANG: Thank you, Minister; just two more questions. One, in relation to the Pride programmes and similar programmes which were essentially Greenfield projects for low income individuals, operating under the basis of some kind of corporative basis, and informal settlements being upgraded, the policy we had adopted at the time, which in fact, was a shared suggestion.

The fact that came originally from you was, a percentage of the TEF money - of funds, were taken from the Tourism Enhancement Fund to deal with informal settlements in particular on the North Coast, where, while it is - squatting is not confined to the North Coast, it is expanded at a rapid rate in the tourism sector from Westmoreland through to St. Ann, and St. Mary, because tourism is one of the growth areas of the economy for a long time, and likely to continue growing.

It tends to attract a high level of informal workers, and therefore squatting emerges. It was thought because of that in fact, you would use - it was justified to use a percentage of the income from tourism to improve the conditions of work and residences of such individuals. They are all working and providing services of varying kind, legitimate and sometimes otherwise, in the tourism sector.

And you know, the initial workers - the waiters, the bartenders, *et cetera,* they are individuals who also move in that area, and their income does not allow them to travel from - income and work, will not allow them to travel from long distances, so squatting is serious problem in a special way in these tourism areas. And you recall that suggestion came from you initially, and the Government of the day adopted the suggestion and made significant progress in dealing with a number of the large informal settlements.

And I would have to ask you why is this programme discontinued, because I think it does contribute to the - not only the quality of life for the individuals and beneficiaries who are involved in the tourism sector, it improves

the entire community. Any visit to areas that were complete: Boscobel in St. Mary, a section of Lilliput, Norwood and Flanker, will tell you, it has had many benefits when you upgrade an informal settlement, not only in terms of the environment, their economic activity, there is the improved law enforcement - a number of things that along - that goes with it, but if you work and you get the credits for it, that's what it is. He was a teacher, he'll tell you. If you provide a satisfactory response to his questions, he gives you a good grade. Am I right? That's the nature of the game, and we are supposed to work at it.

The second question relates to Bernard Lodge again. While I said, in going in there, you did not give me any idea of what would happen in Green Pond, in terms of the cost of the houses, because a significant number of people at the lower level made down-payments at the time. In fact, the - I think there was a programme to sell the high income houses first - I think there is a two bedroom and a one bedroom, and leave the start-a-home units for the end. So, in fact, there was some delay because people were waiting to start on the lower income housing. But what impact has been the delay? And I expect there is an impact on this programme of the price of the units, which again, is critical, in catering to our employed individuals.

But in the case of Bernard Lodge, there is a Report which, maybe you can give me an answer in the House, and today - in the audit.

(*Sotto voce* comments)

(The Deputy Speaker gavels)

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

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

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

Dr. CHANG: There is a report that some $600 Million, or a figure of that sort was withdrawn from the - I don't know if the actual amount withdrawn, but any money that was withdrawn, I will ask you, was there any fund withdrawn from the downpayment by the customers for the Bernard Lodge programme that has been used for purposes other than for what it was designed to be?

And is this part of the - what is happening in the Housing Agency of Jamaica, because the allegations here are that they are using funds for the wrong purposes, faced with a cash crunch because of their failure to complete or initiate programmes from which they can generate income.

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

Dr. DAVIES: Mr. Speaker, the Member has raised three questions: one, the use of TEF

Funds for assisting with informal settlements in tourism areas. Secondly, Green Pond, what the price cap is and third, Bernard Lodge, the use of deposits for purposes which - for other purposes.

Let me start with that. There was withdrawal of some funds, I am not certain exactly how much. The moment we became aware of that, I ordered that these funds be returned, and they were fully returned, such that any depositor who wished to have his or her deposit, they have been repaid and the funds now being retained are more than adequate to match the deposits. It should not have been done, but it was done and corrected.

In terms of Green Pond, the same formula in terms of limiting any increase to movements in the CPI hold. I will get back to you with actually what the numbers are. Although the land is the Government's the fact is, this is a - the structure of the agreement - it is a private sector venture and hence they will have determined from their market analysis what the appropriate levels will be. But the same formula for capping any increase and relating it to the CPI movement holds. But I will get the actual numbers there for you.

In terms of the TEF, the reality is that whilst this was an innovative initiative, the TEF Board and the TEF, the Ministry, they have their own views as to how these funds should be utilized and providing housing for the informal settlement is not one of their priorities. Now, it could be made that way but to be frank, this was not the main objective in establishing the TEF, and those funds have been utilized very well in a range of activities. We have been able to do several roads. We have been able to do a range of capital projects funded by the TEF. But I will raise it again, but I do not see this as a long term solution for meeting a very important challenge, and beyond the programmes in tourism areas.

We have another challenge in urban areas in terms of how then do you foster redevelopment when a large percentage - and I see the Member from Central St. Catherine looking up immediately - when a large percentage of the population of those urban areas cannot afford even the cheapest low income housing. And so, it's an important challenge but I do not believe the TEF represents a long term solution.

Dr. CHANG: I have follow-up questions. One, the quality of housing for low income workers is a major national issue, and I'm disappointed that you have pulled the TEF funds because I think, while I would not want to see the Tourism Fund depleted by doing housing, that was not the primary purpose, but I think certainly to improve the environment of the workers of the Tourism Sector is a very valid expense for the TEF Fund, because bear in mind, TEF Fund is designed to improve the quality of the product and the emotional, mental state of the workers and the quality of their living environment is a part of the product of Jamaica, and while we as a country have a big name in the international marketplace we are physically a pretty small place, and in fact, while we agree the initial expense of TEF was confined to the North Coast, which is quite extensive here from

Westmoreland through to St. Mary, and I've thought that it's a priority to improve the quality of housing in these, what to be termed "inner city communities", downtown areas, a very unfortunate social order in Jamaica where you get this downtown decay, and informal settlements on the South Coast as well, and while the TEF might not have been able to take on all of that, I would have expected us to find some funding to begin that process as part of your priorities in the Public Sector Investment Programme. It contributes to not only, as I said, the physical environment, economic activity, growth itself. You are aware once you title these property and they become part of the formal system value goes up.

It also improves the atmosphere for crime management, which I'm sure your Minister of National Security will be very appreciative of, and therefore contributes to the total quality of life of the country, and I would love for you to look at that again, Minister. You would have the full support of this side in making any changes in your Public Sector Investment Programme, and using funds that are currently in the system, because I'm fully aware that we can't just pull money from anywhere. We don't have it, but I think the quality of housing for our workers, low income individuals, whether they exist in informal settlements, inner city communities and informal settlements on the South Coast, to me is a very critical issue and needs to be addressed as part of our national priority at this point in time.

The question of the public/private partnerships, in your reply to the pricing, I would love you to examine again how these operate. The public/private partnerships as designed at the time, I think they were somewhat different from the traditional public partnerships as done under the traditional housing Act, primarily designed to mobilize technical and financial services, technical and financial assets from the private sector leveraging Government lands. Here again one recognize in shaping this project, that we don't have the capital on fiscal space to go spending money all over just building houses, and while you might see the political benefits, we are aware of that, that's why the Housing Trust was created to try and create an atmosphere of equity in dealing with housing, but it is critical that our policy and the programmes we design and the legal framework we come up with, seeks to mobilize the private sector funding, and it's not likely that the private sector will go into low income housing on a large-scale unless the Government and the public sector is involved to some extent. I think this has possibilities, it has been a long time in coming to completion while I had something to do with the initiation, it was being done in attempt to be used as a kind of study as well. I'm not saying it has the complete answer; it was my hope that this would be one way of really reaching the target of up to 10,000 units per year to begin the process of dealing with this chronic, poor quality of housing for low income workers.

If the prices go up, therefore, it has a number of implications for me. One, while they will sell, and you can maintain the viability of the agency, it means we will have

to begin to look again at other solutions and that the proposal to use this is a means of resolving the problem, will not work. I would find that a very sad moment and I hope that, in fact, you do not find this happening so.

This is one of the reasons that the delay is somewhat disturbing, but we are aware that if you construct any housing unit quickly, you get a better price. The inflation, the cost of material, all the inputs tend to remain at a more stable level and therefore you get the price reflecting the real cost. What will happen here now is that, inflationary pressure alone is going to push up the cost of the house to limit that I'm not sure that income of the target workers have kept pace with, and these are issues, Mr. Minister, I would love you to examine and to the extent you can keep the House informed, I would appreciate that because, let me end by saying, the question of quality housing solutions, habitable solutions, if I might use the word more deliberately, for our low-income workers in this country, is one of national urgency. Both in terms of green field for new people entering the workplace and for the renewal of the urban centres, which I would also indicate to you Minister that, if we seek - urban renewal could in fact be less expensive per square foot. Not in total cost because you have build a complete unit, but the urban areas already have basic infrastructure in terms of road, light, water, and registered titles for the overall property. So, developments in these areas should be normally less expensive per square foot, but I do know that you can't start with a starter unit, you have to build something that a family can move in, appropriately, quickly and you can get the density that you require. Will also mean going up, and that increases cost.

Some study of this needs to be done. What technology can be used and how best it can resolve the problem.

Thank you.

(The Deputy Speaker gavels)

The Deputy SPEAKER: Dr. Chang, are you through now? Okay, thank you.

We have about three Members that would like to contribute. Mr. Warmington I see that you are very -

Mr. WARMINGTON: Mr. Speaker.

The Deputy SPEAKER: Yes.

Mr. WARMINGTON: The Minister spoke about the issue with HAJ, and he hadn't mentioned anything about the Burksfield Meadows. I would like to know the current status as it relates to payments for the contractors at Burksfield Meadows. I wrote to the Minister without portfolio and I wrote to the Minister and I wrote to the new Managing Director about it. This project was completed some three years ago and the contractor is yet to receive his final payment or his retention, and then there is another, to complete the sewer system, a new contract was signed and the current contractor cannot proceed because he cannot be paid. So I was surprised to have learnt on the weekend that the project is still to be completed; the work has stopped, cannot move because the contractor cannot be paid. So I'm wondering if the Minister could enlighten the House, enlighten me as to the status of the payment for the first contractor who completed his project some three years

ago, who has not received the final payment or the retention, or the current contractor who cannot be paid. What is the status with payment for those contractors at Burksfield Meadows?

The Deputy SPEAKER: Dr. Davies.

Dr. DAVIES: I am aware of the problem. The Member from St. Catherine South West has raised it with, as he said, everyone. I was initially told that there was a - we are talking about $15 Million.

(Inaudible comment by Mr. Warmington)

Dr. DAVIES: No, I am advised it's close to $40 Million to settle the total debt, but the problem of the HAJ in terms of its financial capability is a real one. So that would have to come as a grant from the central Ministry or the Ministry of Finance, but I will pursue it further but it's $40 Million which the HAJ just doesn't have at this stage.

The Deputy SPEAKER: Dr. Wheatley.

Dr. WHEATLEY: Thank you very much, Mr. Speaker.

Minister, the Bernard Lodge development. Well, you know my special interest seeing that most of these houses will become part of my constituency.

But Minister, on a more serious note now. We have collected - HAJ has collected quite a bit of deposit. Now Minister, you are saying here that the project will start in January 2016. Notwithstanding the fact that we appreciate the many difficulties HAJ encountered as it relates to this particular project, but we also must be mindful of the deposits that we collected, HAJ in fact collected, and as such Mr. Minister, I am wondering if these depositors, if they are not entitled to interest payment on their deposit that has been with HAJ almost four years. If we are about to start in 2016 and say another three to six months thereafter, that homes will actually in fact be delivered. So you are saying that HAJ will have the depositor's money for some four years. I believe Minister, that some interest payment is forthcoming.

Mr. CHUCK: Have a reduction in the value.

Mr. McKENZIE: Have a reduction.

Mr. CHUCK: Have a reduction.

Mr. McKENZIE: Have a reduction.

Dr. WHEATLEY: Because I'm sure if that money was with some financial institution, that they would have gotten some or a significant amount of interest on their money.

Mr. CHUCK: Some compensation.

Mr. McKENZIE: Compensation. Write-off one year.

(Laughter)

Dr. DAVIES: Mr. Speaker, first of all, I'll take the opportunity to repeat that those who requested refunds have been fully refunded.

Mr. PICKERSGILL: All?

Dr. DAVIES: All, anyone who requested refund.

Dr. WHEATLEY: That is there for four years. You are reiterating this - about refund.

(*Sotto voce* comments)

Dr. DAVIES: No, no!

Mr. PICKERSGILL: So what's your point?

Dr. DAVIES: Hold on no!

(Heckling)

Hold on. I heard you, you know, and I actually understood you.

(*Sotto voce* comment by Mr. McKenzie)

Dr. DAVIES: As regards -

(Laughter by Dr. Davies)

And wey you do this week? And wey you do this week? You've reached - you've peaked.

(Inaudible comment by Dr. Wheatley)

Dr. DAVIES: No, man 3:2, 3:2. Fluke goal. When they had their chance they didn't make use of it.

As regards those who have kept their money and kept faith, what we have done - and as I said before, it was a critical element in negotiation - we have capped the rate any increase despite the four years. So it is - what you lose on the roundabout, you pick up on the slide, in that we have ensured that the price at which those who have retained their funds with the HAJ it will be capped such that they would not have lost that due to no fault of their own, but due to inflation. So that has been done. I think they're more concerned about having access to a unit which is affordable than whatever the interest payments would be.

Dr. WHEATLEY: But Minister, the - I know that persons will be - some persons are interested in actually acquiring the unit, but the cost that the unit was being sold for at the outset, seeing that they will not be receiving any interest - the capping, could you just explain to us a little bit more as what you mean by the capping? Will the price be fixed at the same price, the original price or is there some increase or the increase will be capped at a particular percentage?

If that is the case then Minister, if you're going to give them - cap the interest, I am proposing that we remove the interest or that increase. So for example, if they were - they bought into the developments at $4 Million per unit, seeing that they have to wait four years for that unit to be delivered to them, then they should not suffer at the end because they were not able to get the unit on time. So I think Minister, we need to not only consider about the increase - cap the increase, but they remove that increase from those depositors who still leave their money with HAJ.

Dr. DAVIES: Mr. Speaker, what the Member should recognize is that whilst the deposits are with HAJ, in order to develop a new private/public partnership, we had to find someone who was willing to put up their money to complete the scheme. So when you think about them reducing, *et cetera*, at the same time, whatever the formula you would wish to design, some entrepreneur would have to be willing to take that and what we have negotiated I'll send the actual details to you. I believe it's the best deal we could have negotiated in terms of putting a five per cent cap on the cost of the unit and capping any further increase to movement in the CPI, which my colleague isn't here, but that movement, as you know, has been close to zero.

Mr. BARTLETT: Mr. Speaker?

The Deputy SPEAKER: Mr. Bartlett - just a moment, Mr. Bartlett.

Mr. Spencer, you had indicated earlier that you wanted to speak?

Mr. SPENCER: No.

The Deputy SPEAKER: Mr. Bartlett, go ahead then.

Mr. BARTLETT: Thank you.

Mr. Speaker, the Minister, Minister sitting somewhere else for the last three years, the HAJ has demonstrated a capacity to utilize resources for which the earning does not exist. The audit to which you speak made reference of course to that. The question Minister, is are you satisfied that the HAJ is a viable entity that should continue to subsist in the way it is and perhaps not be subsumed for greater efficiency within another such institution?

Dr. DAVIES: Mr. Speaker, obviously, I'm not satisfied. There are very few aspects of anything for which I have responsibility for about which I'm satisfied, but the - your colleague has very, very - has articulated very well the challenges facing and any attempt to provide housing for the poor and the lower middle income householders. It's a real challenge and one of the major causes for the problems faced by HAJ is seeking virtually to create middle class housing or middle-class housing infrastructure for poor households.

The answer lies, Mr. Speaker, in defining a terms of reference for the HAJ, which can be financed and say, these are the tasks you're undertaking and here is the financing to undertake them. For each - for the First STEP programme which was devised in the Ministry, but a collaboration with the NHT, the actual construction of that First STEP unit is approximately US$11,000 but when you put in infrastructure, the cost is twice that. So when you then seek to provide that type of infrastructure for the poor, somebody has to pick that up - pick up that cost because the poor cannot respond - demonstrate adequate demand or capability to pay.

So in going forward, the critical element is to define terms of reference for the HAJ which can be financed. But if you are giving them terms of reference to provide building middle income infrastructure for households which cannot afford it, then therein is the problem and at the heart of several of the problems facing the HAJ is that dichotomy.

Mr. BARTLETT: Minister, Mr. Speaker, the issue goes beyond, in all fairness, what you've said, because the operational cost of the HAJ has consistently overran its revenue inflows. And that's been the concern so that the HAJ has to be borrowing money to finance operational expenses.

That is untenable, as you know and is, in fact, a breach of the FAA regulations. So what steps are we taking to correct that situation? And whether or not, given the new arrangements that needs to be established to enable the HAJ to function efficiently, whether or not you needn't close that and to create a new construct, maybe, within the context of what you are defining which is quite correct, so that now you have a construct that can deal with the segment of housing that is going to satisfy the need that is there and provide a return sufficient to at least cover the operational cost?

Dr. DAVIES: Mr. Speaker, you can pay yuh money, pick yuh choice. You can either try to fix that which exists, but even to close it down and start a new entity, there are bills to be paid, there are outstanding obligations. So

one of the challenges you face is can you fix the present situation? And one of the things to do is accept that there has to be, in a sense, an assumption of some of those debts by the central government in terms of those activities which the HAJ pursued by policy dictates. There are - and I can give you examples, they don't relate simply to one administration as the former Minister will confirm, there are tasks - there are things which are taken on, and the question is, do you abandon them? Do you abandon them or do you complete them and draw the line? And I'm willing to come back with a total presentation indicating the way forward.

Mr. BARTLETT: Mr. Speaker, I accept that...

The Deputy SPEAKER: Mr. Bartlett, you're going to wind up now I hope?

Mr. BARTLETT: …Just to close. I accept that on the proviso that...

Mr. McKENZIE: You have to allow the latitude.

Mr. BARTLETT: ...that this constant hemorrhaging, that's the whole point, the constant hemorrhaging, Mr. Speaker, we saw a menu of projects from the HAJ which are all abandoned. Now, you can't make revenues if you're abandoning projects, and that's the point that we're making that there has to be a serious effort made by the Minister, the Ministry overall and the Board, in particular, to stop the hemorrhage because it not only has impact in terms of the waste of public resources, but it has implications on your debt structure because every one of those items that you have there are a charge against the debt that you and I - taxpayers will have to pay it in the long run.

The Deputy SPEAKER: Mr. House Leader?

Mr. PAULWELL: Mr. Speaker, the Minister of Health will now do his Statement.

Mr. CHUCK: Who? Dr. Chik-V?

The Deputy SPEAKER: Minister?

(Applause)

DEATH OF BABIES AT THE UNIVERSITY HOSPITAL

Dr. FERGUSON: Mr. Speaker, I want to thank you for the opportunity to speak to a very important and emotive issue this afternoon.

I want to express condolences to the parents of the babies who died from infection at the University Hospital of the West Indies and Cornwall Regional Hospital.

Mr. Anthony HYLTON: Hear, hear! Hear, hear!

Dr. FERGUSON: We recognized that this is a traumatic experience that the parents and families have undergone as a result of the loss of their loved ones. The hospitals will continue to provide counselling and other psychological support to the affected families who have been offered counselling during this difficult period.

Across the globe, Mr. Speaker, over six million babies die at birth annually and three million of these are neonates. Mr. Speaker, Jamaica is a part of a global move to improve maternal and child health. In fact, we've made important gains over the years. While the United Nation's goal of 2030 is to reduce

neonatal mortality rate to 20 per 1,000 live births, Jamaica's neonatal mortality rate has moved from 21 per 1,000 live births in 1990 to 12 per 1,000 live births since 2013. Some of the countries which ranked lower than Jamaica include India, Brazil, Panama, Honduras, Dominica, Dominican Republic, St. Vincent and the Grenadines, Trinidad, Haiti and Guyana. Some of the smaller countries with lower rates do not treat their patients at home, but fly them to other countries for treatment.

Mr. WARMINGTON: Are you trying to justify what had happened?

Dr. FERGUSON: The 2015 outbreak, Mr. Speaker, has seen 483 admissions to the Special Care Nurseries. Of the 483, a total of 45 cases of sepsis have occurred. This makes the sepsis rate approximately 9.3%. The total death from sepsis is now at 19, one additional child having died at the Cornwall Regional Hospital. Sepsis case fatality rate overall is in the region of 42.2%.

Mr. Speaker, in relation to comparison to low and middle-income countries, generally speaking, the range is 5.7% to 19.1%. For neonates, which are the ones we are now talking about, it is up to a high of 54% in middle and low-income countries.

Mr. Speaker, what are the actions taken during this outbreak? Most of the babies who died as a result of Klebsiella and Serratia bacteria were less than seven months premature and less than two pounds and, in many cases, were also very ill. Mr. Speaker, I know that every life is precious when dealing with premature babies whose immune system is not fully developed and therefore it leaves them susceptible to opportunist infections outside of a sterile womb.

According to data from the Ministry of Health Epidemiological Unit, outbreaks occur from time to time in special care nurseries and ICU's in Jamaica and globally, as well as we have seen them at the Cornwall Regional Hospital and the University Hospital of the West Indies.

Mr. Speaker, the commonest cause of neonatal deaths worldwide is infections caused by respiratory failure and prematurity. Allow me, Mr. Speaker, to commend the hardworking hospital staff who face these infections from time to time and work tirelessly to contain them. When there is an infection in a hospital the hospital local inspection control team takes charge of the process to control the infection. Local parish health departments and the Surveillance Unit in the Ministry of Health are notified through the Ministry's surveillance system.

When the Ministry of Health is informed about an outbreak, several strategies are recommended to the health facilities under the Ministry's guidance to handle the onset of infection involved. There are, Mr. Speaker, enhanced surveillance and monitoring of the outbreak with daily reporting to the MOH:

- isolation of infected babies and placements in separate rooms;
- new admissions placed in a different location;
- increased infection control measures such as increased frequency of cleaning;

- deep cleaning;
- monitoring of hand washing and consistent use of personal protective equipment;
- additional equipment and supply purchase;
- staffing levels enhanced by the redeployment and engagement of additional sessional staff;
- training, retraining and orientation of staff, parents and guardians.

What were my actions, Mr. Speaker, upon being informed of this alleged mystery bug?

Mr. WARMINGTON: Alleged!

Dr. FERGUSON: I acted promptly.

Mr. WARMINGTON: What is he saying alleged?

Dr. FERGUSON: That is what was in the public space.

I summoned members of the Board of the University Hospital of the West Indies to an emergency meeting on October 16. On October 17 I met with a broader stakeholder group, including the technical staff of the University Hospital of the West Indies. At that meeting I pledged all available resources. The press conference on Tuesday, October 20, the press conference, Mr. Speaker, on Tuesday, October 20, was to allay the public's fear after the reports of a bug killing babies at the hospitals. We had already identified the cause of Serratia and Klebsiella.

What are the plans, Mr. Speaker? Mr. Speaker and Members of this Honourable House, we have long recognized the frequency at which these infections occur and so we have been far down the wicket with plans to improve the survival of these neonates. Before the outbreak as far back as 2012, my team met with the consultant from the European Union where a project was submitted and accepted and by November 2013, we signed off on a grant of €22 Million specific to improvement to the areas of maternal and child health.

Mr. Speaker, while I do not wish to dwell on the numbers, I think it is important to also understand that we have seen some improvement and have been trying very hard to ensure that we put measures in place to protect all our babies and mothers. As part of Jamaica's commitment under Millennium Development Goals 4 and 5, the Ministry seeks to further improve maternal and child health to first-world levels consistent with our Vision 2030. Part of this effort is the programme for the reduction of maternal and child mortality under which the European Union, as I said earlier, has committed nearly J$3 Billion, the largest ever grant to the health sector.

Mr. Speaker, I use this opportunity to again thank the European Union for this assistance to improve this very important area. We will be hosting an official contract signing on Tuesday, November 3, 2015. A total of €1,918,419 or approximately J$253 Million worth of contract has been awarded in the area of people, plant and environmental support.

(*Sotto voce* remarks by Mr. Warmington)

Dr. FERGUSON: We will be building capacity of our workforce to respond effectively to newborns, especially premature ones by increasing the number of staff specially trained for neonatal care. One

thousand (1,000) primary care workers will be trained, Mr. Speaker, 200 community health aides, 86 physicians and nurses, 20 nurses in neonatal care have already been deployed to the field as of July 2015, an additional 22 nurses are in training and will be dispatched to the hospitals in another six months. We will continue training until every health facility in Jamaica where newborns are will have the required number of nurses.

In relation to doctors, Fellowship awarded to seven candidates in Neonatology, Maternal Fetal Medicine and Physical Care at the University of the West Indies. An additional 14 candidates are to be trained in the next few years, two-year grant awarded to nine doctors of medicine candidates at the University Hospital of the West Indies in Anesthesiology, Obstetrics and Gynaecology and Pediatrics, and another 27 grants are to be awarded. Completed in-service training for the first cohort for neonatology, 25; critical care, training completed 32; the second cohort for neonatology, which is 22, commenced training in October 2015.

Design of the High Dependency Unit - $61 Million to design 11 High Dependency Units with a total of five maternal and six neonatal; this will go to the Victoria Jubilee Hospital, Mandeville Regional, Cornwall Regional, Spanish Town, St. Ann's Bay Regional Hospital, Bustamante Hospital for Children. A total of 45 neonatal and 23 maternal beds will be provided across the six institutions, $95.5 Million for equipment to Mandeville Region Hospital Neonatal High Dependency Unit and ambulances, arrangements being made to procure equipment for the 10 remaining HDUs.

Mr. Speaker, it is against this background that I am announcing today the setting up of a special unit within the Ministry of Health to monitor both private and public sector facilities for newborn babies. (Applause) This is in keeping with the United Nations' Every Newborn Action Plan, a call to action 2014, which is a part of their Vision 2030 Agenda.

(Cross talk) (The Deputy Speaker gavels)

The Unit will be - Mr. Speaker, the Unit will be...

(Applause by Mr. Anthony Hylton)

Dr. WHEATLEY: One incompetent Minister to another incompetent Minister. You should come out of here. You should come out of here. *Nuh* worry *yuhself* you should be ashamed to be sitting here.

(Referring to Minister Anthony Hylton)

The Deputy SPEAKER: (Gavels) Dr. Wheatley.

Dr. WHEATLEY: You are worthless.

The Deputy SPEAKER: Dr. Wheatley.

Dr. WHEATLEY: You just wake up. You were sleeping, shut your mouth.

Dr. FERGUSON: Mr. Speaker, the Unit will be headed by Dr. Michelle-Ann Richards Dawson, a neonatologist, and comprised Dr. Jacqueline Bisasor McKenzie; Dr. Karen Shaw; Dr. Simone Spence, with support from the Ministry's Epidemiologist, Dr. Karen Webster and the Chief Nursing Officer.

Mr. WARMINGTON: Will they blow breath into those babies who have died?

Dr. FERGUSON: As I said before, Mr. Speaker, it is internationally recognized that

neonatal mortality is too high and so strident actions will have to be taken to preserve and safeguard the future human resource of our country.

Mr. Speaker, unfortunately Klebsiella and Serratia are among the leading causes of infection and mortality of premature babies worldwide. I know that every child lost is devastation for every family and so we would love to be able to save all our children.

I want to assure you, Mr. Speaker that we will continue to do all we can to provide the best care possible at our facilities. It is unfortunate and regrettable that this situation rises at this time.

Finally, Mr. Speaker, I call on persons to act and speak responsibly and stop trying to achieve political gains from the demise of babies and the tears of mothers and fathers.

A Government MEMBER: Hear, hear!

Mr. WARMINGTON: Rubbish! You caused it.

Dr. FERGUSON: I believe, Mr. Speaker, that at the end of all of this I, on behalf of the Government people, we regret what has happened. We recognize that babies born under seven pounds - under seven months, under two and a half pounds, are faced with serious challenges.

Mr. Daryl VAZ: That's why you need to do better.

Dr. FERGUSON: Again, we sympathize and express our deepest sympathies to the families impacted. We have pledged as a Government the PROMAC project $3 Billion the elements of which will significantly improve the health and well-being of these neonates over the next two to three years. And it is against this background, Mr. Speaker, that I look forward to the work of this new unit headed by our best experts and the outcomes. We look forward to with great anticipation.

I thank you, Mr. Speaker. (Applause)

(Inaudible comment by Mr. Warmington)

The Deputy SPEAKER: Mr. Opposition... (Gavels) Mr. Vaz.

Mr. VAZ: Mr. Speaker, permission to speak from a seat other than my own.

The Deputy SPEAKER: Permission granted.

Mr. Daryl VAZ: Thank you, Mr. Speaker.

I beg to give notice at that expiration of twenty-one days I will ask the Minister of health the following questions.

(Cross talk/The Deputy Speaker gavels)

No problem, Mr. Speaker.

Mr. Speaker, I would like to ask the Minister to answer the following questions and I will read them slow so that he can take notes and if he needs me to slow down or stop I will be more than happy to do so.

A Government MEMBER: Give him a copy.

Dr. FERGUSON: Aren't you tabling the questions?

Mr. Daryl VAZ: I'm not tabling. These are for you today and I'll table another set because you have more than one set of questions to answer. Can the Minister indicate whether there have been any…

(Cross talk)

Mr. CHARLES: Quiet!

Mr. WARMINGTON: No copy. Write them down. Make notes.

Mrs. NEITA-HEADLEY: What is going on?

Mr. WARMINGTON: Make notes.

Mr. Daryl VAZ: Mr. Speaker, can the Minister indicate whether there have been any further confirmed or suspected deaths due to the two bacteria which his Ministry recently confirmed has claimed nineteen (19) lives at the University Hospital and the Cornwall Regional Hospital. You'd like me to just give you them one at a time so you can...

Mr. SHAW: No man…

(Inaudible comment follows)

Mr. VAZ: I yield so you can answer.

Dr. FERGUSON: It is an unusual format that you have undertaken....

Mr. DALLEY: Yes, very unusual.

Mr. WARMINGTON: ...the bar.

Dr. FERGUSON: ...but if you would well remember when this process there were reported eighteen (18) deaths. I reported today that there was one additional death at the Cornwall Regional Hospital. We have brought in, since my knowledge, additional experts from the Pan American Health Organization; three experts have come. They have done significant work too with our local team and we are doing everything local and with our international support to curtail what is taking place in terms of the infection at both institutions even as we are looking at other hospitals. I cannot tell you that based on what has happened and what happened only recently even with the best of will as Minister I couldn't tell you that there will be no other because I have said in my presentation that *Serratia* and *Klebsiella* as organisms not just in Jamaica but globally, have taken the lives especially of our neonates who are born under seven months or under 2.5 pounds.

Mr. VAZ: Mr. Speaker, I'll follow-up with a question. Can you tell us Minister what is the status of the infected babies? How many at this time and the progress on these infected babies?

Dr. FERGUSON: From reports forty-five and out of that you had the nineteen that we had spoken about.

Mr. VAZ: I had asked what is the status on the remaining for a progress report in terms of how they are doing in terms of whether they are improving.

(Cross talk)

That would be useful for the nation in due course. Mr. Minister, the Chairman of the Board of the University of the West Indies only today indicated in the public domain that a shortage of resources did not contribute to the deaths of the nineteen babies. Can the Minister indicate what factors contributed to the deaths which senior experts from PAHO and United Nations has described as alarming and unusual? What are the alarming and unusual circumstances cited by these two well world-recognized ....?

(Cross talk)

Mr. PICKERSGILL: Ask the Chairman of the....

Mr. WARMINGTON: Chairman for life shut *yuh* mouth around there.

Mr. DALLEY: What is wrong wid your mouth? It set on spring or something?

Dr. FERGUSON: I don't know where you - I don't know what is your source of 'this

alarming and unusual' coming from PAHO or any of that. I know not of that unusual and alarming comment that you have made.

Mr. SHAW: Are you denying it?

Dr. FERGUSON: I say I know not of your assertion of alarming and unusual comments from those organizations.

Mr. VAZ: Mr. Speaker, that isn't surprising because you didn't know about the eighteen deaths as well. I would indicate to you that you check on this report. Mr. Speaker, question three, is it true that the Bustamante Hospital for Children was recently affected by an outbreak what is known in medical circles as the MRSA infection? Is that outbreak ongoing?

(Cross talk)

Dr. FERGUSON: Member, whatever might be your source, it would be good for you to bring to the attention of the nation your source of this allegation.

(Cross talk)

Mr. HOLNESS: Ask the question another way. Has the wing been closed? Just ask him, ask him if the wing was closed.

Mr. VAZ: Mr. Speaker, I'm asking again, whether or not it is true? It's either yes or it's no. That the Bustamante Hospital for Children was recently affected by an outbreak of what is known in medical circles as the MRSA infection? Is that outbreak ongoing, yes or no?

Dr. FERGUSON: What I can say to you, Member, that all our hospitals that have special care units from time to time are impacted by infections. I said that in my presentation. It would not be fair for me to come here today with you asking about a specific infection in the way you have and expect me to say to you, yes or no.

Mr. WARMINGTON: Poor Fenton! The Lord have mercy on you, the Lord have mercy on you.

Dr. FERGUSON: And we will investigate and get back to you.

(Cross talk)

Mr. CHUCK: Where is Peter, we need divine intervention. More divine intervention.

Mr. VAZ: Mr. Speaker, I would have thought that an issue as serious as this that the Minister would have at least had his medical team here to be able to acknowledge and to help you with these questions as this is not only what we are asking on this side, but what the entire country is concerned about. How could you come here today knowing that you're making a Statement to the House and come with your papers and no technical assistance?

Mr. SHAW: Good point.

Mr. VAZ: Mr. Speaker, question four, are there any other public health facilities in Jamaica where there have been outbreaks of the same two bacterial infections which has claimed nineteen lives so far at the University and Cornwall Regional Hospital; if yes, which facilities? How many facilities, how many deaths and how many persons or babies are infected at this time?

Dr. FERGUSON: I am aware that there are two babies affected by *Serratia* organism at the St. Ann's Bay Hospital. Yes, I am aware of the St. Ann's Bay Hospital, but I have said to you there are twenty-four hospitals across the country and if you believe that any

Minister would be walking around with - in terms of all these hospitals in terms of all these hospital - but I can tell you that where you have special care units there are infections from to time. The specific infections, the numbers, because it does not - a Minister is not informed about every neonate or infant who is admitted and infected in a hospital, when it gets to above a certain threshold is when you would expect that a Minister would be informed.

Mr. WARMINGTON: You ought to know at all times.

Dr. FERGUSON: If you believe that it is a day-to-day, every hospital. It is unreasonable for anyone to believe that that is possible.

Mr. VAZ: Mr. Speaker, I would just remind the Minister that it's deaths of babies we're speaking about and one life is too many. (Applause) Mr. Speaker, does the Minister maintain that he was only alerted to the infection outbreak on Friday, October 16, the same day it was reported in the media?

Dr. FERGUSON: I maintain that as it relates to the University Hospital of the West Indies and I maintain that I was informed of the Cornwall Regional Hospital on the 12th of October and on the 13th I dispatched a team led by the epidemiologist and my Chief Nursing Officer to go off to Cornwall Regional Hospital to do the necessary follow-up.

Mr. VAZ: Mr. Speaker, I would like to pose a question to the Minister, which is coming on the heels of an email that I received as well as from several media practitioners. I will read it and ask you to respond.

Mr. WARMINGTON: You laughing at the deaths of people's babies. You should be ashamed of yourself.

(Inaudible comment follows)

Mr. VAZ: Let me say clearly....

The Deputy SPEAKER: (Gavels) Just one moment, Mr. Vaz.

(Cross talk)

Mr. WARMINGTON: Sit down and laughing at the deaths of babies. You're a sorry case. Sorry case. You should be ashamed of yourself.

The Deputy SPEAKER: Mr. Warmington, please desist. Desist.

Mr. VAZ: …I quote, I quote let me say clearly that for one more than eighteen babies...

The Deputy SPEAKER: Mr. Vaz, I'm asking you to hold briefly. I'm seeking advice on this matter, because...

Mr. VAZ: Mr. Speaker... Mr. Speaker...

The Deputy SPEAKER: All right, proceed, Mr. Vaz.

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

Again, Minister, I am going to read into **Hansard** this e-mail, and ask you to respond, as I deem it very important.

(*Sotto voce* comments)

Mr. DALLEY: Source of the e-mail.

A MEMBER: He might have to retrieve it from his hand bag.

Mr. VAZ: A Health official... a Public Health official...

A MEMBER: Name...

(Inaudible comment follows)

(Cross talk)

Mr. VAZ: I will deal with that at the end.

Mr. McKENZIE: The name is in his hand bag; can I get his handbag?

(Laughter)

Mr. VAZ: Let me say clearly that for one, more than 18 babies died. I simply cannot understand why persons who should know better are so cruel and unwilling to be truthful. The Minister of Health, Dr. Fenton Ferguson, Permanent Secretary, Dr. Kevin Harvey, Dr. Marion DuCasse, and Dr. Andre Cooke were all fully aware of the outbreak. As a matter of fact from as far back as July/August...

(*Sotto voce* comments)

(The Deputy Speaker gavels)

Mr. PAULWELL: Let him reveal the source; let him reveal the source, on a point of order.

Mr. VAZ: Look here... this is not Marlene Malahoo-Forte, *yuh nuh.*

(*Sotto voce* comments)

The Deputy SPEAKER: (Gavels) Mr. Vaz... Mr. Vaz, unless you are prepared to reveal the source, I cannot allow you to proceed.

Mr. VAZ: Mr. Speaker, I can solve that. This is my question that I am now posing.

The Deputy SPEAKER: Well, do it that way then.

Mr. VAZ: This is my question, and I am prepared to defend it.

(*Sotto voce* comments)

Mr. VAZ: Let me continue; I won't start from beginning, I'll... (Inaudible) The question is, as far back as July/August, doctors and nurses at UWI and other hospitals, passed on their concerns.

(*Sotto voce* comment)

Mr. VAZ: Yuh gwine get the questions, just be patient. I also know, as a fact, that a meeting was held at the Ministry of Health in July/August on infection control issues. The lack of water, soap, gloves, tissue and hand cleaners, mask and protective clothing is responsible for the crisis. The repeat use of disposables is a big part of the crisis. The fact that surgeons had to be wearing garbage bags because of lack of proper protective clothing is an indication...

(*Sotto voce* comments)

Mr. VAZ: I said it's my question. The question is, with all of what I just said, why is it that the Minister is afraid to publish the Health Audit, if what I have said has no value or no bearing?

(Applause)

Mr. WARMINGTON: Hear, hear!

Mr. VAZ: I have categorically stated what has come in the Press previously by doctors on air - in the media, about the conditions that they are working under, and I am saying to you, if you have any credibility left, which I don't think so...

Government MEMBERS: No, no…!

Mr. VAZ: ...in this issue... I said, in this issue.

A MEMBER: You supposed to ask questions.

Mr. VAZ: No, no, no question, no question. I am saying to you, Minister that I am trying to help you. In order to salvage yourself from this situation, I am saying to you, publish the Health Audit and prove me wrong.

(The Deputy Speaker gavels)

Mr. VAZ: Publish the Health Audit and prove me wrong. And if you prove me wrong, I will come back next week and apologize. This is serious business between life and death. This is not politics.

(The Deputy Speaker gavels)

The Deputy SPEAKER: That question has to be asked via tabling of the question, to allow the Minister time to respond appropriately.

Mr. WARMINGTON: Mr. Speaker, before you go any further... Mr. Speaker...

The Deputy SPEAKER: I have not recognized you yet, Mr. Warmington, just sit down.

Mr. WARMINGTON: I am just bringing something to your attention.

Mr. VAZ: Publish the Health Audit, publish the Health Audit.

Mr. WARMINGTON: Mr. Speaker, I am not going to sit here, as a Member of the House and be abused by people behind me up there. I am asking you for protection from those behind here abusing the Opposition here. You hear me? I am asking for protection, as a Member of the House, I am not going to sit here, and be abused by anybody up here.

The Deputy SPEAKER: Okay, Mr. Marshall, could you... (Gavels)

(*Sotto voce* comments)

The Deputy SPEAKER: Mr. Warmington, you have made a request.

Mr. McKENZIE: Why don't you turn the security camera up there and pick her up?

(Cross talk)

Mr. VAZ: Mr. Speaker...

The Deputy SPEAKER: (Gavels) Just a moment, Mr. Vaz. May I remind this Honourable House that we are dealing with a matter of tremendous national importance. I would ask that we do not trivialize, and seek to grandstand on this issue.

Mr. WARMINGTON: Remind the Gallery... (Inaudible)

The Deputy SPEAKER: Just a moment, Mr. Vaz. I am also asking members in the Gallery to desist from any interference of any type at all. If that persists, then I will have to remove whoever does that. Mr. Marshall, you are so advised. Continue, Mr. Vaz.

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

Mr. Speaker, I just want to say in closing that I take offence when the Minister can close by saying: I call on persons to act and speak responsibly, and stop trying to achieve political gain for the demise of babies, and the tears of mothers and fathers.

Mr. DALLEY: That is your opinion.

Mr. VAZ: It is very easy. If you want to stop that, or what is perceived to be that, publish the Health Audit and let it speak for itself, and let the chips fall where they may.

Mr. WARMINGTON: Hear, hear!

(*Sotto voce* comments)

The Deputy SPEAKER: (Gavels) Dr. Chang.

Dr. CHANG: Thank you, Mr. Speaker.

Minister, I find your Statement a rather unfortunate Statement, in the circumstances. We have outlined the processes that are involved in dealing with hospital infections, which happens, as one of your technical

officers said, in a most unfortunate manner. We are aware that hospital infections happen and there are processes to deal with them.

We have also outlined a menu of activities, based on grant funds and other funds to be done, to improve the control of infection in hospitals. That is worthy and necessary for us, to be known. But the critical issue here is, first, examine the fact that 19 babies died of the infection. There was a breakdown in the process, and if there is a breakdown, somebody must be held accountable.

And what this House needs to be made aware of, where was the point of breakdown? Who was responsible? Because, if you cannot point them out, as Minister, it ultimately falls at your table, and where there is failure in a system that caused the death of 19 babies, those who are accountable should pay a price for it.

And that's the real question, you know. Was it the point at where the babies were admitted, the mothers were admitted? They were not cleaned properly? Was it the failure of equipment in the hospital that did not identify, or performed satisfactorily? These are questions that, I think, you should have sought to answer in this outline here, in your Statement, and you have not made any attempt to do so, which is why...

(*Sotto voce* comment by Dr. Ferguson)

Dr. CHANG: Well, the question is, where were the points of breakdown? Because when you have 18 babies dying, it is a failure of the system to respond on time and appropriately. We will have these infections, and after the first one you take certain steps, by the second and third something much more dramatic must be done by the professionals who understand what is to be done. Clearly, the actions were not taken, and the result was that there were 45 infections, and 19 dead.

Just a matter of observation, your statement has really stated 19, and accounted for 15, eight (8) at the Cornwall Regional and seven (7) at the University Hospital.

(*Sotto voce* comment by Dr. Ferguson)

Dr. WHEATLEY: Ask him back the question, Dr. Chang.

Mr. DALLEY: Re-state the question.

Dr. WHEATLEY: Re-state the question.

Dr. CHANG: The facts... it would be, where would be the other three or four would have died?

Because what...

(*Sotto voce* comment)

Dr. CHANG: Oh, the... might have been wrong. All right, fine. The point, Mr... the question, Mr. Minister is, where in the system was the breakdown? Why was the breakdown resulting in the death of 19 babies taken place and who are the accountable officers, and what has your Ministry done to prevent this happening again, and taken any steps in relation to those who failed to carry out their responsibilities?

Dr. FERGUSON: That's an excellent question. The matter as it relates to culpability, is being pursued. The Board has had - at the University, has had several meetings. I believe you would have been informed by many, and in the public space, that the Ministry was aware of the outbreak at

the University from June of this year, that is not so.

The fact is that the Ministry was aware, in terms of our Chief Medical Officer on the 7th September. The person who had asserted that the Ministry was aware from June in the last Board meeting admitted that he made, essentially, an error. And therefore - and as I said in my presentation, normally there is a process - and I know as a medical doctor, you are aware that once you get to a certain stage, you elevate - there is a protocol that elevates the matter to the Ministry of Health, and that was not done. And I will say here, that there will be consequences.

Dr. CHANG: Was there any further deaths after the 7th September at that hospital that you had indicated? Was there any further death after the report that was made to you on the 7th September? And can you assure this House that the required protocol to control the disease, or the outbreak was, in fact, implemented in both hospitals in a timely manner, one? And two, can you assure us that the protocol - implementation of such protocol and the reporting is now corrected by whatever new instructions you have given?

Dr. FERGUSON: Let me say that when it was reported on the 7th September, it was not even a formal report...

(*Sotto voce* comment)

Dr. FERGUSON: No, I am just telling you the facts... elevating the matter to the Ministry being involved. What came to the Chief Medical Officer was a note with correspondence from two officers expressing some views. The fact is that it spoke to the earlier outbreak. It did not, in fact, speak to the present and current outbreak. So, I am just telling you, all of this is coming out in the investigation.

Mr. VAZ: And action will be taken?

Dr. FERGUSON: Absolutely!

(*Sotto voce* comment by Mr. Vaz)

Dr. FERGUSON: Will... has... has...

Dr. CHANG: Minister, the failure in the system, you know, is almost a disaster, you know. We are talking - personally, let me just say at this point, I had a baby weighing two-and-a-half pounds, and the kind of action we are talking, I said, just a routine activity, protocol established by professionals. Just as we say that we are aware that there will be a breakdown; there will be infection in the system from time to time. The term super bug is often used. Sometimes it is a failure of system, sometimes it is a resistant bug emerging, and you have to do a number of things to correct it. Clearly here, the system failed.

Mr. VAZ: Negligence!

Dr. CHANG: You are the Minister, and quite frankly, Minister, you should have taken action already.

Dr. FERGUSON: How would you take what you did not know?

Dr. CHANG: Well, Minister, the fact that it was reported on the 7th and the entire system failed and caused deaths of babies, you should have removed some people already, if you are not going to take responsibility yourself, and then put in place, the percept...

(*Sotto voce* comment by Dr. Ferguson)

Dr. CHANG: No, I am serious. I am

saying Minister, I am saying to you that given the severity of the problem, and the seriousness of the problem, if you are the Minister, as the Minister in charge, you should have immediately taken action. It doesn't mean that you are going to fire people, you know, you can put them on leave. The Public Service automatically gives you that - and investigate the matter fully, and give the public the information.

What came out of your Ministry was a kind of casual, *well this happens anyway*, and it sounded very insensitive to the individuals involved - the families who have lost their babies, and it was as if there were individuals in your Ministry who did not - were not aware of the impact of this kind of activity. Failure of an entire sterile system, that's what it is, to respond to this kind of infection.

Failure of the system, one; which means there could have been technical failures, in terms of equipment supplies, as well as weaknesses in professions, and failure of the reporting system. Either way it goes, it is a major failure in the system, and those who are involved should be held accountable, and it is your responsibility to take action that can reassure the public that this will not happen again, and outlining an investment programme which is desirable and good, does not say that. Because the reporting protocol failed, and even if you have a better technical system, better equipment, a cleaner ward, when it fails again, it might happen again, because you have not shown the seriousness, given the seriousness it is due, which is either if you take full responsibility.

In Parliamentary system you remove yourself from it, or if you know your staff has failed, remove them from the process, whether by leave of absence or otherwise and investigate the matter and assure the public you accept the seriousness of it and you will take the action to prevent it happening again.

A MEMBER: That's right!

Dr. FERGUSON: Just to quickly say that I believe in the process - in due process, and I will tell you as I speak, two persons have already been impacted by the process.

Mr. CHUCK: Are they at the end of their contract?

(Heckling by Opposition Member)

Mr. Daryl VAZ: That's dishonest.

Mr. CHUCK: End of their contract?

Dr. FERGUSON: But it is not -

Mr. Daryl VAZ: The Chairman said it this morning.

Dr. FERGUSON: That what?

Mr. CHUCK: The end of their contract.

Mr. Daryl VAZ: One person, January his contract expires, and other one, I think, is for July.

Mr. McKENZIE: Goodness, man. That is dishonest. Come on.

(Heckling by Opposition Members)

Dr. FERGUSON: I will say to you Member from North West St. James…

Mr. Daryl VAZ: Dem just lie.

Dr. FERGUSON: …that as a result, as a result of our investigation there has been two casualties.

Opposition MEMBERS: No, no! No!

Dr. FERGUSON: If you don't want to accept that -

Opposition MEMBERS: No, no!

Dr. FERGUSON: There are many ways that you might want to accept persons not continuing their employment, but I am just telling you as Minister, based on investigation, there was a breakdown in the reporting system and persons have paid a…

Mr. CHUCK: Careful, careful.

Dr. FERGUSON: …price for having done that.

Mr. CHUCK: The contract end?

Dr. FERGUSON: In relation to…

Mr. CHUCK: Careful.

Dr. FERGUSON: …and I am saying that you can say "careful, careful" but I am just telling you that the minutes of the Board…

Mr. CHUCK: That's not what the chairman of the Board said.

(Heckling by Opposition Members)

Dr. FERGUSON: The minutes of the Board, the minutes of the Board will substantiate the actions taken.

Dr. CHANG: Thank you, Minister. One last question. The University Hospital is a relatively autonomous operation and clearly the Board have taken certain steps that have resulted in a number of senior individuals being held accountable, whatever it is. My question to you now Minister is, are you satisfied - well, first of all, this breakdown happened with the existing team in the Ministry. In normal circumstances, therefore, an investigation being carried out, at least those individuals involved should withdraw themselves from the process, and my question to you, Minister, are you satisfied, are you satisfied that your Ministries, responsible departments have a satisfactory: (a) monitoring system that this kind of rake in the process does not happen again? And two, that they are taking the appropriate action when these matters are identified? We are entering an era in health care - just two questions - when infectious diseases are going to be more prevalent. Lifestyle diseases are being treated and guided by professionals, and we are getting responses, but, in fact, it is an established fact that we see viral illnesses because of the nature of viruses are emerging that are not only spreading rapidly but are resistant to current pharmacological therapy. It means public health management is going to be the critical component in controlling such disasters.

Given the events of the last year and a half at the Ministry, the Jamaican public is rapidly losing confidence in our public health service which at one stage was seen as one of the best in the world. Minister, are you satisfied with the monitoring process and the activity of your public health department at this point in time? In these matters?

Dr. FERGUSON: It is for me to say that I am satisfied when there are gaps, obvious gaps in the system. Would not be fair.

Mr. SHAW: What are those gaps?

Dr. CHANG: Those gaps can be filled?

Dr. FERGUSON: Yes, I do believe that they can be filled. There are issues that will be dealt with as matters arising also from the present situation, the process under the PROMAC project that I spoke about earlier. While we are saying that it is a process, it is also a plan in process, but let us argue. What

would have been the major change in personnel over the last, even almost five to ten years relative to the Ministry of Health? We have had some excellent public health experts, whether it is public health inspectors, public health nurses, epidemiologists, all of these critical staff, and I don't believe that when there are gaps or challenges, that we can now say that the overall system, when our outcomes continue to compete with the developed world in terms of what are the outcomes? Life expectancy, 75 for female and 73 for male.

We spoke about the mortality in terms of neonates, 12 per 1000 live births, which is competing with many countries across the globe. If it comes to immunization you, as medical man know, Jamaica continues to rank over 90 per cent in terms of immunization. Better than places like even the United States. So, let us not play a game that conveniently makes our system now appear to be the worse anywhere. We have gaps in the system. This year in spite of the gaps help was the big winner in terms of the budget, 18 per cent increase in budget which has and will impact during this year. Last year we had $80 Million for maintenance last year; this year we have $500 Million.

Mr. Daryl VAZ: You just don't get it.

Dr. FERGUSON: No, you are not the brightest man in town. Let us admit it. You are not the brightest man in town, so don't bother…

(The Deputy Speaker gavels)

Dr. FERGUSON: …to try.

(Heckling/Laughter)

Mr. Daryl VAZ: You just don't get it.

The Deputy SPEAKER: Members!

Dr. FERGUSON: You are a pusher but you not the brightest in town.

The Deputy SPEAKER: Dr. Ferguson!

Dr. FERGUSON: By no means.

(Heckling)

Let me get back to the Member from North West St. James. You have asked some sincere and sensible questions. We have challenges in the sector. There are misery index issues that still impact on the sector, and I admit to that. There are some challenges in the sector. I admit to that, but let us not begin to beat the system down to lose - our people to lose confidence in a system that is better than many others, not in the Caribbean but beyond the Caribbean. Right. So we can always, you know?

Opposition MEMBERS: All right, all right –

(Inaudible comment)

Mr. SHAW: Mr. Speaker -

The Deputy SPEAKER: Mr. Shaw, you will have to wait, please. There were some persons who requested to speak before you.

Desmond, I am sorry. Mr. McKenzie, rather. Mr. Spencer?

Mr. SPENCER: Yes.

The Deputy SPEAKER: Okay. Dr. Wheatley, you have also withdrawn. Okay.

Dr. WHEATLEY: No, no, no, I not withdrawing. I have a question. One question.

The Deputy SPEAKER: Okay.

Mr. SPENCER: Minister.

The Deputy SPEAKER: Go ahead, Mr. Spencer.

Mr. SPENCER: Minister, we have heard the Report. What I want to ask: is there a reporting procedure at the Ministry of Health whereby the CMO reports to you or the Permanent Secretary? Can you just clear that up.

Dr. FERGUSON: There are matters that if brought to the attention of the Chief Medical Officer or the Permanent Secretary, would be raised with the Minister if they deem it to be of a particular gravity.

Mr. SPENCER: Well, don't you think the Chief Medical Officer having had the Report for such a long time, that it was unfortunate to -

Mr. SHAW: How long?

Mr. SPENCER: More than two weeks.

Mr. MAIR: Took 21 days to respond.

Mr. SPENCER: Don't you think it at least unfortunate that she took so long to advise you about such a condition?

Dr. FERGUSON: As I said earlier, the report she got spoke to the earlier outbreak that was between June and August, and, therefore, she was not asked in any way to elevate or even to intervene. She had just gotten that Report, and it's not a report, she got letters - a letter attached to, I think two letters from two members of the staff of the University Hospital.

Mr. SPENCER: Minister, are we to believe that the CMO having received this information did not consider it important enough to seek your advice?

Dr. FERGUSON: At the time of the Report, when she got it on the 7th of September, there were not 18 deaths, you know, there were not 18 deaths that would have been on the Serratia outbreak, and, therefore, it wasn't that she had gotten something saying that 18 babies or neonates have died and kept it to herself.

Miss GRANGE: How many?

Dr. FERGUSON: That wasn't in the -

Dr. WHEATLEY: How much? How much?

Miss GRANGE: How many?

Dr. FERGUSON: In terms of?

Dr. WHEATLEY: (Inaudible comment) - how many deaths?

Dr. FERGUSON: How many?

Dr. WHEATLEY: How many deaths at September - the time of September 7th?

Dr. FERGUSON: I don't have the document before me, but I would - I don't want to misquote.

Mr. SPENCER: Minister, we can compare to any other country but when you have 19 deaths not over one year period, but 19 deaths within a very short space of time, wouldn't you consider that to attracting serious attention and requires your input and intervention?

Dr. FERGUSON: I will say to you, Member from South East Clarendon, that when that matter was reported to me on the 16th, which involved 18 deaths, the day of the 16th, by the evening of the 16th I was meeting with the Board, on the Saturday, the 17th I was meeting with a wider stakeholdership including technical staff at the University. We issued a release to say that on the Tuesday the 20th, we would have come to the nation to give a fulsome report relative to the numbers,

et cetera, and that we have done. I made contact on that weekend with the Director herself of the Pan American Health Organization who sent in on Tuesday the 20th, two technical experts and the following day, the 21st, another one who have issued an interim report and another team is coming. So it is really work in progress that is now taking place, and I'm saying to you that we have not taken the matter lightly, we continue to regret the loss of lives and especially the families impacted, and I continue to say that and to extend counselling and we are making contact too with the families, but outside of that I am making the point that at the time when the matter came, when Klebsiella was now the organism in place, earlier the Report, the CMO would not have had a report with the gravity of the situation as reported on the 16th of October - on the 7th of September.

Mr. SPENCER: Minister, I know you have to protect your staff, but it is difficult to convince me, for example, that something like that coming to the attention of the CMO, she didn't regard it as important enough to advise you to get your counselling or just simply to have you know about it. She didn't think that was important enough for you to know about it?

The Deputy SPEAKER: Yes, Mr. Shaw, go ahead.

Mr. SHAW: Minister, I would just like to ask you, you have read the audit - the health audit report and you had a press conference in which you raised some of the - listed some of the issues that were in that Report. I want to ask you directly today, was the issue of infectious disease and mortality among premature babies specifically addressed in the health audit?

Dr. FERGUSON: What I would say to you, Member, I am very clear that in that audit there was mention relative to infection prevention and control, it did, among other things: equipment, pharmaceuticals and other things that are mentioned in the public space. When I spoke on the audit, I said that in my presentation. So yes, it spoke to infection control and...

Mr. SHAW: You have not answered my question, Minister. Let me ask you again.

Dr. FERGUSON: Yes.

Mr. SHAW: Did the Report - the audit - make specific reference to babies - premature babies dying, dying as a result of the infectious environment? I want to know if the Report specifically referred to these deaths.

Dr. DAVIES: Why you shouting?

Dr. FERGUSON: The deaths?

Mr. SHAW: Yes, the deaths, yes, because there were some in June and July as we're told. Did the Audit Report make reference to the deaths of babies?

Dr. FERGUSON: That I would have to check, I would never depend on my brain about a specific question as you have asked me. What I will tell you is that I know there was a discussion on - raised about prevention and control of infection. If you so desire that, I would not be able to give you that response this afternoon and if you table them, I will respond.

A MEMBER: A specific response.

Mr. BARTLETT: You can't depend on yuh brain?

Mr. CHUCK: No.

Mr. BARTLETT: Soh what you depend on?

Mr. SHAW: So you are privy to the health audit which you have refused to make public, although it is owned by the public. It is our report and by right, that Report should be made public. And you made a reference at the press conference about certain conditions that were not appropriate or that could lead to infectious diseases, I recall that, but I want to know, I would like Minister, for you to tell us specifically, did the Report speak to the lack of water, soap, gloves, tissue, hand cleaners, masks, protective clothing and the repeat use of disposables and the fact that surgeons had to be wearing garbage bags? Did the report make reference specifically to these issues?

Dr. FERGUSON: Member from North East Manchester, you have had the benefit of having had that Report or been told. As the Minister, I have a responsibility that if I am going to answer questions as you have posed, I would much prefer if you were to table them and allow me the opportunity to report faithfully in relation to the contents of that Audit to you as a Member of this House, and to the nation, but I would not be forced into saying yes or no, whichever way you might spin the question this afternoon.

Mr. SHAW: Can I put it to you, Minister - and no one wants to be guilty of misleading the Honourable House of Parliament, but can I put it to you, Minister, that the audit Report made specific reference to the perennial shortage of critical sanitary materials needed and the Audit Report also made specific reference to dead babies as a result of this situation. Can I put it to you that it is in the Audit Report?

Mr. DALLEY: You can put it.

(Inaudible comments)

The Deputy SPEAKER: Just a moment, Mr. Holness. Mr. Shaw?

Mr. SHAW: Yes?

The Deputy SPEAKER: Based on what the Minister has been reiterating, would you be prepared for the questions - those specific questions to be tabled so that he can be allowed to answer them more appropriately?

Mr. SHAW: Mr. Speaker, the Honourable Minister has seen the Report, has read the Report and had a press conference on the Report.

Mr. CHARLES: And send a statement to Parliament.

Mr. SHAW: And what the Minister should tell is - get up and either confirm or deny the specific reference to dead babies, that's what I'd like you to do, confirm or deny it!

The Deputy SPEAKER: Minister...

Mr. SHAW: No, hold on, no, no!

(Cross talk)

Mr. SHAW: Mr. Speaker, it is important that the Honourable Minister answers the questions. Because contained in this question will be the ultimate proof as to whether the Honourable Minister is misleading the Parliament and the nation about the actual time when he really became aware of this crisis.

(Inaudible comment by Dr. Ferguson)

Mr. SHAW: That's why you must answer the question.

Dr. DAVIES: Stop quarreling.

Mr. DALLEY: He's always quarrelling.

The Deputy SPEAKER: No, but Minister...

(Cross talk)

Dr. FERGUSON: Mr. Speaker, I have said before and I will repeat. I have no problem in responding to the questions raised by the Member from North East Manchester, but I will not do so on his agenda. I believe I have a responsibility to this House and to the country...

Mrs. NEITA-HEADLEY: Accurately, yes.

Dr. FERGUSON: ...in relation to the accuracy of my response, and that I believe is only reasonable.

(Applause)

Mr. SHAW: Mr. Speaker, can I ask the Honourable Minister, can I ask the Honourable Minister, why are you refusing to make the health audit public?

Dr. FERGUSON: That I will respond to you quickly. I have made it very clear, I was the one who asked for the audit and commissioned the audit. I was the one, together with my team, that decided to come to the country and to make the findings of the audit known. It was never - when the audit was asked for, it was to establish the gaps within the healthcare delivery system and with the increased budget that we had received, it would put us in a focused opportunity to respond to a number of those issues.

Mrs. NEITA-HEADLEY: Yes.

Dr. FERGUSON: It was never intended to bring in the public space an audit to say that Bustamante Hospital or KPH Hospital - it was never intended to demonize any institution or to put any health workers at risk by virtue of any finding. And that is what I have consistently said as the reason for the team not to publish the full audit, which would have the names of institutions. If you have a better way of doing it or if you were in my position, then you can determine how you do it.

Mr. SHAW: Minister, wouldn't you agree, wouldn't you agree, Minister, that the concealment of information from the public, rather than being, as you're suggesting, rather than it being protecting for health workers, wouldn't it be of greater concern that the real protection that the workers need in the health sector is that adequate provisions are made for adequate sanitary conditions, where doctors don't have to break anti-bacterial soaps in half and share it and spread it around? Wouldn't that be the best way to protect the health of patients and workers? Wouldn't that be a better way rather than concealing a Report as if it is your own private personal property?

(Cross talk)

The Deputy SPEAKER: (Gavels) Mr. Holness?

Mr. DALLEY: Why didn't you take the bus to Cabinet?

(Cross talk)

The Deputy SPEAKER: (Gavels) Mr. Samuda?

Mr. SAMUDA: Thank you very much...

(Cross talk)

The Deputy SPEAKER: Go ahead, Mr. Samuda.

(Cross talk)

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

(Cross talk)

The Deputy SPEAKER: (Gavels) Mr. Samuda. Go ahead, sir. What are you waiting on?

Mr. SAMUDA: Mr. Speaker, I've decided to contribute to this discussion.

The Deputy SPEAKER: It's not a debate.

Mr. SAMUDA: Discussion, I didn't say debate.

(Cross talk)

The Deputy SPEAKER: Questions.

Mr. SAMUDA: Conversation.

The Deputy SPEAKER: Questions.

Mr. SAMUDA: Mr. Speaker, you see when I read about the deaths of these infants I was reminded about my own granddaughter who went to University nursing facility, so it came home to me in a very personal way and quite frankly, Minister, I don't really give a 'damn' how well your statistics look. I am more concerned...

A Government MEMBER: Unparliamentary!

(Cross talk)

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

Mr. D. SMITH: What is unparliamentary?

The Deputy SPEAKER: Mr. Samuda, could you withdraw that word for me please, just withdraw it.

Mr. SAMUDA: It is not an unparliamentary word. You can look in May's.

The Deputy SPEAKER: It's ungracious.

Mr. SAMUDA: The point I am more concerned about...

The Deputy SPEAKER: Mr. Samuda, I think it would be gracious of you to withdraw it.

Mr. SAMUDA: I will withdraw it.

The Deputy SPEAKER: Thank you very much.

Mr. SAMUDA: ...but I am more concerned about the plight of the parents who lost these kids than I am about how well we are doing otherwise. So in your discussion, Minister, please don't attempt to cloud the issue by giving us all these fancy statistics, because the children under discussion are the ones that are very personal to our Jamaican mothers who have lost them.

The next thing, Mr. Speaker is this, there is a word called nosocomial, which is an infection that thrives on a hospital environment, its natural habitat and it thrives and develops resistance to the kind of chemicals that would destroy them because they thrive in a hospital environment.

(*Sotto voce* remarks by Government Member)

Mr. SAMUDA: You know, Mr. Speaker, just to remind him, I spend six years in the Ministry of Health as Parliamentary Secretary and Minister of State, and I was in the Ministry of Health when we had the polio outbreak that was handled in the most efficient manner. (Applause) So don't challenge my experience in the Ministry of Health.

What I want to ask the Minister, Mr. Speaker, is this, over the last two months we have been subjected to this trauma, but prior to that you had the opportunity to be proactive, you had the opportunity to ensure

on a regular basis that meetings are held with the team responsible for maintaining a protocol. You didn't need a crisis to do that because that's your job, and every Minister who has served in that Ministry has regular meetings, bi-monthly meetings with his team, just ask your colleague to your right who served as Minister of Health. That's part of that protocol.

Question, why didn't you meet on a regular basis and discern from that group the state of the hygiene in these sensitive areas in the secondary care system, special care nurseries, and if you did and you were told that there were challenges, what did you do to be proactive and prevent it from breaking out like this? Answer that first.

Dr. FERGUSON: Member, if you start on a false premise then the conclusions must be wrong. And therefore in relation to meeting with my team it is not just bimonthly, we meet almost weekly. The point is that we continue, and if you - I can report, if allowed at a later date, some of the things that we have been doing in relation to infection control and other areas related to the audit - but as a routine how do you believe that in the sense of the number of admissions in our Special Care Unit.

In all the hospitals, since January of this year, there have been 620 admissions in those Special Care Units in terms of babies. The point we are making is that we have a problem relative to these 19 neonates and I continue as the team, too, to express our deepest sympathies to the families. So I don't want anyone to believe that we don't share that view. How we respond relative, if there weren't careful actions taking place with these special care nurseries, babies would be dying daily in much larger numbers.

You have spoken about the fact that these nurseries are susceptible to infection and it is a fact, it is true, and we are also saying that in the present case we have identified the two organisms responsible. There was no report that the antibiotics used that the neonates were resistant to it. The fact is that some of the babies also had other issues. The Member from North West St. James will tell you, when a baby born under two pounds, under seven months their organ systems are not well-developed, lungs, other organs; their immune systems are significantly compromised. So I don't want anyone to give any impression that these are babies in the real sense and therefore - when I say babies in the sense...

Dr. WHEATLEY: They are not babies?

Dr. FERGUSON: No, no. I am talking about neonates. I am talking about neonates. I am talking about neonates *versus* full-term babies, and therefore they would have - that is why they end up in the nurseries because they have special issues.

An Opposition MEMBER: They are babies.

Dr. FERGUSON: They are babies, yes, but they are neonates, and I am saying that they had special challenges that is why they end up in the special care nursery. So is not that...

(*Sotto voce* remarks by Mr. Bartlett)

Dr. FERGUSON: And it is problematic, and it is not Jamaica, it is across the globe, Member, from East Central.

(*Sotto voce* remarks by Mr. Bartlett)

Dr. FERGUSON: All I am saying…

Mr. SAMUDA: Can I ask you to yield because I get the sense of what you are trying to say. But it's much worse than I thought. Your answer has revealed a sense of anxiety as far as I am concerned, because you said in defense we have had six hundred coming and only nineteen dead.

Government MEMBERS: No!

Mr. SAMUDA: Only nineteen dead. What are we getting excited about, only nineteen out of six hundred and odd. That is in sum and substance what you are implying, over six hundred, so we don't have to quarrel because is only nineteen dead.

(*Sotto voce* remarks by Mr. Dalley)

Mr. SAMUDA: That's number one. Number two, if you were aware, and I am sure you are, that 40% of deaths result in poor hygiene in these facilities from - 40%.

Government MEMBERS: Who said that?

Mr. SAMUDA: I won't even bother to challenge you. If you don't know that then we are even double in trouble. If you don't know that, if you don't know that refer to somebody who does. So the point is Minister, if you are meeting with them every week, you see you have compounded it by answering yourself, over answering, you are fleeing where no one pursued, because I never asked you about every week. But if you are meeting every week you should have realized that the incident was so low that in order to keep it at that level you had to intensify your efforts in these facilities. What I am asking you is, what specific effort was made by you, not your team, you as the Minister responsible, as the person who heads that facility where people, mothers take their children to be cared for, where you are the man on the spot, I want to know what you, what measures you took to protect the lives of these children by ensuring that the hygiene protocol was up to a certain standard to avoid any incident of this nature? That's what I want. Don't bother pass it off now to any health worker. Your knowledge of it is what I am seeking to determine.

Dr. FERGUSON: Member, as emotional as your question might be, as Minister, in my own meetings with my staff, we discussed as you would have during your period in the Ministry of Health, a range of issues. Among them would be how do we deal with, whether at secondary care or primary care, issues of infection control, issues related to staff, issues related to infrastructure, these are things that we routinely would speak about.

What I am saying, Member, that part of the challenge that you normally would have, and I will speak to the University Hospital in particular. This financial year their budget was increased significantly, both for pharmaceuticals and for medical sundry and other aspects related to care. And you can go back to the budget and look at that. These things don't happen accidentally. You know that requests and negotiations have to take place in order for those things to happen. And so once that is done there has to be a command chain.

I mean, what you are trying to do is set some dangerous precedence, too; the

precedence that is saying that when Ministers try to do certain things you are told that it is political interference. When you speak to staff and duties are delegated and you hold persons responsible, but then when something goes wrong, in every case it is the Minister. I don't believe that that can be fair and that can be the best in relation to governance.

Mr. SAMUDA: That's what you signed on for.

Dr. FERGUSON: Yes, but we must hold our people responsible for carrying out their duties.

(*Sotto voce* remarks by Mr. Samuda)

Dr. FERGUSON: Yes, and I am saying to you, Member, that there is a process at work now, an ongoing investigation, and as that process continues to unfold the nation will be properly informed.

Mr. SAMUDA: You know, Minister, you know what I'm going to ask finally, Mr. Speaker.

The Deputy SPEAKER: Finally, Mr. Samuda.

Mr. SAMUDA: Mr. Speaker, will you for God's sake do not be fearful of being either fired or forced to resign, but just stand before this Parliament and the people of Jamaica and say that you have made mistakes, that you have erred, that in respect of these instances it could be considered or interpreted as carelessness on your part and you're asking the Jamaican people to forgive you for those deficiencies. Just say that because Minister all your answers point to that and it would make you look like a bigger man. Don't worry about the job you have, because you're a dental surgeon you can survive. (Laughter) Don't worry about that. Just be man enough to stand before the Jamaican people and say, I am sorry.

(Cross talk)

Apologize to the mothers and the families who have lost their children say, I am sorry. That's all we want you to do.

The Deputy SPEAKER: Okay, Mr. Samuda.

Dr. FERGUSON: No, no, I don't have to - but I think, Member from North Central that during my presentation...

(Cross talk)

Member from North Central St. Andrew I believe that while I spoke you were concentration on the questions you wanted to ask....

(Inaudible comment by Mr. Samuda)

Dr. FERGUSON: ...and therefore you would have not heard at least on three occasions I expressed my sympathies. I said it, summarizing. I said it at the beginning in terms of my…

Mr. SAMUDA: Acknowledge blame.

Dr. FERGUSON: But what you are asking me to do…

Mr. SAMUDA: Acknowledge blame. *Tek* the blame.

Mr. DALLEY: You can say what you want to say.

The Deputy SPEAKER: We're going to move on. Mr. Holness.

Mr. HOLNESS: Thank you, Mr. Speaker.

(Cross talk)

Minister, in 2012/2013 the budget for the Ministry of Health was cut. Is that the case?

Mr. JACKSON: Ask the questions and then he will answer them.

(Cross talk)

Mr. HOLNESS: A simple yes or no.

(Cross talk)

Well, to make it easier, yes, the budget was cut.

Mr. JACKSON: Ask the questions then he will answer.

(Cross talk)

Mr. HOLNESS: Subsequent to that cut, there were reported cases of neonates dying in greater than normal numbers at the Victoria Jubilee Hospital, is that the case?

Mr. DALLEY: 2012?

Mr. HOLNESS: 2013, is that the case? Subsequent to that, Minister, we are now hearing of nineteen - updated figure - of neonates dying. Minister, your Government took a decision - your Cabinet took a decision to cut the health budget...

(*Sotto voce* comment)

Mr. HOLNESS: No, in 2013. At a time when we were going through a drought; we had the emergence of the Chikungunya epidemic.

(Cross talk)

You cut the budget. Subsequent to that you had the emergence of the Chikungunya epidemic. You cut the budget during a period of drought. We are now discovering you cut the budget during the 2012/13 period. Subsequent to that, we are discovering the death of neonates due to a particular kind of bacteria which lives and thrives in medical facilities especially under conditions that are meeting the standard of sanitation. Minister, would accept that your deliberate policy to cut the health care budget...

Dr. FERGUSON: My policy?

Mr. HOLNESS: It's not my policy.

Mr. DALLEY: You haven't had a policy.

Mr. HOLNESS: It's not our policy. It is the policy of that Government. A deliberate decision to cut their health care budget contributed - indeed, caused the deaths of these babies.

Government MEMBERS: No! No!

Mr. HOLNESS: I'm waiting for your answer.

(Cross talk)

The PRIME MINISTER: Continue to... You know better than that.

(Cross talk)

Dr. FERGUSON: I can say no and you can...

Mr. HOLNESS: Thank you, Minister. Therefore, would you say that the conclusions of the very report that you did which recommended an increase in the health care budget, which you subsequently have done, was an incorrect recommendation and assessment of the situation in health care?

Government MEMBERS: Don't answer that.

(Cross talk)

Mr. HOLNESS: Answer, answer it? I'm asking the Minister to answer that question.

(Cross talk)

You are saying Minister...

(Cross talk)

...you are saying that the cut in the health care budget had no effect on the state of health care? That's why you are saying?

(Cross talk)

Mr. SHAW: Him not saying anything at all.

Mr. HOLNESS: Are you answering the question, Minister?

(Cross talk)

Dr. FERGUSON: I would say I think anyone would accept that resources to any sector whether it is health, education, transport and works, whichever, would make a difference and this is why if we are speaking current $50 Billion to the health sector is the largest allocation whether if you take inflation or anything else in place. It is the first time that a Government has come to the table with $50 Billion for the health budget. It has never happened before. (Applause)

Mr. HOLNESS: Thank you, Minister. So in the same way...

Dr. FERGUSON: So we are talking current now.

(Cross talk)

Mr. HOLNESS: So in the same way, in the same way that you accept an increase in budget and the great effect it is going to have on the health sector will you accept that the cut in the budget contributed to the breakdown of sanitary standards in these facilities which led to the deaths of the neonates; are you accepting that, Minister?

Dr. FERGUSON: Absolutely, no.

Mr. DALLEY: No! No!

Mr. BARTLETT: What caused it then?

Mr. DALLEY: The investigation will tell you.

Mr. HOLNESS: Thank you, Minister. Minister...

(Cross talk)

A Government MEMBER: Andrew is batting.

(Inaudible comment by Mr. Dalley/Cross talk/The Deputy Speaker gavels)

Mr. HOLNESS: Gentlemen. Minister, you are willing to accept that greater expenditure will improve health, but not less. Hold on. Minister, the rule of the Westminster system of Government is when policy fails, when policy fails the Minister must do the right thing and resign.

(Cross talk)

I put it to you, I put it you that your actions and the actions of your Government and your Cabinet was a failure that lead to the deaths of children and you should do the right thing and resign.

A MEMBER: Shame! Shame!

(Cross talk)

Dr. FERGUSON: I am just saying.

The Deputy SPEAKER: House Leader.

The PRIME MINISTER: (Addressing Mr. Holness) Sit down, sit down. Shame on you, shame on you.

Dr. FERGUSON: I will refrain from saying what is obvious to many in this country relative to persons who ought to have resigned about things that they have done. I am not saying anything. All I am saying to you, all I am saying to you, Member from West Central St. Andrew is that you believe that we can just come to the House...

Mr. CHARLES: Just answer the question...

Dr. FERGUSON: ...or you go outside of the House...

Mr. CHARLES: That is not answering the question.

Dr. FERGUSON: ...and you call for resignation on the basis of not having the kind of evidence. You spoke about drought and all that kind of thing. Remember the issues we have had in the health sector, remember the issues as a result of policies pursued. Remember that, but I will reserve out of respect... my position.

(Cross talk)

Mr. HOLNESS: Mr. Speaker, the Minister has presented here...

(Cross talk)

The Deputy SPEAKER: (Gavels) Go ahead, Mr. Holness.

Mr. HOLNESS: Mr. Speaker, the Minister has presented in his statement to Parliament several new initiatives, which many of them are laudable initiatives…

(Inaudible comment by Dr. Phillips)

Mr. HOLNESS: ...regarding training of doctors, regarding the training community health aides, and additional training, so the question then, Minister, is why are you then responding after the epidemic? Why are you responding after the outbreak? It reminds us, Minister, of the $150 Million dedicated to mosquito spraying after the outbreak of Chikungunya. Minister, is it the case that you are not having adequate surveillance of your Ministry and you're being reactionary, reactive to the outbreaks rather than being proactive as a Minister?

Dr. FERGUSON: No, I don't agree with your position.

The Deputy SPEAKER: Dr. Wheatley.

Dr. WHEATLEY: Just one quick, Mr. Speaker.

The Deputy SPEAKER: Members. (Gavels) I think we need to move towards putting a cap on this, but I would not want the lady to think I will not accommodate her, so I will have...

Dr. WHEATLEY: All right, I will allow Babsy.

The Deputy SPEAKER: You will yield, Dr. Wheatley?

Miss GRANGE: Thank you, Mr. Speaker. We need some gender balance in here.

Mr. HENRY: Conversation.

(*Sotto voce* comments)

(The Deputy Speaker gavels)

Miss GRANGE: Mr. Speaker, I sit here and I am listening. There are eight women in this Parliament and I feel, at least we should be allowed to make a comment. Now, I am the mother of a premature child, and I am sitting here thinking, if that child was born now, in July - in August, that child would have been a dead child.

(*Sotto voce* comments)

(Laughter/Applause)

Miss GRANGE: It's not a laughing matter. Mr. Speaker... you see, there is a certain amount of insensitivity that is being displayed in this Parliament at this time when I know many women out there a *seh dem* belly bottom a *bun dem.* This is not a joking matter; this is a very serious matter, and 19 babies is not just 19 babies, they are human beings who have died.

A MEMBER: Recorded - several may have died.

Miss GRANGE: And so, let's return some dignity to this Debate.

Mr. WARMINGTON: It's not a debate.

Miss GRANGE: It has turned out to be a debate...

A MEMBER: This session.

Mr. HENRY: Conversation.

Miss GRANGE: Because we are not addressing the issue as if it's a matter that needs to be addressed. We are addressing it as if we are warring about it.

Mr. DALLEY: No, no!

Miss GRANGE: Don't tell me no. I sit here and it hurts. It hurts. Now, Minister...

(*Sotto voce* comment by Mr. Dalley)

Miss GRANGE: But, you know - you understand what I am saying. So, let's just settle down now, because 19 lives were lost...

A MEMBER: I am a feminist so stop it!

Miss GRANGE: ...and if I - if it were during the period when I had a premature child, the chances are, that child could have died.

Mr. CHARLES: Nineteen dead and 42 are dying.

Miss GRANGE: Now, Minister... I have several questions, but I don't want to delay. I am going to ask you one question which no one else has asked. Some of these bugs come from the mothers, and I have not heard you address what steps are being taken to deal with the mothers when they come in, because some of these bugs do come from the mothers. And that has not been addressed. The other - I am just going to ask you all the questions and then you can respond to them. Since October 20, have we had any other deaths? The autopsies - have they yet been done, of these babies, or will autopsies be done?

A MEMBER: They're not doing autopsy.

Miss GRANGE: Well, I am just asking the question, because the public out there you know, they are asking certain questions. They need answers and obviously, this is the only place that we have an opportunity to air these questions.

And Minister, would you agree that all that you have stated that is now being put in place are things that, unfortunately, should have been in place before in order to prevent this situation? And, what do you plan to do to restore confidence in the health system, because the country has lost confidence. No matter what you say in here today, you have not reassured the public that they are in good hands, and that the health system is healthy. Nothing today has given Jamaicans that confidence. What are you going to do about it?

And if it means, Minister, that you have to bring the Audit Report to this Parliament, because based on what you have said it sounds as if there are some damning things in there, and you do not want to expose the health workers to the concerns that the public have, or to what is in the Report. If it means that that Report - because it can't be secret - to bring that Report to Parliament and table that Report in order to make the country feel that you are coming clean, you are being open, you are being sincere, you put it on the table, and let us work together to see how we can restore confidence in the health system. Will you do that? Those are my questions.

Dr. FERGUSON: I want to thank you, Member, for your questions in relation to - it is not just the mothers that can pass these organisms on. It is - and these diseases, in terms of the neonates, can be spread by way of simple contact: visiting parents, can be health workers too; relatives can bring these organisms into these nurseries. And therefore, what we are doing and pursuing are the protocols well-established by the Ministry, and also international organizations, in relation to infection prevention and control. So...

(*Sotto voce* comment)

Dr. FERGUSON: We are saying that they are observed, but even where they are observed, there are still neonates that will end up with infections, to the extent that there is a wide range of possibilities that could spread or bring the organisms into contact, whether it is contact with a health worker or contact with a patient - a parent. It can happen.

And so, I am saying, even when we are talking about periods passed, and that if they were to born today what would happen, in 1990, the mortality rate for neonates was 21 per cent - 21 per cent 1,000 live births. It is 12 per 1,000 live births now. I am a scientist. I deal with evidence. So, while things happen - and we continue to regret it - I am saying that if we look at the information available, many of these indices, Jamaica, irrespective of the Administration, we have seen some improvement in these things by virtue of technology.

There was a time when ventilators were not available. Ventilators were not available. If you don't have ventilators, and you have an under-weight baby, the baby dies.

(*Sotto voce* comments)

Dr. FERGUSON: So, that is why we have brought in - outside of our experts, we have brought in...

A MEMBER: There were breaches...

Dr. FERGUSON: We said that. We admitted that, that there were breaches.

Mr. DALLEY: Breach of protocol, breach of...

(Inaudible)

Dr. FERGUSON: Right. So, you asked about the... what was the second question again?

(*Sotto voce* comment by Miss Grange)

Dr. FERGUSON: Right, and I am saying that we just... no, it's not the mother... if it is transferred - you are talking about a mother who, during the delivery process, could pass these organisms on to the newborn. So, it is a matter that...

(*Sotto voce* comment)

Dr. FERGUSON: It would be the medical practitioners who would take the necessary precaution, based on history and other things in that regard. That was one thing. You spoke about those - what was the other question?

Miss GRANGE: The other things that you indicated that you put in place.

Dr. FERGUSON: Yes... okay. We are saying, this project that is coming into being is in addition to the budget that we have now. And this started in 2012 when we met with the consultant. November of 2013 was when we signed this PROMAC Agreement - November

2013. It is now coming into being, we have started; we have ordered the ambulances, we are signing contracts on the third for other aspect of the things.

But I am saying, you have to improve the system in how we deal with child and maternal care. So, if a mother is pregnant and there is an issue out there, you must be able to move that mother in terms of ambulance. So, I am not saying it all ends in the hospital.

Miss GRANGE: How are you going to... if it means that... (Inaudible) ...are you willing to do that?

Dr. FERGUSON: Just a quick reminder. I have said that in relation to the Report, we have taken a position that the institutions involved - we do not want to put at risk or black list any hospital, or to demonize any institutions on the basis of us... (Inaudible)

Miss GRANGE: Minister, you are not blacklisting any hospital if that Report comes here.

Dr. FERGUSON: What is it then?

Miss GRANGE: The entire country has lost confidence in the health system. And what I am saying is this: people go to the Children's Hospital, they go to all the hospitals and they are complaining. The situation there leaves a lot to be desired. So, that Report being tabled here would not damage them. What it would do is put us in a position that we will know, okay, you are putting it on the table; we all understand the situation and you let us know what is going to be done about it. The fact that you are holding on to that Audit Report and behaving as if it is a secret document, that alone is creating a problem.

Dr. FERGUSON: It is a sensitive document and I admit that it is a sensitive document, and therefore it should be treated as such.

(*Sotto voce* comment)

Dr. FERGUSON: It is a sensitive document. As to what level it reaches... but it is a sensitive document.

Mr. WARMINGTON: Is it lying? It's telling the truth.

The Deputy SPEAKER: Members... Members, there is a certain level of repetitiveness. Dr. Wheatley, I assume you will be the last person.

Dr. WHEATLEY: Last one, Mr. Speaker, and my question is not as technical as the others. Mr. Speaker... Minister, what we can conclude today is that 19 babies died.

(*Sotto voce* comments)

Dr. WHEATLEY: You also stated, Minister that two more persons resigned, or were fired.

(*Sotto voce* comments)

Dr. WHEATLEY: Please... please...

Mr. CHARLES: No, sir. That's not right man.

Dr. WHEATLEY: Minister, you are in charge of a Ministry that has been plagued with a number of issues. Recently, we had the CHICK-V, now we have the dead babies issue Minister, putting yourself in the position of an ordinary Jamaican. Would you still have confidence in yourself being Minister of Health?

Dr. WHEATLEY: Mr. Speaker, is the Minister going to answer the question?

Mr. McKENZIE: Patrick, Patrick, how you advise and you advise yourself out of a seat?

(Heckling)

(The Deputy Speaker gavels)

Dr. WHEATLEY: Mr. Speaker.

The Deputy SPEAKER: Yes.

Dr. WHEATLEY: I'm waiting for the answer.

The Deputy SPEAKER: Minister - okay.

(Heckling)

Mr. DALLEY: Sit down!

(The Deputy Speaker gavels) (Heckling)

Dr. WHEATLEY: I am waiting for the answer.

Mr. DALLEY: Sit down.

The Deputy SPEAKER: Members, Members, Members.

Dr. WHEATLEY: I'm waiting for the answer. You cannot bully me; I'm waiting for the answer.

(The Deputy Speaker gavels)

An Opposition MEMBER: (Inaudible comment) - Turn off your mike.

Dr. WHEATLEY: Mr. Speaker, am I going to get an answer?

(Heckling)

Mr. HENRY: Do I have your permission, Mr. Speaker?

The Deputy SPEAKER: Minister, do you care to -

Government MEMBERS: No, no, no!

The Deputy SPEAKER: Minister - no? Okay. The Minister has -

Dr. CHANG: You want me ask a question? You want me ask a question?

Mr. HENRY: Do I have your permission, Mr. Speaker?

The Deputy SPEAKER: Announcements, Mr. House Leader.

(Heckling)

(The Deputy Speaker gavels)

Mr. HENRY: I have been on my feet, Mr. Speaker, and I have been trying to…

The Deputy SPEAKER: Okay, Mr. Henry, go ahead.

Mr. HENRY: Thank you. Thank you very much.

(Heckling)

(The Deputy Speaker gavels)

Mr. HENRY: Minister, I am sure you are here today to ensure what my colleague ask, that there is some amount of security in what you say. I am equally aware, having followed all the questions and answers that they are issues which you have to act delicately on.

Dr. FERGUSON: Correct.

Mr. HENRY: Okay. But in that context, and I know that this is prepared for you in a combination of approach because it's a very serious matter, but you know my respect for you would not have allowed me to stand up unless I want to ensure that like many Ministers you are not given a basket to carry water, because it is collective responsibility, so if you are to resign, everybody else should be resigning with you.

So, page 5. You say in this - and I ask them that you answer me yes, or no in terms of arriving at the point. We have long recognized the frequency at which these infections occur, and so we have been far down the wicket. That page I assume relates to your breakout of the expenditure under the budget you are announcing, which is on page 7. Against that background that says back - as far back as 2012 the team from the European

Union knew of this matter to be addressed to make this loan. If I'm incorrect tell me so I don't go to any false assumption.

Dr. FERGUSON: To work towards millennium development.

Mr. HENRY: To work towards. So there was a millennium target that was set, and that millennium target was the one that is mentioned in the vision of 2030. Is that correct?

Dr. FERGUSON: It is the core plan of the millennium development… (Inaudible comment)

Mr. HENRY: So I can draw the connection after that in the expenditure and the development that the awarding of the contracts now following for people, plant and environment are what showed the reasons for concerns. Am I correct?

Dr. FERGUSON: Yes.

Mr. HENRY: Okay. And none of those are addressing anything to do with equipment other than through environment?

(Cross talk by Dr. Ferguson)

Mr. HENRY: But in the list, Mr….

(Cross talk by Dr. Ferguson)

Yes, but let me go through the list then. That's why I said if you want me I can ask them singularly to arrive at the position, because you go then straight to people. That's the subhead here. And you said under people, which must be the real cause of the problem, you say you are training 1000 primary care workers, but let me forget those and get to 20 nurses in neonatal care have already been deployed to the field at July 2015. So what were they doing that is way until October we get a report?

Mr. BARTLETT: Yes, they were deployed in the field.

Dr. FERGUSON: They were even trained under the programme…

Mr. BARTLETT: Yes.

Dr. FERGUSON: …and were employed.

Mr. BARTLETT: In the field. When?

Dr. FERGUSON: In the field since July.

Mr. BARTLETT: In July, right.

Mr. HENRY: So from July to October they didn't give any report? And then an additional 22 nurses are in training but nothing here is speaking to the identity of some persons which I think was the concern of you why you ordered the audit. That it couldn't be just people, it must be also the environment and what was taking place. So I ask that now to ensure that this is related to finally the real question.

Mr. Speaker, it is against this background that I'm announcing today the setting up of a special unit within the Ministry of Health to monitor both private and public for newborn babies. So you started the programme, July the programme, no play in October and we are now putting this in place, is this what this Committee is meant to do? To correct those anomalies in the structure for which you are being held responsible?

Dr. FERGUSON: Just to say, Member, that in the present situation we would have had audit teams within the Ministry that would go to hospitals to ensure, as we go along, that certain standards are maintained. So it is not just in outbreaks that persons would normally go. We have audit team, but recently, and I said it when I spoke sometime ago. We

employed a microbiologist, Dr. Shaw, who is now a part of a team - she is also a part of this team - that will go out and do routine audit of these same special care units, with a view of giving closer monitoring relative to these special care units that I have said and admitted that we have challenges with.

Mr. HENRY: So my simple, my simple question is, does the major cause of what is taking place, one that relates to finances and lack of issues that have been raised by some of my colleagues as to uniform, as to water being clean, *et cetera*, where is the real issue that is to be addressed by this Committee? And is it therefore the fact that in the budgets that you have, it's not meeting the demand, and I'm suggesting to you that what is put here does not seem to go to the root cause of what is out there, and if that is it then I can help, I think you should relook at that budget, because nowhere does it speak to me as a layman for issues like what we heard doctors talk about, no gloves, no sanitation, *et cetera* and none of that is addressed in this, and is this what this Committee to monitor is going to do?

Dr. FERGUSON: No, I'm just saying that the present budget, and as you know the University Hospital of the West Indies is a separate budget and their budget this year has increased significantly. We expect that the new Board that is now in place, will be taking very seriously, right up front, what has happened, what needs to be done, I have also had some commitment from the Pan American Health Organization in relation to some funding support, and the project, the PROMAC that I spoke about today, that project will also be equipping - all of these high dependency units will be equipped by that project.

The Government's responsibility even as a project will be training some special persons: The neonatologist, the nurses, *et cetera.* What we are now saying, that going forward, I believe, based on the rollout of this project which is a four-year project, with the present budget we now have and continuation in the same direction, it is my considered opinion that we will be in a much better position to deal with some of the challenges that you have raised relative to what I would call the misery index issues.

Mr. HENRY: Where is the environmental support programme? Where is the environmental support money in this programme? Because this is all about…

Dr. FERGUSON: I will bring to you the additional information. It's not in…

Mr. HENRY: But this is not the totality of the expenditure of the budget.

Dr. FERGUSON: There are some - I'll bring that to you…

The Deputy SPEAKER: Mr. Henry, please observe protocol…

Dr. FERGUSON: …but I appreciate your questions, because…

The Deputy SPEAKER: …stand if you ask a question. All right. Mr. Charles.

Mr. CHARLES: Mr. Speaker, I just want to ask the Minister. Minister, Minister, Minister, as one of the senior trade unionist in this Parliament I would like to ask you a question on the human relation side.

Dr. FERGUSON: On the what?

Mr. CHARLES: Human relation side. Minister, you appoint the Board and the Board approve the administrators. In this whole episode people can be seriously embarrassed and seriously damage their career and their profession.

Dr. FERGUSON: Agreed.

Mr. CHARLES: You are the person responsible for the budget and the Cabinet approve. Would I be incorrect…

Dr. FERGUSON: Yes.

Mr. CHARLES: …if I say…

Mr. DALLEY: You are always incorrect.

Mr. CHARLES: …we cannot blame the members of the Board, we cannot blame the Administrators. I am a Member of the Parliament at this time and I am free to ask some questions and there are some people that I have to give protection to, as a trade unionist. Let me start.

The members of the Board, if they did not bring it to your attention you would say that maybe the Administrator did not bring it to their attention. It is on the street that it is a matter of budgeting that cause major problems or is causing major problems in the hospitals, and other places. I would wish that you make a comment that would protect the career of those who are there voluntarily and those who have been approved, if it is a fact that, if there was more budgeting allocation available many of the problems that have been exposed may not have. Minister, I am interested in that, that you say, where do you lay the blame? At the Board level, the Administration level, at your level or at the budgeting level?

Dr. FERGUSON: Just to say, Member, and I appreciate the question you ask, because it is in keeping also with our thinking; the Board Chairman and others met also with the Union today, because we felt it was important to meet with the Union at this time to discuss these matters so that we would take - and the Board as part of the due process would be able to take any decision, bearing in mind the views of the Union that represent persons at the institution. I have not had a report yet but I know that arrangements were being made for that meeting to take place, I think at 11 o'clock today, and I think that would be an important initiative that I will keep you abreast of, but as it relates to say, that the present thing is just sheer lack of budget. I would not put it at the feet of just lack of budget. There were other factors, based on the reports I have had so far.

Mr. CHARLES: Minister, you see, because just as you were about to finish, you have caused some stimulation in what little brain I have to ask you another question. Because, Minister, the doctors have been complaining and you have not come out to say it's not true that they don't have this, they don't have that. It gone to wearing scandal bags inside certain sensitive areas, which means they have no money to purchase the right things. That they don't have gloves, they don't have this and you're coming to tell us that you're satisfied with your budget.

Dr. FERGUSON: I told you that?

Mr. CHARLES: Well, I withdraw that and ask you, are you satisfied...

(Laughter)

Mr. CHARLES: ...are you satisfied that you have a budget, satisfied that you have a

budget sufficiently to give the doctors and the administrators and the Board, to carry out their duties in the hospital?

(Laughter/Cross talk)

Dr. FERGUSON: Member, no Minister could come to this House and tell you that they are - they have enough money for their Ministry and you know that as a man who has been in Cabinet.

Mr. DALLEY: Should, should know.

Dr. FERGUSON: And therefore, what I have said earlier is that the budget we received this year, and we are now in what, second quarter, we believe is moving in the right direction.

(Cross talk)

The Deputy SPEAKER: Prime Minister?

Mr. WARMINGTON: No, no, no, the Minister is on his feet.

The Deputy SPEAKER: Prime Minister, go ahead please.

Dr. DAVIES: You're telling the Speaker, no, no, no?

Mr. WARMINGTON: I can say yes, yes, yes too.

(Cross talk)

The PRIME MINISTER: Mr. Speaker, I'm sure that all of us in this Honourable House on both sides would have a feeling of sadness for what happened with the children. And I hope that a system will be put in place that this will never happen again.

I want to extend sympathies to members of the family and I hope that the Ministry of Health and the Minister will look at the present system and to see what needs to be done, that what happened will never ever happen again. Our children are our future and we have a responsibility to ensure the protection of our children and the future leaders of this country.

Thank you. (Applause)

ANNOUNCEMENTS

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

- **Ministry Paper No. 133/15**
  Rural Development Authority Annual Report and Audited Financial Statements for the year ending March 31, 2014
- Jamaica Library Service Annual Report for the period April 2012 to March 2013
- Jamaica Civil Aviation Authority Annual Report and Audited Financial Statement for the financial year 2014/2015
- Professional Engineers Registration Board Annual Report and Audited Financial Statements for the year ending December 31, 2014, and
- Annual Report and Financial Statements of the Toll Authority for the financial year 2012/2013.

BILLS BROUGHT FROM THE SENATE

The Deputy 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 23rd day of October, 2015 a Bill entitled: "AN ACT to Amend the Bank of Jamaica Act" was passed in the Senate without amendment.

I also have the honour to advise the House that on the 23rd day of October, 2015, a Bill entitled. "AN ACT to Amend the Office of Utilities Regulation Act'' was passed in the Senate with one (1) amendment, for which the Honourable Senate desires the concurrence of this Honourable House.

Amendment in Clause 2 in paragraph (d) of Clause 4, insert the word, "general" immediately after the word, "Office" in the proposed Section 8.

Signed: Floyd E. Morris
President of the Senate".

Mr. PAULWELL: I move for the approval of the amendment.

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

Put to the House and agreed to.

NOTICES OF MOTIONS GIVEN ORALLY

Mr. PAULWELL: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move to introduce and have read a first time, A Bill shortly entitled: "The Representation of the People Amendment 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 enable me to take first reading of the Bill and to give notice of second reading.

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. Anthony HYLTON: No, wait a moment.

Mr. CHUCK: No, it nuh reach deh soh yet.

Mr. McKENZIE: Mr. Speaker...

(Inaudible comment by Mr. Dalley)

The Deputy SPEAKER: Okay.

Dr. GUY: Sidung!

Mr. McKENZIE: Questions?

Mr. DALLEY: Sidung!

The Deputy SPEAKER: No, we're still on...

Mr. McKENZIE: Yuh cyah tell me to sit down.

Mr. DALLEY: Sit down!

The Deputy SPEAKER: Mr. McKenzie...

Mr. McKENZIE: I don't tek instructions from any over there!

MEMBERS: Sit down!

Mr. McKENZIE: What should I do, Mr. Speaker?

MEMBERS: Sit down!

(Heckling/Laughter)

The Deputy SPEAKER: Mr. McKenzie, please sit.

Mr. WARMINGTON: No, no, Mr. Speaker.

Dr. DAVIES: You sit down.

(Laughter/Cross talk)

The Deputy SPEAKER: We're not at your item yet, okay?

Mr. WARMINGTON: Mr. Speaker! Mr. Speaker!

The Deputy SPEAKER: We're at...

Mr. WARMINGTON: You can't say that, yuh nuh, you are the person who say question and answer to question.

The Deputy SPEAKER: And I was advised...

Mr. WARMINGTON: So you made an error. You made that error.

The Deputy SPEAKER: I was advised…

Mr. WARMINGTON: So you can't say that is not his time.

Mrs. NEITA-HEADLEY: No, you can't speak to the Speaker that way.

The Deputy SPEAKER: I did not see Mr. Hylton rise.

Mr. WARMINGTON: Is not what you see, you need to withdraw what you announced.

The Deputy SPEAKER: Mr. McKenzie has yielded, please sit.

(Cross talk)

Mr. WARMINGTON: No presence is needed; I'm following the Standing Orders what is the principle here.

Dr. DAVIES: Sit down! Sit down! Down boy!

Mr. WARMINGTON: Who do you think you're talking to?

Dr. DAVIES: Sit down!

Mr. WARMINGTON: Who you are talking to?

MEMBERS: Sit down!

Mr. WARMINGTON: Don't you try it!

The Deputy SPEAKER: Mr.... please sit down.

Mr. WARMINGTON: Please talk to him first, then you can talk to me.

The Deputy SPEAKER: Sit down sit down.

MEMBERS: Sit down! Sit down!

Mr. WARMINGTON: Speak to him first, then I'll do it!

The Deputy SPEAKER: Sit down.

Mr. WARMINGTON: Tell him not to disrespect me, then I'll sit.

The Deputy SPEAKER: I didn't see where he disrespected you.

Mr. WARMINGTON: But - yuh have half a ears? You didn't hear what is going on over there?

(Laughter/Cross talk)

Mrs. NEITA-HEADLEY: Have a seat. Have a seat.

Mr. WARMINGTON: Yuh hear conveniently.

Mrs. NEITA-HEADLEY: Have a seat.

Mr. WARMINGTON: Who are you talking to?

(Cross talk)

MEMBERS: Sit down!

Mr. WARMINGTON: You dare not address me like that.

MEMBERS: Sit down!

The Deputy PRESIDENT: Sit down.

Mr. WARMINGTON: You need to deal with what is going on over there before you talk to me.

(Laughter/Cross talk)

Mr. WARMINGTON: Please deal with what's going on over there.

MEMBERS: Sit! Sit!

Mr. WARMINGTON: Mr. Speaker, be

a Speaker and deal with what is happening over there.

The Deputy SPEAKER: Mr. Warmington, I did not hear what you said you heard therefore I cannot rule on it. Please sit.

Mr. WARMINGTON: You didn't hear?

The Deputy SPEAKER: No, I did not.

Mrs. NEITA-HEADLEY: No!

Mr. WARMINGTON: Why don't you get a hearing 'ears' then?

The Deputy SPEAKER: Sit.

Mr. WARMINGTON: You are hearing conveniently.

(Cross talk)

Mr. Anthony HYLTON: Mr. Speaker?

The Deputy SPEAKER: Minister, go ahead. Go ahead please.

Dr. DAVIES: You are abusing the Speaker.

The Deputy SPEAKER: Go ahead, Mr. Hylton.

Mr. Anthony HYLTON: Mr. Speaker...

(Cross talk)

The Deputy SPEAKER: Hmm, go ahead, Mr. Hylton.

(Cross talk)

Mr. Anthony HYLTON: I can't hear myself. Mr. Speaker?

Mr. WARMINGTON: He is not a good Speaker; he is deaf in the left ear.

Mr. DALLEY: Mine yuh cross the line.

Mr. WARMIINGTON: Just keep your mouth quiet.

Mr. DALLEY: Keep your tongue.

(Cross talk)

Mr. WARMINGTON: Yuh hear dat? Yuh hear dat? Yuh deaf in the left ears!

Dr. DAVIES: What a miserable old man.

Mr. Anthony HYLTON: Mr. Speaker...

The Deputy SPEAKER: Minister Hylton, just go ahead, go ahead.

(Cross talk)

Mr. CHARLES: What's going on? Leave the Member alone.

(Cross talk)

Mr. Anthony HYLTON: Mr. Speaker...

The Deputy SPEAKER: Go ahead.

(Cross talk)

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 entitled: 'The Special Economic Zone 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 enable me to take first reading of the Bill and to give notice of second reading.

Thank you.

Mr. André HYLTON: Mr. Speaker?

The Deputy SPEAKER: Yes, Mr. Hylton?

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

> Be it Resolved that the Report of the Joint Select Committee of Parliament set up to consider report on the co-operations of the Independent Commission of Investigation Act which was laid on the Table of the House on the 29th day of September 2015, be approved.

Dr. DAVIES: Your time now, Desmond.

Mr. WARMINGTON: He nuh announce it yet.

The Deputy SPEAKER: Not yet. We're at now Questions and Answers to Questions.

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

The Deputy SPEAKER: The question is that we should move for the suspension of the Standing Orders to allow for Questions and Answers to Questions.

Put to the House and agreed to.

Mr. McKENZIE: Mr. Speaker, I - on behalf of the Member from Western Portland, I beg to give notice that at the expiration of 21 days I will ask the Minister of Health to answer the following questions tabled on behalf of the Member from West Portland.

Question 1:

Will the Minister say what have been the findings and recommendations of the international infection experts invited by the Ministry of Health in response to the bacterial outbreak acknowledged at the University Hospital of the West Indies and the Cornwall Regional Hospital?

Question 2:

Will the Minister say whether the said international experts were asked to inspect the neo-natal facilities at any hospitals other than the University Hospital of the West Indies and the Cornwall Regional Hospital? If so, which hospitals were inspected and what were the findings and recommendations?

Question 3:

Will the Minister say what, if any, actions have been taken to reduce the fatal spread of future infections at the University Hospital of the West Indies and any other relevant hospital?

Question 4:

In particular, will the Minister say whether he has allocated resources to ensure that neo-natal units have sufficient antiseptic and other cleaning agents and gear for their needs? And if so, when was this done?

Question 5:

Will the Minister say whether any more of the 42 or other subsequently infected infants at the University Hospital of the West Indies and the Cornwall Regional Hospital have died since Tuesday, October 20, 2015?

Question 6:

Will the Minister say whether autopsies were done on the 18 infants identified by the Ministry of Health at its press conference held on October 20, 2015?

Question 7:

Will the Minister say whether, in light of the public nature of this tragedy, any attempt has been made by the Ministry or the hospitals to contact the affected parents to clarify for them whether their infants were affected by the infection or not, for their own mourning and peace of mind?

Question 8:

In light of the current circumstances, will the Minister reconsider his refusal to release the contents of the health audit to give expectant mothers and other Jamaican citizens dependent on the

national health care system the opportunity to choose where they seek care?

Question 9:

In respect of the 22 Million Euros (€22M) provided under the Programme for the Reduction of Maternal and Child Mortality launched on July 30, 2014, will the Minister say:

a) How much has been spent, other than the $230M announced at the press conference on Tuesday, October 20, 2015? and

b) How has the funds been spent?

Dr. DAVIES: Desmond representing.

(Cross talk)

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Mr. PAULWELL: Mr. Speaker, I now move for the suspension of the Standing Orders to enable me to take first reading of the Bill and to give notice of second reading.

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, I now move to introduce and have read a first time, a Bill shortly entitled: "The Representation of the People (Amendment) Act, 2015"

Bill entitled: "The Representation of the People (Amendment) Act, 2015",

read a first time.

Mr. PAULWELL: Mr. Speaker, as I move for second reading I just want to note that in keeping...

(Inaudible comment by a Member)

Mr. PAULWELL: Yes.

Mr. Speaker, I beg to give notice of second reading, and in so doing, I wish to point out that in keeping with the tradition of the Cabinet and the Parliament, we are presenting a Bill that was vetted and approved by the selected commissioners of the ECJ and as such it is being presented in its entirety here. But the Cabinet has already advised the ECJ that there is one amendment that will have to be made when we are debating the Bill because there is a Clause 52(b)(n) that provides for the State to fund political campaigns, and we are not in support of that clause and 52(b)(n), but when we get to debating the Bill we will have to move the amendment, but we're not going to be supporting that clause, and we have so advised the ECJ.

Mr. D. SMITH: Mr. Speaker?

The Deputy SPEAKER: Yes, Mr. Smith.

Mr. D. SMITH: I think the approach is somewhat unorthodox. Based on my recall, if we had that level of concern then we should've found a means to sort it out before it's laid on the Table. And perhaps the House Leader would want to explain to the House why is it we've not followed the tradition. I recognized that he made certain commitments to have the document laid before the end of October. But in his haste, or some would say, 'youthful exuberance', I think he has approached this particular issue in a way that ought not to have been. And we will allow the House Leader to explain that, as I said, why that approach or this approach is being used at this time, against the tradition, as I mentioned?

Mr. PAULWELL: Mr. Speaker, I've mentioned before that we're using the same approach, which is to present in its entirety what the Commissioners have moved. We did not want to delay further, this matter being dealt with by the Parliament and hence the tabling. We can deal with it when we get to debating it in Parliament.

(Cross talk)

Mr. CHUCK: Only if you're providing money for the election.

PUBLIC BUSINESS

Mr. Anthony HYLTON: Mr. Speaker, I now move for the suspension of the Standing Orders to enable me to take first reading of the Bill and to give notice of second reading.

Put to the House and agreed to.

Mr. Anthony HYLTON: Mr. Speaker, I now move to introduce and have read a first time, the Special Economic Zone Act, 2015.

(Applause) (Inaudible comments)

Mr. Anthony HYLTON:

Bill entitled, "The Special Economic Zones Act, 2015",

read a first time.

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

PUBLIC BUSINESS

The Deputy SPEAKER: Minister Paulwell.

Mr. PAULWELL: At Public Business, Mr. Speaker, the Attorney General will deal with two quick matters today, followed by the Bill that the Minister for Transport, Housing and Works introduced last week, and then we still hope to start the debate on the three Bills for Local Government.

Mr. SAMUDA: Start tonight?

The Deputy SPEAKER: Mr. Attorney General.

Mr. ATKINSON: May it please you, Mr. Speaker.

The matter before this Honourable House for consideration, are two Bills respectively entitled, "The Criminal Justice Administration (Amendment) Act, 2015" and "The Judicature Appellate Jurisdiction (Amendment) Act, 2015". Both Bills are related and the latter is complementary of the former.

The Criminal Justice Administration (Amendment) Act, Mr. Speaker, provides for sentence reduction on guilty pleas and also sets up a procedure to allow the review by the Court of Appeal of mandatory minimum sentences imposed by the trial court in appropriate cases. In the latter Bill, which is the Judicature Appellate Jurisdiction (Amendment) Act, 2015, consequential amendments have been made to facilitate those reviews in the Court of Appeal.

In January of 2015, Mr. Speaker, the Cabinet gave approval for the Bills to be tabled in Parliament subject to a discussion by the Attorney General and Minister of Justice on the Act to amend the Criminal Justice Administration Act, regarding the review of sentences published by prescribed minimum penalty. After consultation, the Bills were revised and tabled in April 17, before the

Senate and were subsequently passed in the Senate on June 5, 2015 with amendments.

The amendments to the Criminal Justice Administration Act that make provisions for sentence reduction and guilty pleas take into consideration the state of the law as outlined in the Criminal Justice (Amendment) Bill, the plea negotiations and arrangements which allow the Director of Public Prosecutions to enter into plea agreements with accused persons. But those agreements under the 2010 Act - those agreements under the 2010 Act required that the accused fulfill certain applications which constitute assistance to the prosecution before the agreement can be honoured.

The Act in 2010 was amended empowering a Judge or a Resident Magistrate to impose a sentence without regard to the mandatory minimum penalty prescribed in any other enactment. However, unless the accused had information which would assist the prosecution, he would not fall within the ambit of the Act and not be eligible to any sentence concession. This requirement, as well as an absence of a mechanism in the Act to facilitate a degree of certainty as to the sentencing level which would be imposed, had the effect of preventing or not inducing many accused persons to enter the plea bargaining system, which as you know, Mr. Speaker, is a critical tool in the fight against organized crime and allows for the Ministry of Justice and law enforcement generally, to facilitate the reduction of the back-up of cases in the criminal courts, because what that means is that cases that really should be disposed of were staying on the calendar for trials over and over. In fact, a Working Committee was set up by the Ministry of Justice under the chairmanship of Justice Carl Harrison, which included members of the Bar, both public and private, to review the legislation and to make recommendations as to how it could be amended to allow it to work efficiently in the context of the Jamaican Criminal Justice System.

The Jamaica law enforcement and the judiciary have sometimes indicated that there are a number of accused persons who normally would be willing to plead guilty if they could benefit from a reduced sentence, but would not be able to give any assistance to prosecution in exchange for a guilty plea. Because of the state of the law, Mr. Speaker, which required that this assistance as a condition precedent to getting a reduced sentence, persons who wanted to plead guilty couldn't get this reduction in sentence and so it acted as a deterrent in many cases, and persons would prefer to take a chance that they would end up beating the case rather than pleading guilty in appropriate cases.

The accused persons know, Mr. Speaker, that in our severely resourced-stretched justice system that the case may not come up for trial after prolonged period and that in the interim while waiting trial evidence may well evaporate by virtue of key witnesses migrating, disappearing, dying, being intimidated or refusing to testify at all, so they will take their chances.

Not having sentencing concessions available had an effect of limiting the rates of

disposal of cases and allowing matters to stay on calendar and having to go through the entire process with all the burdens that are put on the system. In fact, persons were just not willing to plead guilty if they didn't know what the consequence of that plea was going to be.

Where the offender chooses to admit his wrong, Mr. Speaker, there should be some degree of reduction in the sentence imposed in a familiar and judicially accepted concept in the courts of Jamaica. And this is how it is in other jurisdictions: in the United States, the United Kingdom, Canada and Australia. In fact, in the United States persons were allowed to discuss ahead of time the penalty that they would face if they were to enter into a plea of guilty and this facilitated a lot of early disposition of cases in those jurisdictions.

In the United Kingdom, for example, Mr. Speaker, in determining the sentence to be imposed, the court is allowed to take into account the following: whether the offender admitted guilt, the stage of the proceedings in which that offender did admit guilt and the circumstances under which the plea was given. In the United Kingdom, as well, Mr. Speaker, the 2003 Criminal Justice Act in that jurisdiction provided for the issuing of sentencing guidelines to the court and those which were issued in 2004, and indicate how a sentence reduction should be applied.

A committee, I am pleased to inform you, Mr. Speaker, was set up in Jamaica under the chairmanship of Justice, then Justice - Mr. Justice Dennis Morrison, who is now the Acting President of the Court of Appeal, and that committee completed the development of Jamaica's sentencing guidelines for cases in the Circuit Courts and the high court level of the Gun Court, and those will shortly be adopted by the judiciary. This is an important corollary to the Bills that are now before this House and will assist them to work more efficiently. The Committee will now proceed with the task of developing sentencing guidelines for offences to be tried in the Resident Magistrate's Courts as well.

The Bill before us, Mr. Speaker, makes legislative provision for the courts to reduce the sentences which they would otherwise impose up to a specified amount. In other words, it's not *carte blanche* for the courts to reduce sentences as they see fit. There are guidelines which will limit the extent to which those sentences may be reduced.

Sentencing reduction would apply to all offences except capital murder cases and would include offences that attract mandatory minimum sentences. The legislation is designed to encourage those who are minded to plead guilty do so as early as possible in the criminal justice process. Therefore in determining how much to reduce the sentence, the legislation empowers the court to be more generous in the case the earlier the pleas are entered.

To give effect to this policy the Bill amends the Criminal Justice Administration Act to provide that in determining what sentence to pass on an offender who has pleaded guilty to any offence other than capital murder, the court should take into

account the stage of the proceedings at which the accused indicated his intention to plead guilty and the circumstances in which this indication was given. And the court may give a sentencing reduction which the court considers that it would - a reduction to the sentence that the court normally would have otherwise imposed on the accused person. The reduction will be greater the earlier the criminal justice in the process that the guilty plea is indicated on a three-point sliding scale.

For most offences the level of sentence reduction relative to the sentence that the court considers it would give is gauged on the following scale: up to 50% where the guilty plea was entered on the first relevant date; up to 35% where the plea was entered after the first relevant date but before trial commences, and up to 15% where the plea is entered after the trial has commenced but before the verdict is given.

However, Mr. Speaker, having regard to the gravity and seriousness of the offence of murder - and here we speak of a non-capital murder - the maximum reduction allowed in such cases is thirty-three and a third per cent (331/3%) and in any event or in every event subject to a minimum of 15 years. So under no circumstances would the plea reduction go below 15 years for noncapital. Accordingly, the sliding scale for the offence of murder falling within Section 2, Subsection (2) of the Offences against the Person Act, that is non-capital murder, that is murders which do not attract the death penalty is as follows: thirty-three and a third per cent (331/3%) where the guilty plea was entered on the first occasion; twenty-five per cent (25%) where it was entered on the first relevant date but before the trial commences, and fifteen per cent (15%) after the trial has commenced and before the verdict is given.

This new regime, Mr. Speaker, together with the implementation of sentencing guidelines to guide Judges would provide consistency in the approach to sentencing and will enable many more cases to be resolved early in the process by guilty pleas from those that know that the case against them is strong.

Now in respect to the second Bill, which deals with the review of mandatory minimum sentences, in Jamaica mandatory sentences have been imposed by statute in respect of certain criminal offences. Since 2005, the Offences Against the Person Act applies mandatory minimum sentences of life imprisonment and fifteen years respectfully for two categories of murder, that is, murder in circumstances where the death penalty is not an option and in murder in circumstances where it is not. So in capital murder the sentence is death and in non-capital murder it is life with a minimum of fifteen years. Since 2010, however, most cases involving the use of firearm carry a mandatory minimum sentence of fifteen years and the Sexual Offences Act of 2009 also imposes a mandatory minimum sentence of fifteen years on conviction of rape or grievous sexual assault.

Mandatory minimum sentences, Mr. Speaker, may appeal to legislators and others who wish to send a clear signal as to the State’s seriousness in tackling these sorts of

crime, but they substantially restrict the Court's discretion in sentencing and, therefore, limit their ability to do justice in particular cases that may be before them.

When it comes to sentencing, the ability to do justice in particular cases before the Court has always been a hallmark of judicial function. There is no doubt that mandatory minimum sentences requiring the Court to sentence the person in all cases to a particular sentence can result in injustices and there are cases where there are exceptional circumstances where such a sentence of less than the mandatory minimum sentence is clearly justified.

One example would be a domestic killing in circumstances where the accused has been subjected to a history of continuous grievous domestic abuse. But there is no circumstance proximate to the killing that would enable a conviction for manslaughter based on provocation. Another example is the case of a young person who is going through the turbulence of adolescence and having got mixed up say in bad company finds him or herself on the wrong side of the law as a first time offender; an [enlightened] approach to sentencing would allow the Court to grant a sentence that would afford that youth to turn around his or her life and to be productive to the community. But it would be far better than the infection of these long periods of incarceration amongst hardened criminals which in turn might cause that person, that young person, to become a much more hardened criminal than when he or she first entered the system.

So given that there may be circumstances in particular cases where the rigidity imposed by mandatory minimum sentencing will provide what would appear to be manifestly unjust, it is now proposed to introduce a legislative safety valve to enable justice to be done in this small amount of cases. The Bill provides that in cases where the Judge considers that the circumstances are exceptional such that the imposition of a maximum sentence is manifestly excessive and unjust, the Judge while being obliged to apply the law and impose the mandatory minimum sentence may issue a certificate that he or she regards the mandatory minimum sentence as excessive and manifestly unjust outlining the exceptional circumstances of that case that have lead to that conclusion and indicating the sentence that would have been imposed by the Court had there been no mandatory minimum sentence. Where such a certificate has been issued by the Trial Judge on appeal, the Court of Appeal will empowered to impose a sentence that appears just in the circumstances of the case even if it is below the statutory minimum where the Court of Appeal agrees with the Trial Judge's assessment and considers that the reason for sentencing below the compelling.

The other Bill before us, Mr. Speaker, the Judicature (Appellate Jurisdiction) (Amendment) Act, [2015], is a companion measure to those I have outlined in the previous Bill. Section 13(l)(c) of the Judicature (Appellate Jurisdiction) Act state that an accused can appeal against a sentence passed unless the sentence is fixed by law. To

facilitate review by the Court of Appeal of a mandatory minimum sentence imposed by the Court, the Act has consequently been amended.

I now, with your leave Mr. Speaker, will go through a clause by clause analysis of the first Bill. Clause 1 contains the usual provision as to the short title and the construction of the Bill and Clause 2 inserts a new Part 1A and IB of the Criminal Justice (Administration) Act creating a number of new provisions. A new Section 42A provides definitions for terms used in the new provisions introduced by the Bill, such as appointed day, Court, defendant and relevant date. The significance of these terms will be more fully explained as we proceed through the Bill. The new Section 42B provides that the Act shall apply to criminal proceedings whether instituted before or after the appointed day. The new Section 42C states that the provisions of the new part shall not apply to certain offences. These offences are:

a) the offence of murder falling within Section 2 subsection (1) of the Offences Against the Person Act, that is, murders which attract the death penalty commonly called capital murder cases; or
b) the offence of murder in circumstances where Section 3(1A) of the Offences Against the Person Act applies; that is multiple murders; or
c) an offence allowing plea negotiations and conclusion of plea agreement pursuant to the Criminal Justice (Plea Negotiations and Agreements) Act.

Clause 5 inserts a new Section 42D, which prescribes the manner in which the Court may discount the sentence of a defendant who pleads guilty. The level of reduction that the defendant receives depends on the stage of the proceedings on which the defendant pleads guilty:

- where the defendant indicates to the Court, at the first relevant date, he wishes to plead guilty to the offence, the sentence is reduced by up to 50 per cent;
- where he indicates, after the first relevant date but before the trial commences, that he wishes to plead guilty, the sentence may be reduced by up to 35 per cent: and
- where he pleads guilty to the offence, after the trial has commenced but before the verdict is given, the sentence may be discounted by up to 15 per cent.

Where the sentence to which the defendant pleads guilty attracts a prescribed minimum penalty subsection 42D subsection (3) states that the Court may sentence the defendant without regard to the prescribed minimum in sentencing the defendant without considering the prescribed minimum the sentence shall not be less than two-thirds of the sentence imposed, which the defendant shall serve before becoming eligible for parole.

Clause 6 inserts a new Section 42E which prescribes the reduction of sentence upon a guilty plea for the offence of murder falling within Section 2 subsection (2) of the Offences of the Person Act. The level of

discount applicable under this clause also depends on the stage of the proceedings at which the defendant pleads guilty:

- Where the defendant indicates to the Court, at the relevant date, that he wishes to plead guilty, before the trial has commenced and on the first relevant date, the sentence is reduced by up to 33 1/3 per cent; and
- Where he indicates after the first relevant date but before the trial commences, that he wishes to plead guilty, it may be reduced by up to 25 per cent; and
- after the trial has commenced, but before the verdict, it may be discounted by up to 15 per cent.

It is important to note, Mr. Speaker, that notwithstanding Clause 42E, the Court shall not impose on the defendant a sentence of less than the prescribed minimum penalty for the offence as prescribed in Section 3 subsection (1) of the Offences Against the Person Act.

Clause 7 inserts a new Section 42F and addresses the reduction of a sentence of life imprisonment where the defendant pleads guilty. Where a life imprisonment would have been imposed in calculating the application of the sentence reduction the term of life imprisonment shall be deemed to be a term of thirty years.

Clause 8 inserts a new Section 42G which provides that the Court may request information from the parties to the criminal proceedings, comprising a written statement on the basis of the agreed plea. In addition the parties may make submissions to the Court relating to the issue of sentencing reduction. In making the determination in relation to this sentencing of the defendant the Court shall give consideration to the submissions made.

Clause 9 inserts a new Section 42H and prescribes the factors the Court shall take into account in determining the reduction of sentence that should be applied. The factors include the circumstances of the offence, its impact on the victims, the circumstances surrounding the pleas and whether the defendant has any previous convictions.

Clause 10 inserts a new Section 421 with the usual provisions and the making of regulations by the Minister and the Rules of Court.

Clause 11 inserts a Section 42J allowing the Minister, by order, subject to affirmative resolution, to amend the percentages by which a sentence may be reduced.

At this time I'll deal with Part 1B of the Bill Mr. Speaker which addresses the review of sentences punishable by prescribed minimum penalty.

Clause 12 insert a new….

Mr. SAMUDA: How many clauses are there?

Mr. ATKINSON: ….a new Section 42K. Bunch. We are almost there. Fourteen and we are at Clause 12. They deal with different issues.

Clause 12 provides for a review by the Court of Appeal of the sentence punishable by the prescribed penalty, that's the mandatory sentence. And Section 42K allows the trial Court in such a case to sentence its defendant to the prescribed minimum and issue the certificate which would allow the defendant to

seek appeal. Where the Judge of the Court of Appeal agrees with the Trial Court that the sentence is manifestly unjust, Section 42K(3) empowers the Court of Appeal to impose a sentence below the minimum penalty.

Clause 13 inserts a new 42L that gives the Court of Appeal the power to review mandatory minimum sentences imposed on persons who have been convicted before this Bill was enacted;

And Clause 14 inserts Section 42M which provides that a person to whom Section 42K or 42L applies may, in seeking to have his sentence reviewed, make an application for legal aid.

Turning now, Mr. Speaker, to the Bill entitled: The Judicature (Appellate Jurisdiction) (Amendment) Act. Clause 1 contains the usual short title and construction, and Clause 2 amends Section 13 of the Act by inserting a new Section 1A and IB. 1A allows for a person convicted in the Supreme Court to appeal with leave of the Court of Appeal, a fixed penalty; and 42K of the Criminal Justice Administration Act allows for the appeal to be in circumstances which is provided for in 42K.

42L of the Criminal Justice Administration Act amends Clause 2 of the Bill. An amendment to Clause 2 of the Bill will be removed to the Committee Stage, also to make reference to Section 42L of the Criminal Justice (Administration) Act which was inadvertently omitted.

Finally, Mr. Speaker, Section IB states that the reference to the Supreme Court shall include the High Court Division and the Circuit Division of the Gun Court as established under the Gun Court Act.

I would now commend the Bills to the Members of the House of Representatives for consideration. (Applause)

The Deputy SPEAKER: Mr. Chuck.

Mr. CHUCK: Thank you, Mr. Speaker.

At this late time of the evening, you know, Mr. Speaker, I won't be long, but I have some fundamental points to make which, unfortunately, the Attorney General has not made, but should have made.

The position, Mr. Speaker, is that we are dealing with Bills which seek to ameliorate and mitigate the injustice of mandatory minimum sentence. And the Attorney General himself said that these mandatory minimum sentences restrict the Court's discretion to do justice in particular cases, and also that they require the Court to sentence, knowing full well that the Court is doing injustice. And the Legislature, in putting in place these minimum mandatory - minimum sentences is actually seeking to do justice but invariably, Mr. Speaker, doing injustice.

Mr. Speaker, there are many examples. I can tell you, Mr. Speaker, that in the 50s and 60s, if you had a spliff or you were smoking marijuana, it was mandatory sentence if you were found - 18 months imprisonment. Many people would not be in here if that mandatory sentence was in place.

A MEMBER: You wouldn't be here.

Mr. CHUCK: And, Mr. Speaker...

A MEMBER: And Desmond – you and Desmond.

(*Sotto voce* comments)

Mr. CHUCK: You know I take my drink but I don't smoke. (Laughs)

And I say, Mr. Speaker, across the world, mandatory minimum sentences have created grave injustices because it removes the discretion of the Court to deal with particular cases, as the Attorney General actually said.

And I know, Mr. Speaker, when I sat there as Speaker, and during our time, many minimum sentences - mandatory minimum sentences were legislated. In my mind, I was so opposed to them, but as Speaker, I couldn't really object. The truth of the matter, Mr. Speaker, is that they create nothing but injustice which is in fact what these Bills are trying to mitigate and ameliorate.

Indeed, Mr. Speaker, I think the Attorney General and this Legislature should move in good time to remove these mandatory minimum sentences. And I believe, Mr. Speaker, that mandatory minimum sentences are unconstitutional. And the reason I am saying so, they are interfering with the judiciary and the discretion of the judiciary to impose the appropriate sentence to match the crime, in view of what is before them, the victim, the offender, and the circumstances of the case - the nature and circumstances of the case.

And this is exactly, Mr. Speaker, what this Bill is trying to do. It is saying, in relation to mandatory minimum sentences, if the offender pleads guilty, then the minimum sentence no longer occurs, the Judge can impose an appropriate sentence for the guilty plea. But not only that, Mr. Speaker, where those sentences have been imposed, it allows the convicted person to appeal to the Court of Appeal, to ask that the sentences be reviewed with a view to an appropriate sentence being imposed.

Now, Mr. Speaker, regrettably, in this Legislature, we think that we can control crime by imposing harsh punishment - mandatory minimum sentence, but, with due respect Mr. Speaker, it doesn't work, it just doesn't work. And that is why, Mr. Speaker, it is important for us to recognize that, because even though you want to impose harsh, tough sentences on criminals - and some of them deserve it, Mr. Speaker - there are also some cases where that harsh punishment may not be appropriate.

So we must leave it to the good judgment of the sentence, that is the Judge, who is there in Court. And as the Attorney General said, there are some cases where the mandatory minimum is just not appropriate. And that is why, Mr. Speaker, we must move eventually, and as soon as possible Attorney General, that these mandatory minimum sentences should be removed from our Statute Book.

I know, Mr. Speaker that we want to be harsh on crime, but at the end of the day, we sometimes, as the Attorney General himself has said, cause injustice, and we mustn't do it. Mr. Speaker, to the extent that I support the Bill, because it is seeking to do so, but there are problems and I can show you why these Bills really - they are trying to do something which really, should be unnecessary.

Firstly, Mr. Speaker, when the Bill say:

Subject to the provisions of this Part where a defendant pleads guilty to an

offence with which he has been charged, the Court may, in accordance with subsection (2), reduce the sentence that would otherwise have been imposed on the defendant, had the defendant been tried and convicted of the offence.

Mr. Speaker, those attorneys who practice in the Court know that they can always say to the prosecutor and to the Judge, we want to plead guilty - maybe to a lesser sentence, but even to the main sentence with the understanding that the Judge will temper justice with mercy, and impose a lesser sentence. So that is done, Mr. Speaker every day. In other words, if you are charged with burglary, you could ask the prosecutor and the Judge can we plead guilty to house breaking. Now burglary, Mr. Speaker, the sentence is 15 years and more; housebreaking it is three years. So if you plead guilty, Mr. Speaker, to housebreaking, you get a lesser sentence.

It's the same, Mr. Speaker, with some cases of capital murder; it may be manslaughter, so you could say to the Judge and the prosecutor, can you allow my client to plead guilty to manslaughter, with the understanding that they will get - if they accept it - to a lesser sentence. So these, Mr. Speaker, are generally what is done. So this Bill is not saying anything which is not done every day in the Courts.

Where it says something, Mr. Speaker, is that if it is a minimum sentence, and the minimum sentence that have been imposed, in many cases, is like 15 years for gun offences, so that if the accused person pleads guilty to a gun offence, then the Court can ignore the minimum sentence and impose whatever sentence that is appropriate.

But, Mr. Speaker, that is only when he pleads guilty. And no doubt, Mr. Speaker, that will, as the Attorney General said, ensure that many persons who plead guilty may well get a lesser sentence, and the case could be disposed of.

But, Mr. Speaker, what about those persons who believe they have a good case, don't plead guilty, but eventually is found guilty? The mandatory sentence is 15 years; the Judge then has to say to the Court of Appeal, this sentence, really, should not be 15 years. If I had a discretion I would have imposed five years or ten years. So the man has to wait and go to the Court of Appeal in order to be sentenced to five or ten years.

All I am saying, Mr. Speaker, these mandatory minimum sentences is creating further confusion, and unnecessary complications in the Court, and in those circumstances, the mandatory minimum sentences are inappropriate.

Then, Mr. Speaker, we speak about the capital... or noncapital murders. At the moment, Mr. Speaker, if it is a non-capital murder and the person is found guilty, the normal sentence is life imprisonment, but the Court would say that the accused or the convicted person has to serve a minimum of 15 or 20 years before they can be paroled or before they can be released.

A MEMBER: What's wrong with that?

Mr. CHUCK: Nothing's wrong with that and that is appropriate. But what you think this Bill is doing? This Bill makes it harsher.

What this Bill is saying, Mr. Speaker is that if such a person pleads guilty, that the sentence of life imprisonment is 30 years, and the most that this person can get off this 30 years is one-third of the sentence.

So, you see what I am saying Attorney General? What it says is, in the case of noncapital murder, where the person has pleaded guilty, that the life sentence must be viewed as 30 years, and the most that the person can get is one-third of the sentence, so that that person has to be sentenced to 20 years.

Now, Mr. Speaker, that doesn't make sense. As you know, the Member from Northern Clarendon asked what was wrong with that. At the moment, the person could be sentenced to 15 years but under this Bill, he's now being restricted to 20 years. That is the sentence, sir. That can't make sense. And so, you see, Member, I would urge - if you look, Attorney General...

Mr. HENRY: You going to suspend that debate and come back here January, right?

Mr. CHUCK: No. Attorney General, if you look at 42E, what it says...

(*Sotto voce* comment by Mr. Henry)

Mr. CHUCK: Attorney General, look at it. Pursuant - 42E...

(*Sotto voce* comment by Mr. Henry)

Mr. CHUCK: Attorney General, look at 42E. We say that the sentence of life imprisonment is 30 years, but when you look at 42E(2), the Court may reduce the sentence in the following manner: Where the defendant indicates to the Court in the first relevant date that he wishes to plead guilty to the offence, the sentence may be reduced by up to 331/3, which means that the minimum sentence, Mr. Speaker, is now 20 years, when I am saying, at present, they could be sentenced to 10-15 years for noncapital murder.

(*Sotto voce* comments/Laughter)

Mr. CHUCK: These are non-capital murders.

(*Sotto voce* comment by Mr. Henry)

Mr. CHUCK: Only in capital murder, they can be sentenced to death.

(*Sotto voce* comment by Mr. Henry)

Mr. CHUCK: So, you know, Mr. Speaker, Attorney General, I think that before we go to second reading we need to look at this, trade at 331/3 per cent doesn't make sense, and I'm going to ask Attorney General, that we suspend the Bill until next week before second reading, so we can look carefully at this, because I did discuss it and asked the Minister of Justice to look at it carefully, because what is being put here is not really doing what I hope it would do to mitigate the effect at the mandatory minimum sentence.

With those remarks, Mr. Chairman, I urge that we look at it and see if we can do something in terms of the reduction because 331/3% doesn't make sense.

(Applause by Opposition Members)

Mr. McKENZIE: That was 25 years.

The Acting SPEAKER: Mr. Attorney General.

Mr. ATKINSON: Since the Opposition spokesman is of the view that we should have a look at it, I see no great urgency and will ask that we suspend second reading –

(Applause by Opposition Members)

The Acting SPEAKER: Those in favour?

Motion put to the Senate and agreed to.

Mr. PAULWELL: Mr. Speaker, the Minister for Local Government will now commence the debate on the three Bills that have been tabled in his name.

(Applause)

The Acting SPEAKER: Minister Arscott.

Mr. HENRY: I really should go through my leader on this side. The public debate is going to continue this evening or not?

Government MEMBERS: No, no. Start.

Mr. HENRY: So, my response is not this evening.

Mrs. NEITA-HEADLEY: It will commence today.

(Cross talk between Mr. Henry and Mr. Arscott)

Mr. ARSCOTT: Thank you very much, Mr. Speaker and Members.

Mr. Speaker, I rise to present to this Honourable House this landmark piece of legislation known as the three strategic laws. These three Bills, Mr. Speaker, represent a significant achievement in the history of Local Government Reform Process. The debate of these Bills is timely as we celebrate Local Government Month and Community Month in November. Of significance, Mr. Speaker, the Local Government Reform Programme was officially launched by Prime Minister PJ Patterson in November, 1995. Twenty years ago the PJ Patterson lead Administration placed the reform of Local Government on the agenda which started the process. Since then many, many consultations, bipartisan discussions and several reports resulted in two fundamental aspirations. The first was to give Local Government the protection of the Jamaican Constitution. The second was to develop and enact laws which would transform local governance and empower local communities.

Mr. Speaker, we recognize the growing disconnect between the community, especially our young people, and the governance structures. This new paradigm will enhance the scope and powers of the elected officials and local authorities to govern their respective jurisdictions. It will also establish a framework that facilitates the active participation of citizens in the management of local affairs that directly impact their daily lives.

Mr. Speaker, this Administration made a commitment to the people of Jamaica that the system of Local Government will be reformed to effectively serve the people. We have fulfilled the promise to entrench the system of Local Government in the Constitution of Jamaica, through the passage of the Constitution (Amendment) Local Government Act, 2015. Mr. Speaker, today this Administration, lead by Prime Minister Portia Simpson Miller, is fulfilling the commitment to give Local Government the legislative tools needed for its optimal responsiveness.

(Applause by Mr. Parchment)

Mr. McKENZIE: Not even over deh -

Mr. ARSCOTT: It is a holistic, substantial and far-reaching significance, locally, regionally and internationally. Mr.

Speaker, I am therefore honoured to present and seek approval of the House for the passage of the Local Governance Bill, Local Government Financing and Financial Management Bill, and the Local Government Unified Service and Employment Bill.

I wish to begin with the Local Governance Bill.

Mr. Speaker, this Bill is intended to create the framework within which local authorities will operate with greater scope and autonomy. Additionally, it will provide new and clear standards of accountability for the local authorities and place extensive public consultations and participation at the heart of the new environment of governance. Accordingly, Mr. Speaker, the formal objective of this Bill involve:

- the establishment of a framework to accommodate the various types of local authorities;
- expansion of their mandate to include sustainable development and the maintenance of civic order;
- expansion of their powers to ensure the implementation of their responsibilities;
- the creation of accountability and transparency mechanisms for local authorities;
- the definition of the rural relationship between the administrative and political organs of local authorities; and
- the empowerment of civil society and communities in the governance process.

Mr. Speaker, I propose at the next sitting of the House to carry this Bill through its clauses. I would like therefore now to thank the Mayors and Councillors who have travelled from all over Jamaica to be here. (Applause) I wish to apologize to them for the late sitting…

Mr. DALLEY: Are they all here?

Mr. ARSCOTT: …but I certainly am appreciative of their presence.

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

Mr. ARSCOTT: I will, therefore, Mr. Speaker, pause at this moment to continue the debate at the next sitting of the House.

Thank you very much.

(Applause)

Mr. PAULWELL: Mr. Speaker, we are therefore moving for the suspension of debate until next week.

The Acting 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, the 3rd of November, at 2:00 p.m.

The Acting SPEAKER: The question is that this Honourable House do adjourn until next Tuesday, November 3, at 2:00 p.m.

Motion put to the House and agreed to.

The Acting SPEAKER: (Gavels) The This Honourable House now stands adjourned.

The House adjourned at approximately 6:58 p.m. until Tuesday, November 3, 2015.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2015 – 2016

TUESDAY, November 3, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:45 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, CD, (PNP), Eastern Kingston & Port Royal, Minister of Science, Technology, Energy and Mining and Leader of the House

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

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

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

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

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

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

OTHER MEMBERS

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

MR. PAUL LENNOX BUCHANAN, (PNP), St. Andrew, West Rural
MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central
MR. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern
MRS. MARISA COLLEEN DALRYMPLE-PHILIBERT, (JLP), Trelawny, Southern
MISS JOYCE DENISE DALEY, (PNP), St. Catherine, Eastern
MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern
MR. FITZ ARTHUR JACKSON, CD, (PNP), St. Catherine, Southern
MR. RAYMOND FRANKLYN PRYCE, (PNP), St. Elizabeth, North Eastern
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MR. DARYL WESLEY PHILLIP VAZ, (PNP), 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. Raymond Pryce.

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

The SPEAKER: Let us welcome some students from the Cedric Titus High School who are with us today, and we have some teachers... (Applause) ...and we also have some students from Shortwood Teachers' College... (Applause) ...and we have Mr. Peter Williams from the Jamaica Legion.

Mr. PAULWELL: Mr. Speaker, I beg to move that the meeting of the House be suspended briefly to enable the Members to pay tribute to fallen soldiers and veterans of World Wars I and II.

The SPEAKER: Is it the wish of the House that this meeting be suspended for the purpose outlined by the Leader of the House?

Put to the House and agreed to.

The SPEAKER: Meeting suspended. (Gavels) I will now invite Members to rise to observe one minute's silence and Mr. Peter Williams, a retired Member of the Jamaica Defence Force and Member of the Jamaica Legion will do the exhortations.

Mr. WILLIAMS: *Lord, God of Hosts, Be with us yet, Lest we forget.*

MEMBERS: *Lest we forget.*

(One minute's silence was observed)

Mr. WILLIAMS:

They shall grow, not old as we that are left grow old. Age shall not wear them nor the years condemn, as the going down of the sun and in the morning, we will remember them.

MEMBERS: *We will remember them.*

The SPEAKER: You may be seated.

Once again, we thank Mr. Williams for visiting with us today, and we hope we will see you next year, Mr. Williams.

RESUMPTION

The SPEAKER: This Honourable House now resumes its Sitting.

STATEMENTS BY MINISTERS

Mr. PAULWELL: Mr. Speaker, the Minister of National Security will do a Statement at this time.

The SPEAKER: Minister Bunting.

Mr. BUNTING: Mr. Speaker, it is important for me to rise today to correct some inaccurate and misleading information that has been put into the public domain, regarding national security, and in particular, allegations of low morale in the police force as evidenced by the rate of attrition in 2015.

The Ministry of National Security has consistently called for a national partnership in support of the security forces in the fight against crime and particularly in an effort to reduce our murder rate. The problem of crime and violence is a long-standing problem, deeply rooted in the breakdown of critical social institutions. There is a growing consensus among well-thinking Jamaicans that this is an issue that requires a united and national response in which we speak and act, first as Jamaicans, and always in the best interest of our citizens.

A MEMBER: Hear, hear!

Mr. BUNTING: Mr. Speaker, the Leader of the Opposition at a political rally over the weekend made unfortunate and inflammatory statements that are completely out of step with this approach. He is quoted in the media as saying that: *"If you keep the PNP in power, the truth is that you could lose your life."*

Mr. WARMINGTON: Is that a lie?

Mr. BUNTING: *"The truth is that the next murder victim could be you."*

Mr. Speaker, this is an unfortunate departure from the standards of public comment on an issue of such grave importance. To further suggest that citizens would be risking their lives in voting against the Jamaica Labour Party is taking the politicization of crime to a new low.

(*Sotto voce* comments)

Mr. BUNTING: This behaviour is unbecoming for someone who aspires to the highest political office.

Mr. WARMINGTON: You have been a failure.

Mr. BUNTING: Mr. Speaker, the Leader of the Opposition continued along this path...

(*Sotto voce* comments)

Mr. CHUCK: This Parliament going to be a political football.

Mr. BUNTING: ...when he again took to the political platform...

(*Sotto voce* comment)

Mr. CHUCK: Is this Parliament - a statement like this must be made on a political platform.

Mr. BUNTING: No, no!

Mr. CHUCK: Not in the Parliament.

Mr. BUNTING: That's exactly the point we are trying to make, that's exactly the point we are trying to make.

Mr. SHAW: Point of order.

(*Sotto voce* comments by Mr. Shaw)

Mr. BUNTING: Mr. Speaker, the Leader of the Opposition continued along this path when he again took to the political platform with incorrect...

Mr. CHUCK: Speaker... Speaker...

(The Speaker gavels)

The SPEAKER: Mr. Bunting...

Mr. CHUCK: Speaker, on a point of order.

Mr. BUNTING: What is the point of order?

The SPEAKER: Mr. Bunting...

Mr. WARMINGTON: Sit down, take your seat.

Mr. CHARLES: Take your seat. See how *im* listen to me.

(Cross talk)

Mr. CHUCK: Speaker... Speaker, the Minister may well have good grounds for making what he has to say, but what he has to say is a political statement, not fit and proper for Parliament.

(Cross talk)

Make it on a political platform as the Leader of the Opposition had done on a political platform but not in Parliament.

Mr. McKENZIE: Yes, yes!

(Applause)

Mr. WARMINGTON: Hear, hear!

Mr. McKENZIE: You can't rule on that frame.

Mr. PAULWELL: No, I am responding. Mr. Speaker, it is entirely in order for the Member to make a Ministerial Statement...

(Heckling)

...on this matter which we consider, as a Government, to be of such import that requires some parliamentary attention and I therefore ask that you rule against the point of order.

Mr. McKENZIE: So, I can raise the Bebe issue like how the Minister of Finance raised Dudus?

Mr. CHUCK: Mr. Speaker...

The SPEAKER: Hold on... hold on...

Mr. McKENZIE: We can talk *'bout* Bebe and Zeekes too.

Mr. CHUCK: Mr. Speaker, a statement from a Minister must be on matters that affect his Portfolio in the national sense.

Mr. BUNTING: That's exactly what I am talking about.

Mr. CHUCK: It cannot be a political statement.

(REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston Central, Minister of Education, entered and took his seat.)

Dr. PHILLIPS: Mr. Speaker, there is nothing that has been said by the Honourable Minister that is...

Mr. CHARLES: In your opinion!

Dr. PHILLIPS: ...that is political. In fact, Mr. Speaker, it has the gravest implications for the stability of this State, and implications for the security forces and their conduct.

Opposition MEMBERS: Noooo!

Dr. PHILLIPS: And I believe...

Opposition MEMBERS: Noooo!

Dr. PHILLIPS: And I believe, Mr. Speaker... I believe, Mr. Speaker that it would be entirely...

(Heckling)

...it would be entirely appropriate for us to allow Members of the House to hear the Minister, and form their opinion as to the content of what he has said. Otherwise, Mr. Speaker, what we run the risk of doing is bringing the entire Jamaican State and the political and Parliamentary process into disrepute by misrepresentation.

(*Sotto voce* comments)

The SPEAKER: Let me just state that the Minister is speaking about his portfolio...

A MEMBER: Yes.

The SPEAKER: ...and I don't think we should venture to make this a political football.

(*Sotto voce* comments)

The SPEAKER: Minister, you may proceed.

Mr. HOLNESS: A mere attempt to muzzle the Parliamentary Opposition. So we can talk *'bout...* and Zeekes; we can talk *'bout* lotto scamming.

Mr. WARMINGTON: No, it is not an opinion.

Dr. PHILLIPS: Otherwise is bringing the entire Jamaican State and the political and parliamentary process in disrepute.

Mr. WARMINGTON: I am surprised at the response of the Minister.

Mr. WARMINGTON: You are to be fair.

Mr. McKENZIE: A hope *im* talk *'bout* Bebe...

Mr. BUNTING: Mr. Speaker, if Members would listen to the point... Mr. Speaker using figures that are incorrect, he lamented the departure of over 800 policemen and women from the Force since the start of the year.

Mr. WARMINGTON: Your fault!

Mr. BUNTING: I am at a loss to understand why Mr. Holness would be so anxious to fabricate figures that would only have the effect of further demoralizing the honourable men and women of the police...

Mr. CHARLES: A point of order, Mr. Speaker.

Mr. BUNTING: ...who he claims…

The SPEAKER: What is the point of order, sir?

Mr. WARMINGTON: He has to sit first.

Mr. CHARLES: The Member, according to the Standing Order, has no authority to call another Member's name in the House. He is to refer to the Member's constituency. He is talking about a Mr. Holness.

Mr. BUNTING: The Leader of the Opposition.

Mr. CHARLES: You are wrong, and you are to withdraw it.

The SPEAKER: Correct... correct!

Mr. BUNTING: I withdraw it.

Mr. CHARLES: I am waiting on the Speaker to so rule.

The SPEAKER: Thank you, sir, thank you, you are correct.

Mr. BUNTING: Mr. Speaker, I am at a loss to understand why the Leader of the Opposition would be anxious to fabricate figures that only have the effect - or that can only have the effect of further demoralizing the honourable men and women of the police who he claims to be so concerned about, when the correct information was readily available from the police themselves.

The truth is that so far this year, Mr. Speaker, 316 persons have left the JCF.

Mr. WARMINGTON: Further demoralized...

Mr. BUNTING: These figures are published in the weekly Force Orders, and are available to those interested in providing accurate information to the people of Jamaica. Of those, 53 retired, 240 resigned, and 22 died. If we add the figures for District Constables, 32 District Constables resigned, seven (7) retired, and one died.

So, Mr. Speaker, even adding the auxiliaries to the JCF, we have a total of 356 persons leaving the Force, way, way, less than half than the 800 that the Leader of the Opposition puts into the public domain.

Mr. Speaker, I would remind the Leader of the Opposition that the figures for the years 2010 and 2011 were 426 and 449 respectively, possibility the two highest years for attrition in the history of the JCF.

Those of us who have the privilege of serving the people of Jamaica must hold ourselves to the highest standards of accuracy and truthfulness if we are to provide effective leadership in these challenging times. I assure this Honourable House and the people of Jamaica that the security forces remain committed to tracking down, apprehending and bringing to justice, the vicious, cold-hearted criminals who have been murdering our fellow citizens.

The security forces deserve our support. They are the last line of defence between law abiding Jamaicans and the criminals that threaten our future. The criminals need to know that we are united in opposition to them and stand firmly together as Jamaicans in our fight for a safer country.

(Applause by Government Members)

(*Sotto voce* comments)

Mr. BUNTING: We should avoid irresponsible statements that may give them comfort. There should be no room for scaremongering on political platforms, in the effort to keep our communities and our citizens safe.

(The Speaker gavels)

Mr. Speaker, I appeal to the Opposition to desist from pulling the security forces into the partisan political fray.

Mr. WARMINGTON: Didn't you call us John Crow?

A MEMBER: Scaremongering...

Mr. BUNTING: I again invite the Leader of the Opposition, as I have done so many times on the floor of this House, to join with us, and the rest of Jamaica, in a sincere

partnership to secure the national security forces in order to defeat the criminals and to keep our country safe.

(*Sotto voce* comment by Mr. McKenzie)

Mr. BUNTING: Mr. Speaker, even as we prepare for election campaigning we all still need to be mindful of national interest and refrain from damaging the reputation of Jamaica, the commitment of our public servants or the truth.

Thank you. (Applause)

Mr. McKENZIE: Say that on the political platform. Don't say it inside here.

(*Sotto voce* remarks by Mr. Warmington)

The SPEAKER: Mr. Smith.

(Cross talk) (The Speaker gavels)

Mr. D. SMITH: Mr. Speaker, based on my time in the House, usually when a Ministerial Statement is to be made, that we get a few hours' notice. The House Leader didn't advise me of this Statement until three minutes to two, which is extremely unusual. However, even if there was no advice I would be able to respond to the long statement of the Minister of National Security.

Mr. Speaker, I'd like to thank the Leader of Opposition for continuing to inform the nation (Applause) on his many speaking engagements throughout Jamaica on the sad state of national security in the country at this time. (Applause)

Mr. CHUCK: No divine intervention!

Mr. D. SMITH: Mr. Speaker, I am not saying so guessing, I am saying sir, and I would like to read into the records of Parliament the sad state of situation in regard to national security generally, but in particular murders. Sir, as we speak, this year we have had about approximately 1045 murders which suggest that, as the Leader of Opposition says, it's dangerous out there. Every seven and a half hours a Jamaican is killed. And as he said, and which I support, when you leave here and going anywhere it's most unlikely, based on that, the probability is that you will never get to your final destination.

Mr. Speaker, these numbers represent a 23% over last year. Remember last year there was improvement and the Minister went all over the country gloating on the 16% improvements that they achieved, the police achieved. I remember clearly warning him that he has to be careful because there are hills and valleys as far as that situation is concerned.

Mr. Speaker, we have 19 police divisions in Jamaica and of the 19 police divisions that we have 14 of those divisions showing - continue to show increases over last year. I give you an example of some of them. The division in St. James, an increase of 47%; Westmoreland which somebody said is PNP country, 138% increase in this PNP country.

Mr. SHAW: They take them out by six down there.

Mr. D. SMITH: In Hanover, an increase of 72%; in Manchester, a parish that the Minister has a constituency that he currently represents 62%.

Dr. PHILLIPS: Fix your jacket lapel.

Mr. D. SMITH: Thank you very much. You know my standard. You know my standard. Thank you very much.

Mr. Speaker, in Clarendon 41%; in St. Thomas 73%. So one could obviously, a

responsible Leader of Opposition could not be travelling throughout Jamaica and not highlighting the problem we are having with national security under this Government. (Applause)

Dr. DAVIES: Even if he has to make up data.

Mr. D. SMITH: Mr. Speaker, the matter of attrition as far as the Constabulary Force is concerned is also alarming. The Minister gave some figures which I will have to research. I don't accept it at face value.

Dr. PHILLIPS: Those were when you were still there or after?

Mr. D. SMITH: I have to research, but I do know that many current members in the Police Force, in particular, have signalled their intention to leave the Police Force soon for many reasons. The Minister speaks about support of the security forces. I agree with him. You need to support them Minister, and I want the Minister of Finance to hear this, I want the Minister of Finance to hear this because he met with them as recently as yesterday. If you want to support them give them a reasonable salary increase.

(Applause)

Don't hold any hard end on them. We are talking about support, that's the number one option of support. Minister, if you want to support them give them some vehicles, give them some vehicles. Right now as we speak 50% of the police vehicles are in garages all over the country, 50%.

Mr. SHAW: What? Say it again. Shame!

Mr. D. SMITH: Fifty per cent. And you cannot refute it. You dare not refute it. He was with me at a station recently, covering 22 communities, one vehicle.

Mr. McKENZIE: That is a jeep?

Mr. D. SMITH: One vehicle. The Member from St. Ann North East saying Ocho Rios is the same thing; all over the island 50% of the vehicle in garage and you come here talking about support, what support are you giving them? What support you giving them - nonsense about support.

Mr. CHARLES: You need divine intervention.

Mr. D. SMITH: Mr. Speaker, the situation is so bad with tyres, fuel, uniform; the morale is at rock bottom.

Mr. McKENZIE: Even vests.

Mr. CHARLES: Police can't protect themselves against. Bulletproof...

Mr. D. SMITH: You know, thank you, God, for the Leader of the Opposition else you wouldn't say anything. I have been trying to get the word out to you for months.

Mr. SHAW: Him smoke you out!

Mr. D. SMITH: We pull you out.

Mr. Speaker, as I said, the situation is really, really bad. What the Minister needs to do is to tell us what he is doing, along with the members of the security forces, to show a halt to this runaway murder situation in the country. So far this year, other than August, every month has been above the previous month and in August it was just short by three, so don't come here with any personal abuse of any question - the Speaker is aware that I do have a privilege which you are not aware of.

Dr. PHILLIPS: Privilege which you are abusing.

Mr. D. SMITH: You come here abusing people, you should be ashamed of yourself.

Dr. PHILLIPS: That is uncalled for, withdraw that. There is no abuse.

Mr. McKENZIE: Him don't have a handbag to go send for.

Mr. CHARLES: There is no abuse in anything from this side.

Mr. D. SMITH: Mr. Speaker, in responding to the Statement by the Minister, I like to congratulate the Leader of the Opposition and I would like to encourage the Leader of the Opposition that every nook and cranny that he goes throughout Jamaica he let the people know that Jamaica is safer under the Jamaica Labour Party (Applause) than it has ever been under the People's National Party.

Thank you, Mr. Speaker.

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

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

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

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

(DR. DAYTON RICARDO CAMPBELL, (PNP), St. Ann, North Western, entered and took his seat.)

(Cross talk) (The Speaker gavels)

The SPEAKER: Mr. Holness.

Mr. HOLNESS: Thank you, Mr. Speaker.

It is apparent that my Statements ruffled the feathers of the Minister of National Security. It is obvious that it has affected not just the PNP as a political organization but it seems to affect the Minister personally.

Mr. Speaker, my Statement came as a reflection of my own personal experience. Just a few days ago, Mr. Speaker, a constituent of mine was murdered along Waltham Park Road. I attended his nine-night last night and while at his nine-night I heard several shots ringing out just a few roads down from where I was. That was another murder, Mr. Speaker, this time of a community organizer and activist, somebody who I know personally in my area.

A Government MEMBER: That was a don.

Mr. HOLNESS: We have no such characters in my constituency. And I can say that, Mr. Speaker, without fear of contradiction. I have never been associated with or encourage 'donship' in my constituency. So I want you to know, Mr. Speaker, that when I rise to speak it's not about politics, it is about people who are losing their lives. When I rise to speak, Mr.

Speaker, I am not talking about a mere bump in the road. I am talking about mothers and fathers, brothers and sisters who are losing their lives in this country.

(Applause)

Mr. Speaker, when the Minister rose in July to tell us that it was just a bump in the road, murder at that time was 600. What is the murder rate now, Mr. Speaker? Can the Minister tell us? The murder rate now is 24% - 23% above where it was last week.

Mr. Speaker, when I raised the issue of the attrition in the police force I don't just get up and pull a figure out of the hat. I did my research; I spoke to members of the Police Force who have said to me there is one figure that you look at which is what is published weekly, but you need to also look at the numbers who are applying for leave. You need to look at the numbers who are applying to leave and giving notice that they are leaving. So don't come here and talk about figures, I don't just come and tell you figures glibly. I take my responsibility seriously.

Mr. WARMINGTON: Surely he is hiding the figures.

Mr. HOLNESS: Now you better, as Minister of National Security stop this nonsense of telling people about, well, it is all our responsibility and nationally we must join together.

Mr. McKENZIE: You are responsible.

Mr. HOLNESS: When I was Leader of Government Business I came to you, Mr. Bunting.

(Heckling by Government Members)

Government MEMBERS: No, no!

Dr. DAVIES: Central Manchester. Member from Central Manchester.

(Heckling)

Mr. HOLNESS: Member from Central Manchester.

Dr. DAVIES: Yes.

Mr. HOLNESS: And I sat with you. When this nation had the greatest opportunity to bring crime under control I came to you and I sat with you, and I said to you, join us, we have criminals on the retreat.

Mrs. NEITA-HEADLEY: What is your question?

Mr. HOLNESS: We were uprooting the criminal gangs and I asked you, please, join with us then to extend the State of Emergency into St. Catherine where we would have been able to deal with one of the most dangerous criminal gangs in Jamaica, and you, Member from Central Manchester refused.

Mr. McKENZIE: Shame!

Mr. HOLNESS: Refused.

Mr. McKENZIE: Shame!

(Heckling by Opposition Members)

Mr. HOLNESS: Had we done that we would have uprooted the most dangerous criminal gang in Jamaica and today Jamaicans would have benefited from a safer country.

Mr. CHARLES: Drop it pan him boss.

Mr. HOLNESS: But you…

Mr. CHARLES: Drop it pan him.

Mr. HOLNESS: …played politics then and you are trying to play politics now. I will not allow you to do it.

(Applause by Opposition Members) Jamaica will not allow you to do it. Don't ever come in here and try to bring politics in this.

(Applause by Opposition Members)

(Heckling by Opposition Members)

Don't disrespect me. You are out of order.

(Heckling)

Mr. McKENZIE: Gweh! Move! Talk 'bout Bebe. Talk 'bout Bebe, De whole a oonu ova deh. Talk 'bout Bebe.

(Heckling)

Talk 'bout Zekes.

(The Speaker gavels)

Mr. CHUCK: You giving me friend problem.

Mr. BUNTING: You know -

(Heckling)

Mr. McKENZIE: Talk 'bout Bebe.

Mr. WARMINGTON: You are being disrespectful.

Mr. CHUCK: Let's hear 'bout ganja, man.

Mr. HOLNESS: You talk about crime, you are the problem. Damn fool.

Dr. PHILLIPS: Calm down, man.

Mr. WARMINGTON: He is rude.

Mr. BUNTING: Mr. Speaker.

Mr. WARMINGTON: He is rude. Don't do that. You are rude. Watch how you speak. We would never do that to your Prime Minister.

(Heckling) (The Speaker gavels)

The SPEAKER: If I can't get order in the…

Mr. BUNTING: Mr. Speaker.

The SPEAKER: If I cannot get order in the Parliament I will be forced to suspend the sitting.

Mr. HOLNESS: No man, him rude.

(Heckling)

Mr. BUNTING: I invite the Leader of the Opposition to calm down.

Mr. WARMINGTON: You are being disrespectful. We have never done that to the Prime Minister.

(Heckling)

Mr. BUNTING: The, the - I'm -

Mr. McKENZIE: Mr. Speaker, Mr. Speaker, I rise on a point of order.

Mr. HOLNESS: I don't think I will stay here.

Mr. McKENZIE: No, no! Mr. Speaker, I rise on a point of order.

(Heckling)

Mr. Speaker.

The SPEAKER: What is the point of order?

Mr. McKENZIE: The point, Mr. Speaker. I believe, Mr. Speaker, that due respect is due to the constituted position that the Member of West Central holds, Mr. Speaker, and the behaviour of certain Members on that side in regards to the Leader of the Opposition, Mr. Speaker, leaves much to be desired.

(Heckling by Government Members)

(Inaudible comment by Mr. Bunting)

Mr. Speaker -

Dr. CAMPBELL: Sit down mek the Speaker…

(Heckling)

Mr. McKENZIE: Mr. Speaker, we not gwine get anywhere. We not gwine get anywhere. He deserves respect.

(Heckling)

He deserves the respect. He deserves the respect.

(Heckling)

The Member from Manchester has been very rude.

(The Speaker gavels)

Very rude to the Leader of the Opposition.

An Opposition MEMBER: North West, St. Ann.

Mr. McKENZIE: Yes. The Member from North West has been very rude. Obnoxious.

Dr. WHEATLEY: Can't expect no better from him. Leave him, man. Don't expect much better from him.

(Heckling)

An Opposition MEMBER: Desmond, leave him.

Mr. McKENZIE: How you expect that we going to give support?

An Opposition MEMBER: Desmond, leave him. Leave him alone, Desmond.

Mr. McKENZIE: Respect must be shown, Mr. Speaker. Too much of this now. Too much of this now, man.

Mr. BUNTING: Where is your point of order?

(Heckling)

Mr. WARMINGTON: Damn rude.

Mr. McKENZIE: Have no respect.

The SPEAKER: Minister Bunting.

Mr. McKENZIE: Tek a leaf out of you father book.

Mr. M. PHILLIPS: Who?

Mr. McKENZIE: You.

Mr. M. PHILLIPS: Shut you mouth and gweh, man.

(Laughter by Government Members)

Mr. McKENZIE: Tek a leaf out of you father book.

Mr. M. PHILLIPS: You caan talk to me.

Mr. McKENZIE: Oh!

Mr. BUNTING: Mr. Speaker…

Dr. DAVIES: Desmond!

(The Speaker gavels)

Mr. WARMINGTON: You have class over here.

Mr. BUNTING: Mr. Speaker…

Mr. WARMINGTON: You have class there.

(Laughter and Heckling)

Mr. McKENZIE: You caan get no cooperation and behave so.

(Heckling by Dr. Campbell)

(Heckling)

Mr. BUNTING: Mr. Speaker, I find it very…

(Inaudible comment by Mr. Silvera)

Mr. BUNTING: Mr. Speaker…

Mr. McKENZIE: We no 'fraid a oonu. We no 'fraid a oonu.

(Heckling)

Mr. BUNTING: Mr. Speaker…

(Heckling)

Mr. Speaker -

The SPEAKER: Minister Bunting.

Mr. BUNTING: Mr. Speaker, I'm not sure, I'm not sure that I can follow the convoluted reasoning that would somehow pull me as an Opposition Member into sharing the responsibility for the debacle of 2010 arising from the failure of the then Administration to promptly act on the request for extradition of Christopher Coke.

Mr. McKENZIE: That is all you can talk 'bout. That is all you can talk 'bout.

A Government MEMBER: Eh.

(Applause by Government Members)

(Heckling)

Mr. McKENZIE: Never you say when him gone crime go down.

Mr. BUNTING: And so, I will not -

Mr. HOLNESS: Mr. Speaker -

(Heckling)

Mr. McKENZIE: Never you say that.

Mr. HOLNESS: Mr. Speaker, on a point of order. On a point of order.

The SPEAKER: What's the point of order?

Mr. HOLNESS: The Member, Mr. Speaker has misrepresented my statement. I did not ask the Member to participate in any way in any event regarding the issues of West Kingston or the Dudus affair.

(Inaudible comment by Government Member)

Mr. HOLNESS: No, no, no, my question to the Minister in my statement was that there was a State of Emergency which we asked for the cooperation…

Mr. WARMINGTON: To extend.

Mr. HOLNESS: …the cooperation of the then Opposition to having extended so that we could carry operations...

(Applause by Opposition Members)

...to continue to undermine the criminal gangs that were producing crime in this country.

(Heckling)

The Member then refused and now is standing in the House asking for the Opposition to cooperate with him.

(Heckling)

Mr. WARMINGTON: After that disrespect you show to us.

(Heckling)

Dr. DAVIES: During that era Desmond was hiding under a bed.

Mr. BUNTING: Mr. Speaker.

(Heckling)

Dr. DAVIES: Desmond was hiding under a bed.

(Heckling)

Mr. BUNTING: Mr. Speaker, the Constitution sets out - Mr. Speaker, the Constitution sets out the conditions that would prevail to necessitate a State of Emergency or to extend the State of Emergency. The Opposition cooperated in the first extension of the State of Emergency.

Mr. CHUCK: Only in Tivoli?

Mr. HOLNESS: No, there was only one.

Mr. BUNTING: No, the first time, I believe include -

Mr. CHUCK: Only in Tivoli?

Mr. BUNTING: When the conditions - the conditions no longer existed at the time that the request for the second extension came, but every Member in this House had a vote and the House voted in their best judgment. So I'm not sure how I am saddled with that responsibility.

Mr. WARMINGTON: You are a disgrace.

Mr. BUNTING: But nevertheless, let me just speak to…

Mr. WARMINGTON: You are a disgrace.

Mrs. NEITA-HEADLEY: Shush.

Mr. BUNTING: …remind, in responding to Mr. Smith. I'm going to endeavor - the Leader of Opposition Business, excuse me. I will get out the figures on the state of the vehicle fleet a few years ago, the capital expenditure on vehicles and equipment for the police and share those figures with him over the last eight years or so. But you know, Mr. Speaker, in this alarm and this drama, I should just remind this House that, as concerned as we are, about the figures this year, if we look over the period 2012 to 2015, and compare it with the previous four years…

Dr. PHILLIPS: Yes.

Mr. BUNTING: …we are over 1300 fewer murders than during that time.

Dr. PHILLIPS: Yes. Hear, hear!

Mr. BUNTING: Let me repeat that. Notwithstanding the disappointment that we have had that we did not continue the trend that we had last year in murders, even though every other category of serious and violent crime continues down.

(Cross talk by Opposition Members)

Mr. HOLNESS: You know, you know, might as well you sit, because if you are going to bring -

Mr. BUNTING: No, I'm not sitting down. I'm not sitting down. I am responding to the thing.

Mr. HOLNESS: What about your 18 years? Why not just lump your 18 years of murders?

(Heckling)

Mr. BUNTING: Oh bwoy.

Mr. HOLNESS: Don't come talk rubbish.

Mr. McKENZIE: Talk 'bout the 18 years.

(Heckling) (The Speaker gavels)

Mr. McKENZIE: Talk 'bout the 18 years.

Mr. BUNTING: You know, Mr. Speaker, why is the…

Mr. HOLNESS: Mr. Speaker, the Member is misleading the House…

Mr. BUNTING: …why is the Leader of the Opposition getting so upset?

Mr. HOLNESS: …with his incorrect statistics.

(The Speaker gavels)

Don't just take the last five years; take the 18 years that your government was in power and how many Jamaicans died then.

(Heckling)

When the murder rate moved in 1989 from 450 to over 100 - to over 1500. Don't come in here with that kind of statistics.

(Heckling) (The Speaker gavels)

(Heckling)

The SPEAKER: Hold on, hold on, hold on.

(Heckling)

I want the House Leader; I want the House Leader and the Leader of Opposition Business to meet with me in my office now. The House is now suspended for 15 minutes.

(Gavels)

SUSPENSION

The House suspended at 3:26 p.m.

RESUMPTION

The SPEAKER: You may be seated.

It is most unfortunate that the House deteriorated the way it did. I will be entertaining only questions at this time, no more statement.

Mr. Vaz you had your hand up, do you have a question?

Mr. Daryl VAZ: Thank you, Mr. Speaker.

The question I have is, while the Minister has come here after being smoked out from a political commentary, or some political commentary, we hear the back and forth and the comparison of numbers. As a representatives of the people of West Portland and by extension the rest of the country, I think the main issue and point that everyone would like to know today is not about the past and the past performances but what is going to be done to stem the out of control crime rate especially murders that are facing each and every one of us regardless of whether we are PNP and JLP? And I find it unfortunate, Mr. Speaker that the Minister could come here to response to some statistics rather than to bring to us today a plan after being silent for so many weeks.

The SPEAKER: Minister.

Mr. BUNTING: Mr. Speaker, the Member from West Portland well know that the Chairman for the Internal and External Affairs Commission of Parliament, summoned the Commissioner of Police to come and give that very explanation to the Internal and External Affairs Committee. I think it is on the 10th of November. And Commissioner will outline all the measures at that time. However, Mr. Speaker, I sincerely hope that on that occasion...

Mr. SHAW: No, no, don't go there, don't go there.

(Heckling by Members)

Mr. BUNTING: ...on that occasion that the Committee will contemplate...

(Heckling by Members)

(The Speaker gavels)

Mr. BUNTING: ...having that hearing either in camera or with the appropriate decorum and not full public servants into the partisan political frame.

Mr. Daryl VAZ: So, Mr. Speaker, I find that unfortunate because the Minister is responsible for policy. He is the elected representative and he is the one who is overall accountable to the people of Jamaica. So for him to tell me that we must wait until November 10 with a crime rate that is out of control regardless of who wants to admit it or who doesn't, I find that unacceptable and bordering on irresponsible.

The SPEAKER: Thank you, Mr. Vaz.
Mr. Warmington.

Mr. WARMINGTON: Mr. Speaker, I wish to bring your attention a situation that is happening in the precinct of the House to the Members here.

Last week we were in the House and we couldn't hear because of the noise and disruption at the corner of Beeston Street. Member Robinson and I just went outside and we were abused in no uncertain terms by people standing in the corner. And I believe if we have people at the corner who cannot

respect Members of Parliament they are not supposed to be staying there...

The SPEAKER: That is correct.

Mr. WARMINGTON: They have to be all the way down the street. We just went outside and were abused in no uncertain terms. And I am not prepared to come to this House being elected by people of South West St. Catherine and being abused by hooligans outside.

The SPEAKER: We can manage that.

Mr. WARMINGTON: So I am bringing it to your attention as the Speaker that something can be done about this, that Members can come here in peace and harmony without being abused.

The SPEAKER: We will get the security forces to deal with that.

Mr. WARMINGTON: Thank you.

(*Sotto voce* comments by a Member)

Mr. WARMINGTON: Oh shut up, you hooligan.

ANNOUNCEMENTS

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

- **Ministry Paper No. 134**
  The Negril Marine Park Zoning Plan 2013-2018
- **Ministry Papers No. 135**
  Cabinet Agenda Issues dated September 14, 2015
- Annual Report and Audited Financial Statements of the National Library of Jamaica (NLJ) for the period 2012-2013

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker, I beg to give notice that at the next sitting of the House I will move the Provisional Collection of Tax (Income Tax) (No. 2) Order, 2015 (Confirmation) Resolution, as follows:

I need to read all of it. It is the Resolution to confirm an Order which has been enforced, Mr. Speaker. It is lengthy, and it's late.

Whereas by virtue of subsection (1) of Section 3 of "The Provisional Collection of Tax Act" (hereinafter referred to as "the Act"), the Minister may, by order published in the *Gazette*, provide for the variation, renewal or imposition of any tax;

And Whereas the Provisional Collection of Tax (Income Tax)(No. 2) Order, 2015, was made by the Minister and published on Tuesday, September 29, 2015, in the *Jamaica Gazette Supplement Proclamations, Rules and Regulations* as Legal Notice Number 157;

And Whereas it is provided by subsection (3) of Section 3 of the Act that an order made under that section, subject to confirmation, with or without modification, by resolution of the House of Representatives within the next thirty days on which the House sits after the date of publication of the order in the *Gazette*, shall continue for a period of six months next following publication thereof in the *Gazette;*

And Whereas subsection (4) of Section 3 of the Act provides that every order made under subsection (1) of that section shall cease to have effect, unless it is confirmed, with or without modification, by resolution of the House of Representatives within the next thirty 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 (Income Tax) (No. 2) Order, 2015, be confirmed:

Now, Therefore, be it Resolved by this Honourable House of Representatives as follows:

1) This Resolution may be cited as the Provisional Collection of Tax (Income Tax) (No. 2) Order, 2015 (Confirmation) Resolution;
2) The Provisional Collection of Tax (Income Tax) (No. 2) Order, 2015, is hereby confirmed, subject to the modifications set out in the Schedule.

SCHEDULE

Provisions of Income Tax Act

1. Amendment relating to Section 5 of the Income Tax Act (hereinafter in this Schedule called "the Act")
2. Amendment relating to Section 13 of the Act.
3. Amendment relating to Section 15 of the Act.
4. Amendment relating to Section 30 of the Act.
5. Amendment to Section 48 of the Act.

Modifications

1. In subsection (8) -

(a) insert immediately after the words, "assessment 201" the words, "and every subsequent year of assessment thereafter"; and

(b) delete the words, "any reduction in the actuarial reserves" and substitute therefor the words, "any change in the actuarial reserves".

2. In subsection (9), delete the words, "shall not be included in the statutory income".

In paragraph (hh), delete the words, "any increase in the actuarial reserves relating to the premium income of life assurance companies" and substitute therefor the words, "any change in the actuarial reserves, excluding annuities of life assurance companies".

In paragraph (j), delete the words, "for considerations received for annuities" and substitute therefor the words, "for annuities described in section 12(jj)".

In Item 2, in section (2A), delete the words, "for every year of" and substitute therefor the words, "for every subsequent year of".

1. In Item 1, delete the words, "to the year of assessment ending December 1, 2014" and substitute therefor the words, "to the year of assessment 2014".
2. Item 2, in subsection (4) -

a) in paragraph (a), delete the words, "to the year of assessment ending

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December 31, 2014" and substitute therefor the words, "to the year of assessment 2014"; and

b) in paragraph (b), insert immediately after the words, "assessment 2015" the words, "and for every subsequent year of assessment thereafter",

The SPEAKER: Mr. Vaz.

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

Whereas at a news conference at Jamaica House on October 20th, 2015, and subsequently in this Honourable House on October 27, 2015 in response to a question from the Member for West Portland, the Minister of Health claimed that he was not aware until mid-October of the outbreak of bacterial infection that contributed to the death of 19 babies in the neonatal units at the University Hospital of the West Indies and the Cornwall Regional Hospital;

And Whereas the report of an audit of health institutions which the Minister himself ordered and which was submitted to him in August pointed to alarming conditions that have led to this outbreak;

And Whereas the Minister failed to act promptly to address these issues in a way that would have prevented or minimized the loss of lives of these helpless babies;

And Whereas this issue has highlighted the ineptitude and abysmal failure of the stewardship on the part of the Minister, following, as it does, his incompetent handling of the Chikungunya outbreak last year that affected thousands of Jamaicans:

Be it Resolved that this Honourable House censure the Minister for gross dereliction of duty, declare its lack of confidence in him and recommend to the Honourable Prime Minister that appropriate steps be taken to ensure that this important Ministry of Government is led by someone with the required competence.

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. PAULWELL: Mr. Speaker, this afternoon we will be doing Question 21 by the Minister of Finance and then the Minister for Industry will do Questions 27 and 28.

Mr. Speaker, before doing so, I am reminded of the time at hand. So I therefore move for the suspension of the Standing Orders for us to take the Questions and Answers after the time allowed.

The SPEAKER: The question is for the suspension of the Standing Orders to allow us to have Questions and Answers to Questions beyond the allotted time.

Motion put to the House and agreed to.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, just before I ask the Honourable Minister the question - to answer to the questions. I want to bring your attention to the fact that last week in this House, I asked the Minister of Health certain

specific - I asked him certain specific questions concerning whether the issue of dead babies and the issue of infectious outbreaks were specifically mentioned in the Audit Report of the health sector and the Minister indicated that he would have to check.

I am simply asking, Mr. Speaker, I am simple asking, Mr. Speaker, I am simple asking. I am finish now. I am simple asking, Mr. Speaker, I am asking if you know of the whereabouts of the Honourable Minister... (Applause/Laughter) ...so that we could get the clarification that is required, that is all.

Now, to the Minister of Finance, could you answer Question 21 that is in my name?

Dr. PHILLIPS: Yes, Mr. Speaker, the answers have been circulated. Mr. Speaker:

Question 1:

Will the Minister explain why the Financial Statements for the fiscal years ending March 2014 and March 2015, for the PetroCaribé Development Fund with assets of J$225 Billion have not been tabled in Parliament in accordance with the requirements of the Public Bodies Management and Accountability Act, and the...

(*Sotto voce* comments by Mr. Shaw)

Dr. PHILLIPS: I circulated it. You are paying attention to questions you asked last week and don't... all right.

Response:

The financial statements for financial years ending March 2014 and 2015 for the PetroCaribé Development Fund have not being tabled in Parliament, as finalization of the audits for these periods is pending. The completion of the audit awaited finalization of the assumption agreements between the Government of Jamaica, and the PetroCaribé Development Fund in respect of loans owed by Wallenford Coffee Company Limited and Clarendon Alumina Production Limited to the PetroCaribé Development Fund. The assumption agreements have now been finalized and in that regard, and as a consequence, the audited accounts will be finalized soon and tabled in Parliament.

Question 2:

Will the Minister say what is the amount of the PetroCaribé debt remaining after US$1.5 Billion was paid to Venezuela?

Answer:

Debt outstanding to Venezuela under the PetroCaribé Energy Corporation Agreement as at July 31, 2015 was US$73.6 Million.

Question 3:

Will the Minister say what is the amount of the PetroCaribé debt that was purchased?

Answer:

The value of the PetroCaribé Development Funds debt that was purchased by the Government of Jamaica is US$3.25 Billion for which US$1.5 Billion was paid, which represents a substantial write down of benefits to the Jamaican people.

Question 4:

Will the Minister say if the US$120 Million per year was being actually used to pay off the PetroCaribé loan on interest annually?

Answer:

The question is not clear, Mr. Speaker.

Question 4a:

If the answer to Part 4 is in the negative, when would the $120 Million be actually paid annually.

Answer:

See the answer above.

Question 5:

Will the Minister publish the calculations that show that the debt service will be lower by just under US$300 Million over the life of the funds raised in the international capital markets to purchase the PetroCaribé debt, when compared with the total debt service on the full PetroCaribé debt?

Answer:

The debt service will be lower by approximately US$328 Million; the calculations will be published on the Ministry of Finance and Planning's website before the end of this week.

Question 6:

Will the Minister say how much is cash in - is the cash and short term deposits at the PetroCaribé Fund currently?

Answer:

The PetroCaribé Development Funds on audited accounts as at end of September 2015 indicates that fixed deposit investments and cash in current assets amounted to US$429.5 Million.

Question 7:

Will the Minister say what is the full amount of the debt that the PetroCaribé Fund is obliged to pay to the Central Government?

Answer:

The PetroCaribé Development Fund is currently obliged to pay Central Government US$1.21 Billion which represents the remaining amount after the Government of Jamaica has cancelled US1.7 Billion of its obligations to the. Petro Caribé Development Fund.

Question 8:

Can the Minister state what provisions were made in the current budget for this US$2 Billion of this capital market debt?

Answer:

Provisions was made in the 2015/16 budget to borrow US$500 Million. No specific provision was made in the budget for the remaining $1.5 Billion, but the Government of Jamaica decided in view of the willingness of the Government of the Bolivarian Republic of Venezuela to write down the face value of the existing debt that this was a desirable option.

Question 9:

Can the Minister say how much has been added to the current interest payments as a result of the PetroCaribé transaction?

Answer:

No additional interest payments are due from the transaction for this current fiscal year. On the contrary, the transaction has resulted in a reduction in central government's interest payments of US$5.53 Million.

Question 10:

Can the Minister say how he plans to finance increases in interest payments in the Budget?

Answer:

There is no increase in interest payments in the Budget for the fiscal year 2015/16 as is indicated in the response to Question 9.

Question 11:

Can the Minister say if the PetroCaribé Fund has cash and other assets that will be used to finance the increase in the Budget?

Answer:

There are no increases in the Budget.

Question 12:

Can the Minister say what are the assets of the PetroCaribé Fund after the PetroCaribé transaction and how will the assets be monetized?

Answer:

There are no plans to monetize the assets of the PetroCaribé Development Fund. Total assets of the PetroCaribé Development Fund as at end September 2015 are US$1,742 Million.

Question 13:

Can the Minister say what are all the fees incurred for the transaction and to whom they were paid?

Answer:

Citibank N.A. Limited was the Government of Jamaica's advisor on the transaction and was paid fees for its services. Due to the confidentiality arrangements between the Government of Jamaica, the Government of the Bolivarian Republic of Venezuela and Citibank, I am unable to disclose the fees paid. Though I will say if the Member is prepared to subscribe to the confidentiality clauses, I am prepaid to disclose the fees personally as Opposition Spokesman on Finance.

Mr. SHAW: Mr. Speaker, the Minister in relation to Question No. 4 has said that the question is not clear and I want to make reference to the fact that the Chairman of the EPOC, that is, the Economic Programme Oversight Committee, has said on several occasions that there was an amount of $120 Million annually required to serve the existing PetroCaribé debt and that was the context within which I asked that question. That figure of $120 Million I'm not sure whether the Minister himself had used that $120 Million, but the Chairman of EPOC suggested that the present cost - prior to the deal - that the present cost was US$120 Million a year. And to put in context I want the Minister to understand that in looking at earlier audited financial statements, I had seen - the largest amount ever used in one year to service the debt was in 2013 an amount of US$43 Million was used and there was no figure of $120 Million. So that I couldn't understand where the $120 Million has come from and that's why I asked the question. So I don't know if you would like to give any further clarification as to where the EPOC Chairman might have gotten that figure?

Dr. PHILLIPS: What I can say, Mr. Speaker, is that for 2014/15 the amount of debt serviced, which is distinct from interest

charges - includes interest charges and principal repayment was $100.5 Million, $81.7 of principal payment and $18.8 of interest. So it is likely that the Chairman of EPOC was referring to what was an estimate of the likely interest and principal payments in the absence of a transaction.

Mr. SHAW: And which, Mr. Speaker, explains the need for the House to be given timely and updated audited financial statements that are consistent with the Public Bodies Management and Accountability Act. So here is a situation where the Chairman of EPOC has the information but the House of Parliament and the Opposition is not able to have similar information which is in itself is wrong. Quite frankly, it is wrong.

The other question that I have, Mr. Speaker, is the Minister has suggested that the calculations surrounding this approximately US$328 Million lower overall financing in terms of the life of the loan. I have asked the question why is it the Minister doesn't provide the answer in the House? Why are we being sent to the website at the end of this week? Is it that you don't have the information?

Dr. PHILLIPS: No. As I said, we can provide it to the Member. The Member's question was that - what was the question?
(Cross talk)

Number 5? And it says, will the Minister publish and I said it will be published on the website rather than - I mean that is the easier way, but if you ask -

(Cross talk)

Mr. SHAW: I really should have said provide.

Dr. PHILLIPS: Okay, I will provide.

(*Sotto voce* comment by Mr. Shaw)

Dr. PHILLIPS: No, as I said by the end of this week - before the end of this week, okay.

Mr. SHAW: (*Sotto voce*) I will subscribe.

Dr. PHILLIPS: Okay. All right.

Dr. DAVIES: Say it.

Dr. PHILLIPS: No, say it.

Mr. SHAW: No, I am prepared to subscribe to the confidentiality agreement.

Dr. PHILLIPS: In which case I will also get that supplied to you.

Mr. VAZ: What a way *yuh* nice today not like the other night on TV.

(Cross talk)

The SPEAKER: Question 26. Mr. Hutchinson. Mr. Samuda, Question 27.

Mr. SAMUDA: Yes, will the Minister of Industry, Investment and Commerce answer the questions...

(Inaudible comment follows)

A MEMBER: Mic.

Mr. Anthony HYLTON: Mr. Speaker,

Question 1:

Will the Minister please confirm or deny the existence of a policy that requires importers of motor vehicles to be granted an import licence prior to the arrival of these vehicles into Jamaica?

Answer:

Provision 5.0 of the Motor Vehicle Import Policy, which became effective on the 3rd of April, 2014, requires importers of motor vehicles to be granted an import permit. And this, Mr. Speaker, was a restatement of previous policy on the

matter. The import permits are obtained from the Trade Board Limited before shipment to Jamaica. This is referenced in Ministry Paper No. 36/14 dated February 19, 2014.

Question 2:

If the answer to Question No. 1 is in the affirmative, will the Minister please advise this Honourable House if he is aware that three shipments of cars have been imported into Jamaica without import licences and are being stored on the wharf?

Answer:

I am not aware that three shipments of cars have been into Jamaica without import licences. Several shipments of motor vehicles are imported into Jamaica on a weekly basis. In keeping with the Customs Act, any vehicle that is imported for the domestic territory of Jamaica without a permit issued by Trade Board Limited is in breach of the Customs Act and there is a penalty that is imposed by the Jamaica Customs Agency.

With respect to the storage of Motor vehicle on the wharves, the Jamaica Export Free Zones Act, Section 5(2) and the First Schedule thereof provides for prescribed activities which may be carried on in a Free Zone and the storage of motor vehicle is an allowable activity. Goods imported into a Free Zone do not require import licence or permit. Therefore, the Jamaica Customs Agency can act in accordance with the provision of the Free Zone Act to allow the storage of motor vehicle in a Free Zone. However, in order for these motor vehicles to enter the domestic market the importing entity is required to obtain an import permit from the Trade Board Limited.

Question 3:

If the answer to Question 1 is in the affirmative, will the Minister please advise whether or not he is aware of this importation and what, if any action, he has taken to address this breach?

Answer:

Please see the answer to Question 2.

Mr. SAMUDA: Mr. Minister, are you aware - as you said, you are aware there are shipments on the wharf right now - are you aware of any plans by the importers of those vehicles to transship them from Jamaica? Are you aware of any such plans? I'll just go one at a time.

Mr. Anthony HYLTON: No, I have no specific awareness. Those vehicles would not be directed to my attention. Those vehicles would be directed to the attention of either Kingston Wharves Limited or the Kingston Terminal Limited. I have no specific knowledge about these motor vehicles.

Mr. SAMUDA: Minister, I asked you that specifically, because the normal thing is that if somebody is bringing in vehicles for the domestic market they're usually brought in and put in a bonded warehouse, they don't have to go into the Free Zone. And in fact, the Free Zone is for purpose of facilitating transshipment. Now, it must have occurred to you, having been told, that there are shipments of vehicles in the Free Zone as to what the

plans with respect to those vehicles and were there any intentions expressed by the importers to later on transship those vehicles into the domestic market, that is, the customs area or outside of Jamaica. You must be aware of that. You're the Minister of Industry and you would, of course, be required at some stage, because you are the one who gives Kingston Wharves the authority to operate a Free Zone and you would want to know that they are operating consistent with the policies. So, I ask you again, are you aware of any plans to have these vehicles shipped out of the Free Zone into a customs area or overseas?

Mr. Anthony HYLTON: May I ask - the Member keeps making references to specific cars. Is the Member being very specific about it? And if so, what are these specific cars to which the Member keeps referring to?

Mr. SAMUDA: Okay, Minister, does the name Magna Motors Distributorship Limited mean anything to you?

Mr. Anthony HYLTON: I've heard the name, but that's not the question the Member posed to me.

Mr. SAMUDA: No, I posed a question about the shipment of vehicles into the country without an import licence. Magna Distributorship has shipped vehicles to Jamaica without a permit into a Free Zone. It raises questions as to how come they would send it to a Free Zone rather than send it to Jamaica if it is destined for domestic market and have them stored in a bonded warehouse or for that matter they don't need to send it to a Free Zone, they can simply have them stored and transshipped to another country without going to a Free Zone. I'll come back to why I am specifically concerned about this strategy of putting it into a Free Zone because Minister, what is my concern behind all of this is that by going into a Free Zone you avoid having to pay any duties in the event that you don't ship it out of Jamaica. So I must know whether these vehicles are destined for the Jamaican market or for markets outside of Jamaica?

Mr. Anthony HYLTON: I'd suggest that the Member should ask the question specific to the response that the Member is looking for. The Member has asked the question in generality and therefore, I'm forced to answer the question in a very general way. My suggestion if the Member has a specific entity for which he needs some answers that the question should be posed specifically for me to do the research and provide the answers.

Mr. SAMUDA: But Minister, everybody who has had the opportunity of responding to question as a Minister knows that one of the basic fundamentals in responding to questions is to be prepared for supplementary questions. That's how the Parliament has operated for donkey's years. So you must be prepared for supplementary questions. This is a supplementary question which hinges on the overall question.

Mr. SHAW: And you are to answer it.

Mr. SAMUDA: And I am asking for an answer.

Dr. DAVIES: You're what, you're conductor or what?

Mr. SAMUDA: Minister, please.

Mr. PICKERSGILL: There is no such protocol.

Mr. SAMUDA: You wouldn't know protocol if it was pasted in front of you on your nose.

The point of the matter, Minister, again I ask you, have you - has any shipment of vehicles - I want you listen me carefully. Has any shipment of vehicles...

(*Sotto voce* comments)

Mr. SAMUDA: Was any shipment of vehicles brought to Jamaica and is now stored at the Kingston Wharves, been brought to your attention?

Mr. Anthony HYLTON: Again, I assert that if the Member is seeking a specific answer, then the question should be in a specific form.

(Inaudible comment by Mr. Samuda)

Mr. Anthony HYLTON: No, but any question. Let me say, I am aware that Hyundai Motor Limited has entered into an arrangement with Kingston Wharves, as has been announced - publicly announced that Hyundai will now make Kingston Wharves Limited its regional hub for shipping its cars. And Hyundai has shipped a number of vehicles to Kingston Wharves Limited for Kingston Wharves Limited to transship, in some instances, and ship into the Jamaican market, in other instances.

Mr. SAMUDA: Who are these people? (Inaudible/microphone off)

Mr. Anthony HYLTON: But in the normal way and under the existing transshipment arrangement within the Free Zone, I would expect that they would be assigned to Kingston Wharves Limited.

Mr. SAMUDA: But you must know that they are not. Minister, I say that you must know for a simple reason, a very simple reason. How then ...(Inaudible/microphone off) How can you, as Minister, not be aware that it's not Kingston Wharves who is the assignee? Because if that were the case... because the vehicles bear the sign of *Magna* as the consignee on their bonnets. This is a photograph of it. This photograph says that *Magna* Distributorship are the persons responsible for the shipment; now you just told me that it's Kingston Wharves.

Mr. Anthony HYLTON: First of all, Member...

(Inaudible comment by Mr. Samuda)

Mr. HYLTON: You have asked me no question about *Magna.* You have asked some generic - some general questions to which I provided general answers. If you have specific questions then those questions should be put to me specifically so that I will research them and bring to you and to the Parliament the appropriate answers. And I suggest that if you have specific questions about specific shipments, about specific entity, that you can put it in that form and ask those questions.

Mr. SAMUDA: Minister, I asked you if you had ever heard the name *Magna,* and you said yes, and you immediately followed by explaining Hyundai. The reason you have done that is because you are aware that *Hyundai* has appointed *Magna* as their sole distributors in Jamaica, replacing a 20-year operation with an existing Jamaican company. You are aware of that. Don't try to fool me or

fool the - you are not fooling me so don't try to fool the Parliament.

(*Sotto voce* comments)

Mr. SAMUDA: Now, you are aware - Minister! Minister! Minister, you are aware of that, you are aware of that. Being aware of that I am simply asking you, knowing...

(*Sotto voce* comments)

Mr. SAMUDA: Please! Please! Honest to God, man, I am trying to get some work done here.

(Government Members heckled)

Mr. Luthur BUCHANAN: Good shot!

Mr. SAMUDA: Okay. Now the thing is, if you have 200 vehicles on the wharf in Jamaica in a free zone that does not attract any form of duty, instead of going in a bonded warehouse because they are the new distributors for Hyundai in Jamaica - I put it to you, Minister, it is highly likely that those vehicles are destined for the Jamaican market. But in the interim they will be paying no duty, they will not require a bond - which is normally the case with every other importer - and if that bond is not paid within one year the Customs will come and demand that it be paid.

So they are getting a bligh by being in the Free Zone, to the disadvantage of every other dealership in Jamaica, and you are aware of that. What I am asking is, how can you then now say it was consigned to Kingston Wharves when indeed, the evidence before us on the vehicles themselves, is that it is consigned to *Magna* who is the new dealer that you know about, and who has a licence pending that you have not yet approved?

Mr. Anthony HYLTON: What is the question to me?

Mr. SAMUDA: The question to you is, as a Minister, what I want to find out is if anything is happening on the wharf that stands the potential of denying the revenue - denying the country revenues by sidestepping and going into a free zone that it does not need to go into? That's the point.

Mr. Anthony HYLTON: And I neither work with the Customs Agency, nor am I required to know what happens on the wharves of Jamaica. If there is a specific problem and a specific issue to which the Member wants specific answer, I would imagine that the Member would ask a specific question to which I could answer properly.

Mr. SAMUDA: Prime Minister, Mr. Speaker, there are enough people in this room that understand what I am talking about.

What I am talking about, Mr. Speaker, as a member of this House I am trying to avoid, any organization from whatever source, posing a potential threat to the revenues of this country, and an attempt to bypass the need to post a bond in a bonded warehouse, by any organization, so that they foretell their intentions to sell the vehicles in the domestic market - because what has happened is they have brought it in under the guise of the Free Zone because they know they don't need a licence into the Free Zone, they don't need a licence. So now they are going to apply for a licence, they will have to if they are going to bring it into the Jamaican market.

So, what I am asking the Minister as the man responsible for granting that licence, I am

asking him if he is aware that there is this company that has done this? And asking him if it is reasonable to assume that they will be attempting to get these goods into the Customs area? Because, Mr. Speaker, let me tell you, if they do not have an import licence and they have to go into anywhere else but a free zone, the fine for shipping before getting the licence is three times the value of the vehicle. That is what they are avoiding by using this ruse that they are going through a free zone, which doesn't even have a fence.

(*Sotto voce* comments)

Mr. SAMUDA: The Dominican Republic doesn't even have a fence. The vehicles are parked on the wharf under the guise of this free zone which was just granted by the Minister to Kingston Wharves, where nothing is being assembled, but the vehicles are parked there.

And they are going to come to him now and ask for a licence to bring them in the Customs area and don't pay a penalty for having brought them to Jamaica without a licence, which is three times the value of their vehicles. Minister, if you don't see the significance of that, then God help you and the whole of us. That's what I am asking you to respond to.

Mr. Anthony HYLTON: Mr. Speaker, what is very clear from the Member's constant badgering, is that the Member has a particular set of questions to which he needs answers, but he has not put them in any form that I could even reasonably answer those questions, other than asking me to speculate. And we will research them and will provide the answers.

Mr. SAMUDA: Minister, the Kingston Wharves has been given the right to store vehicles without paying duty. Every importer of vehicles in this country now has the right to go to Kingston Wharves and store their vehicles until they are ready to bring them into the Customs area. They don't have to wait on a permit to bring them in. The only thing that they will have to rely on is the importation certificate, the licence issued by the Trade Board, which is under the Minister of Industry, Investment and Commerce. So the Minister of Industry, Investment and Commerce is acting as the sole arbiter of whether or not somebody is exposed to having to pay duty, or whether they have breached the rules and have to pay a penalty. Or whether they have spent over a year in a bonded warehouse and have to pay the duty, and have to forfeit the bond. That is what the Minister has set up for himself right here, a cozy little arrangement.

Mr. Anthony HYLTON: Mr. Speaker, I object to this scurrilous comment.

A Government MEMBER: Out of order!

(Cross talk)

Dr. DAVIES: Mr. Speaker...

The SPEAKER: Mr. Samuda, I think you should withdraw that comment.

Mr. SAMUDA: What exactly would you like me to withdraw?

The SPEAKER: The "cozy arrangement" you are suggesting that the Minister has set up.

Mr. SAMUDA: That one.

The SPEAKER: The "cozy arrangement". That is imputing motive, man.

Mr. SAMUDA: No. But Mr. Speaker...

The SPEAKER: Mr. Samuda, just withdraw the statement, nuh, man.

Mr. SAMUDA: If it offends the Minister I withdraw it.

The SPEAKER: Thank you very much, sir.

Mr. SAMUDA: If it offends you I withdraw it.

(*Sotto voce* comments from a Government Member)

Mr. SAMUDA: You know what I am talking about? (Laughter) You know what I am talking about?

(Inaudible comment from a Government Member)

Mr. SAMUDA: And so do you, and maybe you. You see your mouth wide open, you see your mouth wide open, I am coming to you when the Bill comes for the Special Economic Zone. Yes, I am coming to you, but I am not ready for you today, I am coming to you.

(*Sotto voce* comments)

Mr. SAMUDA: Mr. Speaker, Minister, I will be more specific, if that's what you wish. Okay.

Dr. DAVIES: Mr. Speaker, may I?

The Member has raised several questions implying that the laws are, at best, being circumvented. It would seem that rather than to continue the speculation for which the Minister is not prepared, it would be best if the Member were to pose these questions and in the meanwhile, the Member could research what seems to be, if the accusations or allegations being proffered by the Member are correct. There are things which we can investigate and provide a full report, but I do not know whether there is much more to be gained by...

A MEMBER: What a protection.

Dr. DAVIES: ...a good word would be harangue, but I'm - if we were to continue as this.

The SPEAKER: Thank you Minister Davies.

Mr. Anthony HYLTON: Mr. Speaker, I'll move on to the next set of questions that was posed.

Mr. Speaker, the questions asked under Question 28 is:

Question 1:

Will the Minister please state if it is a fact that the Things Jamaican shop at the Norman Manley International Airport has been closed?

Answer:

The Things Jamaican shop at the Norman Manley International Airport has been closed.

Question 2:

If the answer to Part 1 is in the affirmative, will the Minister please indicate the specific reason or reasons that led to the closure?

Answer:

The Board of the JBDC took the decision to close the Things Jamaican shop at the NMIA after conducting an assessment of its commercial viability. The entire Things Jamaican operations (all shops included) has accumulated losses totalling some $24.1 Million as of August 31st 2015, of which the NMIA shop accounted for some $10.7 Million.

Additionally, as of August 31st 2015, the NMIA Things Jamaican shop had an outstanding obligation of some $184,854 for property costs that is owed to the Airports Authority. The Airports Authority is engaged in efforts to privatize the NMIA and requires that the outstanding obligation be met, or that the shop ceases operating at the Airport. The NMIA privatization efforts precipitated the decision to close the shop at the Airport.

Question 3:

Will the Minister please state if the Ministry is examining the possibility of reopening this facility in the future, and if so, within what timeframe?

Answer:

The Ministry is conducting an analysis and assessment of the Things Jamaican operations to determine the best plans for its future. Indeed, this analysis and assessment is being carried out as part of the recent strategic planning and budget retreat efforts of the Ministry. It is expected that the Management and Board of the Jamaica Business Development Corporation will be completing this strategic business planning and budgeting efforts to inform the decision going forward by the end of this month or early December 2015.

Question 4:

Will the Minister please state whether or not there are any other plans to close additional shops and, if so, which ones?

Answer:

There are no current plans to close additional shops.

Question 5:

Will the Minister please advise this Honourable House on the future plans for the Things Jamaican organization?

Answer:

The Ministry intends to prepare a comprehensive proposal on how to position the Things Jamaican organization to ensure that it can play its developmental role with respect to the micro, small and medium-sized enterprise sectors, while at the same time, limiting the losses that the Government incurs. The Ministry and the Management of the JBDC are actively looking at a number of options that have been recommended for the Things Jamaican brand, and additional work is being carried out to inform the decision on the future of the organization. The Government understands the importance of the Things Jamaican brand and the urgency with which the matter must be addressed. The future of the Things Jamaican brand is being looked at as a matter of priority and we expect to arrive at a decision in short order.

Mr. SAMUDA: Minister, the JBDC established a facility in the Garmex Freezone from which extensive training takes place, and in a sort of incubator type environment where persons come in there and they can, for at a small fee, pay for the use of equipment and for

getting advice and so on, and training takes place there, so that after a period of incubation they can go out into the openmarket and fend for themselves. But one of the fundamental principles underlying the establishment of Things Jamaica was to serve as a market in the early stages, for the small and micro business people, starting as it did in that facility in West Kingston many years ago foresight by the then leader, Most Honourable Edward Seaga.

It is lamentable now to see that this noble institution with all its facilities has now got to a stage where the Ministry of Transport and Works through the Port Authority - am I correct? Airport Authorities, has chosen to eliminate their chances of survival at the Airport.

I would've thought, Minister - and I'm going to ask you the question - I would've thought that you would've used your good offices to ensure that appropriate financing is given, so that the line of goods to be offered for sale, the efficiency, productivity, the quality of the products would be such that it would demand better response from the travelling public. Instead, instead, they have decided in their wisdom, collective wisdom, to eliminate the possibilities of expansion, albeit on the promise that it may come back into swing at the end of December.

Minister, I think that nothing less than an explanation as to the funding for JBDC, as for the funding for the training of young people to learn skills and to produce goods that can be traded and for the strengthening of the Things Jamaican arm of JBDC so that they can purchase these goods that are produced and give the micro and small business people a fair chance at starting a business of their own, and most importantly, from the indigenous raw materials and skills of our local people.

So, Minister, what specific plans do you have in place - don't tell me about some study, every time I talk to you in this House you tell me about a new study.

Dr. DAVIES: Well stick to the question.

Mr. SAMUDA: I don't want a study; I want even one specific plan you have to provide funding for additional training, introduction of new designs, getting in new skills to train the people and to create design that can be attractive so that the small business people can move ahead? I would like you to respond to that in specific terms.

Mr. Anthony HYLTON: Notwithstanding the theatrics, Mr. Speaker, notwithstanding the theatrics of the Member, the Member knows well, the Member knows well that the Things Jamaican brand, the Things Jamaica is a brand; it is part of the marketing strategy. And while it is focused on the products developed by the micro, small and medium sized enterprise entities, it is not exclusive...

Mr. PICKERSGILL: Daryl yuh gone?

Mr. Anthony HYLTON: ...to those that are in the incubation programme. Incubator is one avenue from which their products from the MSME sector sourced under the JBDC and Things Jamaica brand.

They had at the beginning some six outlets. Some six outlets and the Member would know, having served in that Ministry,

that the Things Jamaica brand has been under pressure for quite some time, losing money, for some time. It's therefore, and we have, it's not simply injection, if it is not reorganize, looked at, reorganized and repositioned, then all you simply will be doing is pouring good money after bad.

We have taken the decision collectively, both at the Board level and with the Management, to review the entire situation, as it warrants a review and a repositioning of the brand and how these are made commercially viable in the marketplace. And we have already assessed that some of the reasons for the brand's struggling as it is, for example, you go to the lack of differentiation in product, the fact that other persons are competing, the competition at those particular places are increasing and therefore we have to look at new methods and new approaches and ways in marketing the products.

We believe the brand is a valuable brand, and therefore, that it will remain and that it will participate in the marketing of goods for the small and medium size enterprise sector is no doubt. What form, what particular form that that takes, given the availability of technology, the new methods, we are yet to determine as a group. I will not, having given the - asked for assignment to be done, I would not want to preempt any of the options available that I'll bring to the Cabinet and ultimately to this House.

Mr. SAMUDA: I just want to ask you - my colleague would like to ask you a few supplementary questions. But I just want to mention, Minister - you know, this is the most unbelievable - Minister, have you ever thought or has it been discussed, the possibility of using Things Jamaica as a trade name and creating an entity in Europe - North America for instance, and franchise the name, having gotten it to a stage where it gains the reputation of quality. And is that the kind of direction that is being looked at, because I've always felt that that is the future of Things Jamaica, because it's carrying the name Jamaica and the brand Jamaica across the world.

Mr. Anthony HYLTON: Let me say to the Member that it is - that is among the options that I'm aware, that have been discussed at a recent retreat with the organization. So as I said, I would not wish at this stage to preempt any of the options where we'll be exploring all the options with the Board in the first instance - relatively new Board in the first instance - then we'll take it to Cabinet and from Cabinet to this House.

The SPEAKER: Thank you, Minister. Miss Grange, you have a question?

Miss GRANGE: Yes, Mr. Speaker.

Minister, I noticed you refer to Things Jamaica as a brand, but are you aware that Things Jamaica was, in fact, established as a Craft Development Company and was at the centre...

Mr. Anthony HYLTON: As a?

Mr. PICKERSGILL: Craft Development.

Miss GRANGE: Craft Development Company and was at the centre of the development of a craft industry, which was fashioned around an indigenous - the indigenous culture, are you aware of that? Are

you aware that we're talking about an industry of which Things Jamaica was the institution established around 1961 by the Most Honourable Edward Seaga, to ensure...

Mr. Anthony HYLTON: Not '61, after '61.

Miss GRANGE: It's after 61, but coming out of the Craft Development Programme, when he was the Minister of Development and Welfare, that, in fact, it would promote a cottage industry and a craft industry, to ensure the product that we now offer to the tourist, will not be labelled, "Made in China".

Mr. Anthony HYLTON: I am aware of the origin. I am also aware that along the way, and over time, that particular business model changed, and Things Jamaica Brand - Things Jamaica became a brand, and a marketing arm that looked at and took account of a range of products, not just from the incubator, as I said, but from other supply - other sources of supply.

I can share with you that, as I said, things that started originally don't remain the same necessarily. As time changes, different business models are introduced. And again, we have to look at it now - to look at the business model - because it is clear that it is not commercially viable at this juncture, as is, as is.

Just to make the point that, as part of that change, the craft element of it, that the Tourist Enhancement Fund, because of the problems that have occurred over a period of time with the sameness of the product offering, a need to look at the markets that were the focus, that the Tourism Enhancement Fund has increasingly been playing a major role in the development of the craft aspects of it.

Miss GRANGE: Minister, I am really sorry, but what you are saying shows that there is no vision.

Mr. CHUCK: What's new?

Miss GRANGE: Because - and I am very serious about it.

A MEMBER: We know that long time.

Miss GRANGE: We are talking about an industry - a craft industry - an indigenous craft industry, where the small man, the creative people - we are creative people...

A MEMBER: We are.

Miss GRANGE: ...we are, and Things Jamaica provided that outlet. We had people who come in and assist in the design, using the indigenous culture. You are talking about the Tourism Enhancement Fund; the Tourism Enhancement Fund can market the product. Your office and your Ministry should provide the funding for the development of the product and the Culture Ministry see that the product is authentic. Now Minister, what are you going to do about it? Don't tell me about a brand. Jamaica is a brand. Tell me about Things Jamaica, the institution that was established to serve the network across Jamaica, of the creative craft indigenous culture.

Mr. McKENZIE: It is a prison now; it turn in a prison.

Mr. Anthony HYLTON: I make the observation again. Things Jamaican started in 1960 don't mean that nothing changes, and the change started under his Administration. The records are clear; the records are very clear, and I'll demonstrate to you that the model that

started - the original model that you said Mr. Seaga put in place that has changed over the years.

Miss GRANGE: I don't have an issue with that, Minister.

Mr. Anthony HYLTON: Okay, fine, so I am making the point.

Miss GRANGE: I am asking what are the plans you have in place to develop the craft industry?

Mr. Anthony HYLTON: The craft industry...

Miss GRANGE: Yes.

Mr. Anthony HYLTON: …I make the point...

Miss GRANGE: Yes, under Things Jamaican, as the institution that was established. If you want to change the name, fine.

Mr. Anthony HYLTON: But I am saying, not only change, we change functions, as I have suggested to you. The Ministry of Tourism, as a matter of policy - as a matter of policy - taken to the Cabinet of Jamaica, has taken a role in the craft element of it. There is a coordinating role by the JBDC with the Tourism Enhancement Fund in respect of the craft industry of Jamaica and Things Jamaican became the marketing arm of what was part of the craft industry, and others of it, looking at this aspect of it, like what the innovator and the incubator provides now at Garmex. So with the review and the assessment that I had mentioned, in response to the answer to the Minister, that will take into account, not only the short-term, but the longer term aspects of Things Jamaican, as an institution, and the development of the overall craft and micro small and medium-sized enterprise industry.

Miss GRANGE: Minister, are you aware that there are more craft vendors selling Made in China Jamaican craft than there are people who are put in a position and funded and assisted to develop indigenous craft?

Mr. Anthony HYLTON: I don't know the specific data or statistics. I wouldn't deny the point that you made. I don't know the specific number, but I would not be surprised that there - a number of imported items into the country and into the tourism mix. What I have said to you and what I am clear on is that the strategies now being pursued, not just by my Ministry but, as you mentioned, the Tourism Ministry as well as the Culture Ministry is that the repositioning of craft and the brand in Jamaica is about the viability, the marketability of Things Jamaican, the products, and the survival and growth for the small, micro enterprise sector.

Miss GRANGE: I want to ask you one last question, Minister. You have said a lot of things but I still don't get it.

(*Sotto voce* comment)

Miss GRANGE: I won't? I won't get it because what you are saying is just verbiage. It is just, you know, semantics.

The SPEAKER: Miss Grange… Miss Grange…

Miss GRANGE: Minister, we are talking about a craft industry in Jamaica. We are talking about providing employment for artisans across the island. We are talking about selling to visitors who come to this island, authentic Jamaican craft items. Where

is that? You have not provided that. You have not given a timetable for that. You are talking about the business model and what you plan to do; what is the programme that now exists? And you tell me, Minister, I went to the craft market - I went to Falmouth, and every item that I picked up was made in China. I go to Devon House, and the items are made in China. Are you happy about that?

A MEMBER: And we are closing the airport now.

Miss GRANGE: And we are closing the airport shop where we had a few authentic items.

Mr. Anthony HYLTON: If you went to Devon House, you would have gone to the wrong shop, because Things Jamaican...

(*Sotto voce* comment by Miss Grange)

Mr. Anthony HYLTON: Well, why didn't you ban them?

Miss GRANGE: We never had '*Made in China'* items.

Mr. Anthony HYLTON: That is not true, that is not true, that is not true.

(*Sotto voce* comments by Miss Grange)

Mr. Anthony HYLTON: Anyway... anyway...

The SPEAKER: (Gavels) These questions going around for too long now.

Mr. Anthony HYLTON: One of the few viable shops under the Things Jamaican brand is at Devon House. So if you went elsewhere and if you went to that shop you would see authentic Jamaican products, so you went to the wrong shop.

Miss GRANGE: What I am saying, no shop should be in Devon House that says: '*Made in China'*.

(*Sotto voce* comments)

The SPEAKER: Mr. Smith... thank you, Minister, thank you, Minister.

Mr. McKENZIE: Do you have an outlet that is making...

(Inaudible)

The SPEAKER: (Gavels) Mr. Smith, you have a question?

(*Sotto voce* comments)

Mr. D. SMITH: Mr. Speaker, it is my intention to ask the Minister of National Security the following questions: Mr. Derrick Smith gave notice that at the expiration of 21 days he would ask the Minister of National Security the following questions:

Question 1:

Will the Minister advise as to whether the contract awarded for the procurement of new passports was put to tender?

Question 2:

If the answer to Part 1 is in the negative, will the Minister state the reason?

Question 3:

Can the Minister advise when was the last time that the Government of Jamaica put the procurement of passports to international tender?

Question 4:

Will the Minister advise as to the Passport Immigration and Citizenship Agency's stock of passports prior to the award of the contract for the procurement of new passports?

Question 5:

Can the Minister advise as to how many passports per year were issued over the past five years?

Question 6:

Can the Minister indicate whether the new passports being procured are biometric?

Question 7:

If the answer to Part 6 is in the negative, will the Minister advise as to when it is intended to have Jamaican passports that are biometric?

Question 8:

Will the Minister state the number of countries to which the current supplier, Canadian Bank Note Company Limited, supplies passports?

Question 9:

Can the Minister advise of countries in the Caribbean that are currently using biometric passports?

Question 10:

Will the Minister advise of the number of countries to which the supplier, Canadian Bank Note Company Limited supplies biometric passports?

Question 11:

Will the Minister advise as to who the local representative is of Canadian Bank Note Company Limited?

Dr. DAVIES: Are they sensible questions?

Mr. D. SMITH: He wouldn't say so because *im* don't have no sense.

(Laughter)

The SPEAKER: House Leader... House Leader...

PUBLIC BUSINESS

Mrs. NEITA-HEADLEY: Mr. Speaker, we will continue the Debate on the - commence the Debate on the Transport Authority Act. We will also take and conclude the Debate on the Criminal Justice (Amendment) Act, and the Judicature (Amendment) Act. We will also do the Local Government Act, 2015 - the three Bills - and then we will take the Bill entitled: The Road Traffic Act, to be debated and concluded also.

Mr. McKENZIE: Mr. Speaker, can I ask the acting House Leader, is it the intention to take the three Local Government Bills and conclude the Debate today?

Mrs. NEITA-HEADLEY: We will not be concluding today.

(*Sotto voce* comment)

Mrs. NEITA-HEADLEY: We will be concluding - yes.

Mr. D. SMITH: Mr. Speaker...

Mr. McKENZIE: But, Mr. Speaker, the Minister of Local Government started his contribution last week, and he was the last person, so I would assume that the Minister would continue this week as the first presenter. To eliminate the Minister down to be the last presenter, I mean... is not... you know...

Mrs. NEITA-HEADLEY: Mr. Speaker, there were two Bills prior to the Local Government Bills, and so we will proceed in that manner.

Mr. CHUCK: Which one you doing first, Natalie?

(*Sotto voce* comment)

Mr. CHUCK: No man... Patrick.

Mr. D. SMITH: Mr. Speaker, I am looking to my left, because I am expecting the Member from Clarendon Central to come

through the door at any moment. Mr. Speaker, I last spoke to him at 4:20, and he assured me that he would be here; he had some difficulties on his way in from Clarendon. He recognizes his responsibility here this afternoon but he reminded me, Mr. Speaker that he came well prepared last week, and the Government side showed no interest in continuing the Debate at that time. However, I am expecting him to come through the door at any time. I am asking the acting House Leader if they could proceed with other matters under Public Business, and then...

Mr. CHUCK: Chairman…

Mr. D. SMITH: That's the type of cooperation that we realty expect from the Government this afternoon.

Mr. CHUCK: Speaker, the Criminal Justice (Administration) (Amendment) Act, although I expressed reservation last week, I really would just allow it - if we just complete this, it won't take more than five minutes.

Dr. DAVIES: Just like Transport Authority.

Mr. D. SMITH: That will give us some...

Mr. CHUCK: No, no, but the Transport Authority Act, with due respect, you need the contribution from the Member from Central Manchester. Give him some time. So let us deal with this one.

Mrs. NEITA-HEADLEY: Mr. Speaker, it is now almost 5:00 p.m. We do have public servants who have been waiting since 2:00. We will go ahead with the matter relating to the Transport Authority Act. If the Member of the - his opposite arrives at that time, I am sure he will be able to participate.

THE TRANSPORT AUTHORITY ACT

The SPEAKER: Minister Davies.

Dr. DAVIES: Mr. Speaker, as I indicated when I opened the Debate, this is a very straightforward Act. It is one which...

Mr. D. SMITH: Mr. Speaker... Mr. Speaker, I am just trying to understand if the Minister is closing - if he's insisting on closing, Mr. Speaker - I can't believe that is the intent. Is it the intent?

MEMBERS: Yes!

(*Sotto voce* comments)

Mr. D. SMITH: Mr. Speaker, on behalf of the Opposition, I will say that it was never our intention to oppose the amendment...

(*Sotto voce* remarks by Mr. Atkinson)

Mr. D. SMITH: …because we believe that it's an important amendment. However, Mr. Speaker, it occurs to me that I don't know what sort of analysis was done by the Ministry now if you are allowing - we heard in media about the loss position of the JUTC.

Dr. DAVIES: Mr. Speaker, on the ground of relevance.

Mr. SHAW: No, the Member is on his feet. You need to sit down!

The SPEAKER: We can't have two Members on their feet at the same time. Are you yielding, sir?

Mr. D. SMITH: I am continuing my presentation.

The SPEAKER: Minister Davies.

(Cross talk) (The Speaker gavels)

Mr. D. SMITH: The question I was asking, Mr. Speaker, is on the basis of that - all those losses as outlined by officials of the

JUTC the additional intake of these hackney carriage or whatever, based on the extra passengers that they will now be carrying on a daily basis...

Miss HANNA: It is not horse racing.

Mr. D. SMITH: ...if you have calculated what sort of a negative impact that will have on the loss situation that's existing at the JUTC?

Dr. DAVIES: I can answer.

Mr. D. SMITH: I am not finished.

The SPEAKER: Continue, Mr. Smith.

Mr. D. SMITH: I am continuing, sir, but the jack rabbit sort of situation kind of throwing me off.

Mr. Speaker, what I would also like to say is that I have observed on a daily basis the behaviour of these vehicles on our thoroughfare, it's a major problem and I would like to hear from the Minister what sort of assessment your Ministry would have made, what is the understanding with these people now carrying extra people, exposing extra individuals to injury.

Also, Mr. Speaker, the behaviour of the Transport Authority officials on the road, I am not sure what terminology you use, into this habit of racing, chasing, blocking, it's a very serious thing. Based on the behaviour in the House and, indeed, getting a lead from the Minister, it's being treated as a very frivolous matter, but it is a very major issue. I travel on the road every day and I observe the behaviour of these vehicles. I observe the behaviour of the Transport Authority officials and it's chaos. So the Minister in closing, if he is insisting in closing that he has to close this evening, will be allowed to speak to that. One, results of your calculation, how is it going to impact on the JUTC profitability or loss situation along with the other points that I have made.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Thank you, Mr. Speaker.

I just wanted to - I think one of the issues the Member from Central Clarendon.

The SPEAKER: Hold on, Mr. Shaw. We have a sub-committee meeting at the back there. Mr. Fagan.

Mr. D. SMITH: Go and sit down man, waster.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, I think one of the issues that the Member from Central Clarendon would have wanted to pursue is whether this is just an issue related to five-seat vehicles, basically sedans and that they are issues related to larger units, and I just want to know whether you are considering looking at in a more sort of total way at the various size vehicles and whether there are any other categories that would have similar difficulties as you have explained in relation to the five-seat sedans. That's one point, and whether you will be prepared to as you are looking at that.

The second point is, Mr. Speaker, that when I was Minister of Finance I met with the Transport Taxi Association. One of the concerns that they expressed was their need for an upgrading of their fleet. And I as Minister at the time suggested that once everybody becomes regularized, go through the proper formal systems and so on that we would - the Government would consider

granting a special concession in terms of duty rates so that the fleet of taxis can be upgraded generally, and so that our people can be transported in a more comfortable and civilized way. And I was wondering if you probably revisit or take a look at that.

Mr. SAMUDA: Mr. Speaker...

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: In a previous area for which I was responsible, Transport and Works, the matter of the competition that these units placed to the JUTC was a very, very important factor. And I just wondered in light of the decision to increase the load in each of these vehicle, if you have done an assessment to determine the extent to which this will make them more viable on their required routes and meet their required operational system, and by so doing place less pressure on the JUTC system, one.

Two, that the question of making them viable, taking upon the point my colleague mentioned, you see, the vehicle they use that is their raw material, and the extent to which that raw material operates in an optimal way, I wonder if by chance the Minister would give consideration to supporting a call, which I am sure I've heard them say repeatedly, for a special concession on the import duties on tyres, specifically tyres, because the tyres pose a major, major obstacle and a threat. Three, the question of insurance. Mr. Speaker, you would be amazed to know how important this is.

Dr. DAVIES: You almost sound serious.

Mr. SAMUDA: It is a serious, serious situation because many people take these units and they have to be satisfied that they are adequately protected with insurance. So Minister, you could explain to us what you have done in terms of examining the requirements necessary to ensure that each unit is properly insured so that in the event of an accident or an injury of any kind, God forbid a loss of life, that they will be protected.

And finally, Mr. Speaker, is there any possibility that you may on the routes that you are not able to cover adequately now - I hear you say you are putting out 450 buses a day, but it still short, if you would consider increasing the number of units that will be permitted to operate legally? Because there are vast numbers of vehicles out there operating illegally. And let us try and accommodate them, because instead of having them hustle and have to blow their horns and give signals that they are passing through and so on, if you could look at fulfilling the demand that exists by regularizing the system so that we don't have so many "robots" operating.

Dr. DAVIES: You spoke before; you spoke already in the Debate. He spoke already in the Debate.

Mr. CHARLES: Let me ask a question, *nuh*.

The SPEAKER: You can't speak again.

(Cross talk)

Mr. CHARLES: I believe only the Speaker has the authority to tell me that I cannot speak. And I am asking the Speaker permission to ask...

The SPEAKER: No, hold on.

Mr. CHARLES: Mr. Speaker...

The SPEAKER: You spoke already.

Mr. CHARLES: A very important matter is on the floor.

The SPEAKER: You have spoken already; you are not allowed to speak again.

Mr. CHARLES: No, I have never spoken on the matter.

The SPEAKER: You don't even know what to talk about.

Mr. CHARLES: This is a new day, Minister.

The SPEAKER: Please take your seat, Mr. Charles.

Mr. CHARLES: You will have to prove it in **Hansard** that I spoke already.

The SPEAKER: Mr. Charles, don't make this thing a laughing matter. You spoke already and you are not allowed to speak again.

Mr. CHARLES: The Member when he spoke, put it off and I went on to speak. Minister, you will be very happy about what I am about to say.

Anyhow, Mr. Speaker…

The SPEAKER: No, Mr. Charles, you are not allowed to speak. Please take your seat, Mr. Charles.

Mr. CHARLES: Are you going to check to see if I speak?

The SPEAKER: Yes, I am checking it right now.

Miss HANNA: Check the camera!

Mr. H. BUCHANAN: Mr. Speaker….

Mr. SHAW: Sit down!

Mr. CHARLES: What are you afraid of?

Mr. H. BUCHANAN: You have no respect for your mother, your father or nobody, shut your mouth!

Mr. SHAW: Sit down!

Mr. CHARLES: As a former Minister of Transport...

Mr. JACKSON: Mr. Speaker, on a point of order, why is it that the Member is still standing when you have ruled?

The SPEAKER: The Member is not recognized. You are to take your seat, Mr. Charles.

Mr. L. BUCHANAN: Or call the Orderly. He is out of order.

Mr. CHARLES: You have to advise the Speaker what to do.

Mr. SMITH: Mr. Speaker...

The SPEAKER: Mr. Smith, let us not make this thing generate into something comical.

Mr. CHARLES: If I don't have permission to ask the Speaker then I don't need to be here. Since I am going to be here then I will ask the Speaker.

Mr. D. SMITH: I don't remember Mr. Charles speaking.

The SPEAKER: You working off memory now.

Mr. D. SMITH: Mr. Speaker, genuinely I don't recall the Member speaking on this issue. The question I am asking, have you got confirmation that in fact he did?

The SPEAKER: I have asked for confirmation.

Mr. D. SMITH: You have asked for it?

The SPEAKER: Yes.

Mr. D. SMTIH: In the meantime others can speak or he can continue speaking.

The SPEAKER: No, no, no!

Mr. CHARLES: Mr. Speaker, one

minute. Can I address - I will allow you to get up and then ask you permission to say a few words. You get up and speak and I will ask you as parliamentarian permission to say a few words.

The SPEAKER: Take your seat, sir. We have to confirm whether you spoke or not.

Mr. HUTCHINSON: Mr. Speaker, I would like to find out from the Minister. There are various types of vehicles that do transportation. Some are the ordinary cars…

Ms. HANNA: The ones that have chips.

Mr. HUTCHINSON: …and although you are going to increase it from four to five, you also have a different type which goes like the Noahs, these are the small…

(Inaudible comment by Mr. Warmington)

Mr. HUTCHINSON: And so these usually carry more passengers than the ordinary cars. We need to find out if - and we are going to ask you if you intend to put this in the same category as the ordinary cars, by increasing the amount of passengers. Because as we get into the area where you find more and more people going into the passenger vehicle, we find more and more of them are using these bigger types of vehicles to transport passengers. So we would like to find out if these are going to be classified in that same category as the ordinary cars are being done.

The SPEAKER: Ms. Grange.

Ms. GRANGE: In Central St. Catherine you know we have a lot of housing developments, housing schemes.

Mr. PICKERSGILL: Yes, they are due to the PNP Government.

Ms. GRANGE: Well it started even when Bruce was Member of Parliament, but these schemes have a lot of professionals, and I know that the JUTC provides executive service, but these areas are not included on the route, Minister. So I'm asking if consideration could be given to an extension to these executive services, the buses, taking into consideration the communities in Eltham: Eltham view, Eltham Park, Eltham Vista, Eltham Acres. There is a huge section of various housing developments in the Eltham Park area. So I'm asking for consideration, and if it could even be done so that they can get a Christmas present. Christmas present. I think it could easily be extended.

Dr. DAVIES: Yes, but it has nothing to do with the Bill.

Ms. GRANGE: But you know, it has to do with you and you are the man who takes care of these things. So, I'm using the opportunity to ask that you give me a response, you give some consideration and you give me a response to this.

The SPEAKER: Mr. Charles.

Mr. CHARLES: Mr. Speaker, I cannot recall the Speaker making such grave errors over the many years that he has been sitting and therefore, I will not request an apology.

(Laughter)

I think the Speaker has demonstrated over the years a mature and honest approach and, therefore, I will just write that off as part of the disruption that comes from side to side.

Mr. McKENZIE: And the Speaker don't need to look at the camera. Him don't need to look at the replay of the camera.

Mr. CHARLES: Mr. Speaker, I have a very short presentation.

Dr. DAVIES: Presentation?

Mr. SHAW: Yes.

Mr. CHARLES: Minister, you are seeking to add a passenger to cars, right? Am I correct?

Dr. DAVIES: Legally permit another passenger.

Mr. CHARLES: You want four in the back?

Dr. DAVIES: No, three more.

Mr. CHARLES: You want three in the front?

Mr. PICKERSGILL: No, five on top.

Mr. CHARLES: How you plan to do it? Why I'm asking the Minister is, there may be a regulation someplace that allow two children to ride as one passenger. Whenever you have two children in a car it's counted as one. Or the buses.

Mr. SHAW: Which regulation that?

Mr. CHARLES: Children. You need to go and look, Minister.

Dr. DAVIES: At what?

Mr. CHARLES: When you have four persons in the back, if one is a child you can have an additional child and police will record it as one. I know it was not an amendment. I don't know if it was a regulation when I was there.

Mr. PICKERSGILL: You're not a lawyer, you are trade unionist.

Mr. CHARLES: Minister, through your -

Mr. McKENZIE: You must be in charge of Transport, what wrong with you old man?

Mr. CHARLES: Through your initiative 3000 cars are now in the pound. Three thousand or 15,000 seats are now locked down by you and those you have instructed to seize people car.

Dr. DAVIES: Mike no come, you know, so you...

(Inaudible comment)

Mr. CHARLES: These cars have been bought by people who have received redundancy payment, trying to survive. You have multiple thousands of seats available, yet you don't have enough buses. You still buying buses.

I have suggested to you, Mr. Speaker, I'm suggesting to the Minister that you revise, you revise the way that cars operate in the transport system and instead of initiating locking them up, pounding them, that you look at something we had looked at some time ago. In other words, JUTC shouldn't be running through Mona Heights. You could zone these highly populated areas for the cars. Pick-up at your door, take you to supermarket, take you back at your door. You are confined to Mona Heights.

Mr. SAMUDA: Legalize the robots.

Mr. CHARLES: The problem though with cars is that they cannot afford the insurance to get the red plate. Minister, the JUTC buses are not insured by Sagicor.

Mr. McKENZIE: They no insure none at all.

Dr. DAVIES: Sagicor?

Mr. CHARLES: Who insure the JUTC buses?

Dr. DAVIES: Not Sagicor, Sagicor is life insurance and health insurance.

Mr. McKENZIE: Dem no insure. Government vehicle no insure.

Mr. PICKERSGILL: Your vehicle insure with Sagicor?

Mr. CHARLES: You are very bright. Everybody aware of that.

Dr. DAVIES: No, I just read.

Mr. CHARLES: What I am saying, sir, or let's ask you then. Are the JUTC buses insured?

Dr. DAVIES: Yes.

Mr. CHARLES: Ah? They are insured. By whom?

Dr. DAVIES: The Government.

Mr. CHARLES: The Government. All right. Very good, very good. Then, therefore, why don't you extend the Government insurance coverage to the cars, the thousands of car seats that are available?

Mr. PICKERSGILL: You must be crazy.

Mr. CHARLES: Not crazy. Not crazy. Instead of taking billions of dollars to go and import hundred more buses, and you have 15,000 seats lock-up right now in pound, and another 20 or 30,000 seats running from police, bring order to the transport system.

Mr. McKENZIE: Yes.

Mr. CHARLES: And the way to do it.

Mr. PICKERSGILL: Ah bwoy.

Mr. CHARLES: You might - you, you.

(Inaudible comment by Dr. Davies)

Mr. CHARLES: You, you. Some of the problems we have, you know -

Mr. McKENZIE: Him old, you know, him older than you that's why him a behave so.

(Laughter by Mr. Pickersgill)

Mr. McKENZIE: Him have Parkinson's disease.

(Laughter by Mr. Pickersgill)

Mr. CHARLES: Some of the problem we have in this House is that some of us, some of us didn't do Economics 101.

Mr. PICKERSGILL: What?

(Inaudible comment by Dr. Davies)

Mr. PICKERSGILL: Desmond, what kind of? 101?

Mr. CHARLES: I am making a presentation to you as the Minister that I am not in support…

Mr. PICKERSGILL: Yes.

Mr. CHARLES: …and I'm calling on parliamentarians to reject the idea of turning police on these poor people who use their redundancy money to purchase a car in the transport system, and the reason they can't get the red plate is because they can't pay the probably $190,000 for insurance. So my suggestion is that you look at the transportation system.

(Cross talk by Mr. Pickersgill)

Mr. McKENZIE: But you ah sit down beside one. But you a sit down beside one that is scariest. Come in here and mislead the House…

Mrs. NEITA-HEADLEY: Hush, hush.

Mr. McKENZIE: …'bout him spend $5 Billion.

Mr. BROWN: Stop you noise.

Mr. McKENZIE: A him careless.

Mr. BROWN: Stop you noise 'bout careless. Stop you noise.

Mr. McKENZIE: You careless and lie.

Mr. BROWN: Stop it. Stop you talking.

Mr. McKENZIE: You careless and lie.

Mr. CHARLES: All right. Hold on. Minister…

Mr. PICKERSGILL: Desmond.

Mr. McKENZIE: That is what you are.

Mr. CHARLES: Minister.

Mr. McKENZIE: And say you a Christian.

Mr. BROWN: Stop you noise.

Mr. JACKSON: Desmond.

Mr. CHARLES: Hold on. Minister, one of your colleagues is…

Mr. McKENZIE: 'Bout you a Christian.

Mr. CHARLES: …taking objection. The pounds in Jamaica for cars from poor people are full. They cannot take one more car. Three thousand cars or 15,000 seats are locked away in pounds rotting…

Mr. PICKERSGILL: Because a lot of them are not insured.

Mr. CHARLES: …and you have thousands more running from the police, crashing. This is not a proper transport system. This is not a proper way of running transport. You must look at how you can reorganize it and assign these cars to areas that you don't have to go. Go into Harbour View, in a community like that. Go into Portmore, in community where you can pick up a man a him yard, drop him a work, take him back because him have a car. And some of us, right now in your heart, I can see one of you heart beating say, it look like a true him a tell.

Mr. PICKERSGILL: You mad.

Mr. CHARLES: It sound good. Mr. Jackson, you know say it sound all right, no true? I not embarrassing you because when you right you right.

Mr. JACKSON: Pearnel, you are my friend.

Mr. PICKERSGILL: Rewind, rewind.

Mr. CHARLES: Gentlemen, gentlemen, gentlemen, gentlemen.

Ms. GRANGE: And ladies.

Mr. CHARLES: Ladies. Now the ladies have already covered themselves. We in this place must be fair and honest. Without these cars we would not be able to transport the people. So therefore, let us accommodate them, let us work out something with them and bring order to the system, and the biggest problem, as I have said, is their insurance.

Now, and I say the Government should establish an insurance for them.

Dr. DAVIES: Pearnel, Mike not coming again, you know.

Mr. CHARLES: I am saying, and the Attorney General who is still here with us…

Mr. McKENZIE: Him no give good advice at all.

(Inaudible comment by Mr. Atkinson)

Mr. CHARLES: …will look at whether or not Government can release the 3000 cars they have rotting where people can't take them out because they can't pay for what is there - what it will cost there in prison.

Mr. PICKERSGILL: Good scrap metal.

Mr. McKENZIE: You want turn the people dem vehicle in a scrap metal. You see how you wicked? That's why you a chairman fi life.

Mr. PICKERSGILL: That's very valuable. Desmond, very valuable.

(*Sotto voce* comments)

Mr. CHARLES: Mr. Speaker, I take advice from my colleague constantly. He has never been wrong. I just want to just beg you. Not because I say it, not because it comes from this side, it is something we must look at in the interest of those out there who cannot feed their family if they don't run a little car, cannot eat if they don't run a little car, and sometimes when they work for two days and the police hold them they have to pay four days thing. It is not fair, and I on behalf of those people, I don't want to see them in disorder. I don't want to see them running here and there. I want to see them properly regulated, properly insured, properly assigned and you, Mr. Speaker, Mr. Speaker, the Minister don't have to come to Parliament to ask for one more bus. You don't have to maintain the cars, you don't have to put gas in the cars, you don't have to put drivers in the cars, you don't have to put conductors in the cars, you don't have to do anything more than assign them and let them flow.

Mr. PICKERSGILL: What about the insurance?

Mr. CHARLES: It is as easy as ABC.

Mr. PICKERSGILL: What about the insurance?

Mr. CHARLES: Thank you, Mr. Speaker.

Mr. PICKERSGILL: You notice nobody don't clap you?

Dr. DAVIES: Yes.

(Applause by Mr. Shaw and Mr. McKenzie)

(Inaudible comment by Mr. Jackson)

Dr. DAVIES: And hypocrisy.

Mr. Speaker, Mr. Speaker, I believe that the discussion reflects a genuine desire for a broader reflection on the public transportation system in the Kingston metropolitan region but more generally.

But let us remember that this was - the focus of this amendment was to address a particular situation whereby the vehicles registered as hackney carriage are licensed and they are insured to carry four passengers plus a driver. But the licence from the Transport Authority spoke only to three passengers and the driver and this anomaly led to them being stopped by police because of the licence issued by the Transport Authority when they were - they have been insured for four plus one. They have made representation, and we heard the representation and came to the logical conclusion...

(*Sotto voce* comments by Mr. Charles)

Dr. DAVIES: So we in response, we sought for the amendment, we had to go through the usual thing with the Chief Parliamentary Counsel that is what is here.

Now Mr. Speaker, there have been other suggestions that - and I think the most fundamental was that we should abandon the programme of the rehabilitation of the JUTC and instead utilize the existing vehicles, licensed or unlicensed, to provide the transportation system.

Mr. CHARLES: Point of order, Mr. Speaker, point of order, have a seat man.

Dr. DAVIES: I am not sitting down, you chat enough foolishness already.

Mr. CHARLES: I am on a point of order.

Mr. Speaker, the Member is ingenious and is misleading the House. At no time did I ask that he must abandon the programme and use unlicenced vehicle, it is unfair and it demonstrate your charter you know, it demonstrate character, charter. We said to you, Member fairly, assisting you and me and all of us in the country that you have 3,000 cars in jail with 15,000 seats, some cannot come out because they cannot pay the jail fee and I am asking you to reorganize the transport system and incorporate the whole quantity of cars so you don't having to keep coming to Parliament to look additional money to subsidize new buses when you have thousands and thousands of car seats that you don't have to pay for.

The SPEAKER: Thank you, Mr. Charles.

Dr. DAVIES: Mr. Speaker I repeat what I said. Why are these cars in the pound? Several are in the pound because they are unlicenced and they have been providing services for which they are not licensed to provide - unlicenced to carry out these activities; it is just a fact, don't need to take it back so I repeat it. I repeat it.

Now, Mr. Speaker, let me state categorically, a fundamental difference from this side and I do not know whether he speaks for that side...

Mr. CHARLES: I speak for the poor man.

Dr. DAVIES: But fundamental difference, we believe that the ordinary citizens of the Kingston metropolitan region deserves a world-class public transportation system. (Applause) We do - we will not return to the days when the patty pan racing all over the place unlicensed under his jurisdiction. I am stating, Mr. Speaker, a fundamental difference between this side and that side. (Applause) It is a contempt for ordinary citizens that you will subject them to the danger - let's not being hypocrites. We all see what happens on the roads, but there is a place, there is a place for disciplined, orderly persons; there is a place, there is a place. (Applause) There is a place but they are going to abide by the rules. They must abide by the rules.

(*Sotto voce* comments by Mr. Charles)

Dr. DAVIES: You support that?

Mr. Speaker, and this Administration through this Ministry, through this ministry will not be influenced or cowed by just petty politicking and defending the poor man out there. The defence of the poor man out there also means providing for the workingman for those travelling to church...

Mr. D. SMITH: Point of order, Mr. Speaker.

The SPEAKER: Point of order, let us hear.

Dr DAVIES: Mr. Speaker, why don't we have all the fool-fool point of orders first?

Mr. D. SMITH: That comment by the Member is out of order, it is imputing motive.

The SPEAKER: Which one?

Mr. D. SMITH: The point of order that the Member made a comment accusing us of...

(Heckling by Members)

The SPEAKER: Let me hear specifically what he is saying the point of order is.

Mr. D. SMITH: About what we want to unleash on the public.

The SPEAKER: No, no what is the specific thing that he said?

Dr. DAVIES: Mr. Speaker, there is a place for private providers in the public transportation system. But it must be in a structured, disciplined, ordered way. (Applause)

Now, the proposal has been raised, is there a possibility of offering persons in that ordered discipline a particular concession, because we have done it with JUTA, we have done it to others. And I am willing to support that; this is a decision which is a taxation decision. But it is not going to be thrown away for you to then race all over the place, breaking all traffic signs. But let me just, reject out of hand. The issue of subsidizing tyres and all that, that is just opening up a racket, we all know, we all represent the population and we know that the moment you start doing that, how do you patrol where the tyres, whose cars the tyres will be on.

So, Mr. Speaker, I am willing to engage in a full debate on the public transportation system, but we subscribe to an efficient, well-run public transportation system where the JUTC is at the apex. We insist on this.

(*Sotto voce* comments by a Member)

Dr. DAVIES: Don't make me go down there, without Cabinet's permission. So, Mr. Speaker, here we are having support and a division in the Opposition. Here is one proclaiming why he brought the busses because he felt that the JUTC - now, Mr. Speaker, it is a straightforward amendment, we have wasted a lot of time. Those who are in the trade have been waiting for months for this amendment to be passed. And for that reason I move for second reading of the Bill.

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 Transport Authority 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

Clauses 1, 2, and 3 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 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.

Dr. DAVIES: 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 Transport Authority Act",

read a third time and passed.

(Applause)

The SPEAKER: Mr. Atkinson.

Mr. ATKINSON: The matter of, Mr. Speaker, of the Judicature (Appellate Jurisdiction) (Amendment) and the Judicature - the Criminal Justice (Administration) Act which - the debate of which was opened last week.

The Opposition Spokesman on Justice had indicated that there are some areas where he had issues. But he has since then indicated to me that he has withdrawn those issues. So in those circumstances I would move to close this Debate and ask that the Bill be read a second time.

Motion put to House and agreed to.

Bill entitled:

"AN Act to amend the Criminal Justice (Administration) Act make provisions for sentence, reduction and guilty pleas, to facilitate the review by the Court of Appeal in limited circumstances, of a sentence that is fixed by law and to provide for other related matters",

read a second time.

Bill entitled:

"AN Act to Amend the Judicature (Appellate Jurisdiction) Act to make provision, in limited circumstances, for the appeal against a sentence that is fixed by law",

read a second time.

The SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the Bills clause by clause.

COMMITTEE STAGE

The CHAIRMAN: AN ACT to amend the Criminal Justice (Administration) Act, we will take that one first.

Clauses 1, 2, and clause 3 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 without amendment.

Motion put to the House and agreed to.

The CHAIRMAN: Next one, AN ACT to Amend the Judicature (Appellate Jurisdiction) Act.

The CHAIRMAN: Clause 2.

Mr. ATKINSON: Mr. Chairman.

The CHAIRMAN: You have an amendment?

Mr. ATKINSON: Yes, Clause 2 amends Section 13 of the Act by inserting a 1A and IB respectively, and the amendment has been circulated.

The CHAIRMAN: I put the amendment to Clause 2.

Put to the Committee and agreed to.

I put Clause 2 as amended.

Put to the Committee and agreed to.

I put Clause 3 - sorry, two clauses. I put the Title and Enacting Clause.

Put to the Committee and agreed to.

The question is that I do report the Bill as having passed Committee Stage with one (1) amendment.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bills as having passed Committee Stage: "AN Act to Amend the Judicature Act" with one (1) amendment and "AN ACT to Amend the Criminal Justice (Administration) Act", passed without amendment.

Mr. ATKINSON: Mr. Speaker, I would ask that both Bills be read a third time.

The SPEAKER: The question is that both Bills be read a third time.

Put to the House and agreed to.

Bill entitled:

"AN ACT to Amend the Criminal Justice (Administration) Act to make provision for sentence reduction on guilty pleas, to facilitate the review by the Court of Appeal, in limited circumstances, of a sentence that is fixed by law and to provide for other related matters",

read a third time and passed (Applause)

Bill entitled:

"AN ACT to Amend the Judicature (Appellate Jurisdiction) Act to make provision, in limited circumstances, for the appeal against a sentence that is fixed by law",

read a third time and passed.

(Applause)

Mrs. NEITA-HEADLEY: Mr. Speaker, we will not be taking the Local Government Act; the Members have asked for us to suspend until next week. We will commence and possibly complete, however, the Road Traffic Act.

THE ROAD TRAFFIC ACT

The SPEAKER: Minister Guy.

Mr. GUY: Thank you, Mr. Speaker.

Mr. Speaker, this particular Bill has been before us for a long while. You will recall, Mr. Speaker that this Bill went before a Joint Select Committee of the Parliament. In fact, Mr. Speaker, the Bill was tabled in the House last year. The Joint Select Committee met for twelve sittings between November 2014 and February 2015. The date of the Report of the Joint Select Committee on the Bill, Mr. Speaker, was started on the 9th of June and it was approved by the House on the 30th of June.

Many recommendations were made, Mr. Speaker, during the sitting of the Joint Select Committee. Many also were made during the Debate on the Report of the Joint Select Committee and these, Mr. Speaker, have been incorporated into this Bill, which was retabled in September.

Mr. Speaker, we are now here to indicate to the House the provisions that been incorporated into the Bill, the need to have a new Road Traffic Act. The need, because of outdated technologies that exist in the current vehicles that the Act of 1938 spoke to and the need now, Mr. Speaker, to ensure that we have something that is modern, addresses some of the issues that we have, some of the issues that have been plaguing us on the road even as it relates to the previous debate that just took place and to bring this Act into the 21st century.

Mr. Speaker, at this point I would like to use the opportunity to move two amendments

to the Bill that is currently laid and one is to include a grandfather clause for those vehicles which might not have been documented to have them effectively registered and have their information registered into the National Vehicle Register and when it comes to Clause 11, when we do the clause by clause we will have further deliberations on that. But that particular consideration for this provision is in relation to vehicles which were in Jamaica for a long time. What we're seeking to do with this Bill, Mr. Speaker, is to ensure that every vehicle that comes into the country is registered through the National Motor Vehicle Register. But we recognize that some vehicles have come into the country, have been here for a long period of time that may have issues with producing documentation for the registration of such vehicles and some of these are vehicles that are used off roads, farm vehicles, port trailers, classic cars and free trucks.

And I cite one example, Mr. Speaker, and there may be many others, but when Air Jamaica was wound up, Wray and Nephew bought a fire truck from them, but because this truck was only used on the airport property then no documentation was passed to Wray and Nephew and as such Wray and Nephew cannot register the truck and is not able even when we have fire next door at the Riverton dump to assist the NSWMA, because they will not take that particular truck onto the road. So we are introducing in the Legislation some proposal for that to be taken care of.

Mr. Speaker, the other part of the Legislation that we will address when we come to the clause by clause is the fact that in making provisions for a complete overhaul of the Island Traffic Authority and having given delegate responsibility to some agencies such as the Tax Administration Jamaica, we recognized that some of the improvements to the system may not come on board at the same time. So what the Bill is seeking to do as well in one of the amendments is to give the Minister the ability to ensure that certain provisions of the Bill comes into law at the times designated by the Minister.

We have had a fulsome discussion, Mr. Speaker, and I think what we have arrived at is a Bill which addresses many of the concerns that not only the other authorities, such as the Jamaica Constabulary Force, Island Traffic Authority, Transport Authority, but some members of the public, including private sector entities such as the Insurance Association of Jamaica and other stakeholders have looked into, have made comments on and have decided that they want to be a part of what is happening here.

Mr. Speaker, the Members from the other side, the Opposition, they have also made their contribution and we want to thank them for the contribution they have made and to indicate, Mr. Speaker, that at the end of almost a year and a half we're finally nearing where we can have this Bill passed in the Lower House for it to be sent to the Upper House.

Thank you, Mr. Speaker. (Applause)

Mr. Speaker, I now move for second reading of the Bill.

The SPEAKER: The question is that Bill be read a second time.

Put to the House and agreed to.

Bill entitled:

"AN ACT to Repeal and replace the Road Traffic Act, to establish the island Traffic Authority as the licensing authority for the regulation and control of traffic on roads, to create new categories of drivers' licences 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.

Mr. D. SMITH: Mr. Speaker, I just want to say, Mr. Speaker, that I would strongly suggest that we do not proceed any further this afternoon...

Dr. DAVIES: First sensible thing you've said all evening.

Mr. D. SMITH: ...for more than one reason and I perhaps wouldn't want to give you the obvious reason, so...

Dr. GUY: Mr. Speaker, I'll take the Leader of Opposition Business out of his misery and recommend to the House that we defer the clause by clause until the next sitting of the Parliament.

The SPEAKER: Is that the wish of the House?

Put to the House and agreed to.

So be it.

ADJOURNMENT

Mr. 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, November 10th at 2.00 o'clock.

The SPEAKER: The question is that the House do adjourn until next week Tuesday, November 10 at 2.00 p.m.

Put to the House and agreed to.

The SPEAKER: (Gavels) The House stands adjourned.

The House accordingly adjourned its sittings at approximately 5:52 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2015 – 2016

TUESDAY, November 10, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:43 p.m.

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

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

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

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

HON. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, Minister of Labour and Social Security

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

DR. THE HON. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing with responsibility for Housing

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

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

MINISTERS OF STATE

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

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

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

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

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
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. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern
MR. FITZ ARTHUR JACKSON, CD, (PNP), St. Catherine, Southern
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. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central
MR. AUDLEY FITZ ALBERT SHAW, CD, (JLP), Manchester, North Eastern
MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary, Western
MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western
MR. DARYL WESLEY PHILLIP VAZ, (PNP), 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. Hugh Buchanan.

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

The SPEAKER: Before we get down to today's business, let us welcome from St. Jago High School a group of students who are attending today. (Applause)

Mr. WARMINGTON: Before that, Mr. Speaker, I brought to your attention last week the problem that we encountered at the corner in front of the Parliament with the type of abuse from the people at the corner of Beeston Street. When I came in today they were there again, and you yourself during prayer hear the disturbance that we are getting from those people at Beeston Street. So I don't believe where we have this type of behaviour and

abuse of the Members of Parliament and the issue of us not being - that coming here we have people outside there disturbing the House.

(*Sotto voce* remarks by Mr. L. Buchanan)

(The Speaker gavels)

Mr. WARMINGTON: I am asking you - and they abuse the Members coming in here also. I am asking you to take the necessary action to protect the integrity of this House and protect the Members that won't subject to that abuse and in the House we can't hear our voice because of what is happening out there. But I wouldn't dignify the Member across there with a response.

The SPEAKER: No, no. I have given instructions for them to be removed down the road. If you notice they are now silent.

Mr. WARMINGTON: Buchanan is the next one. (Referring to Luther Buchanan)

(Cross talk)

The SPEAKER: (Gavels) Minister Buchanan, work with the programme please.

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

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

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

(HON. HORACE WASHINGTON DALLEY, CD, (PNP), Clarendon, North, Minister of Health, entered and took his seat.)

(MR. RUDYARD CONRAD SPENCER, CD, (JLP), Clarendon, South Eastern, entered and took his seat.)

(MR. PAUL LENNOX BUCHANAN, (PNP), St. Ann, North Western, entered and took his seat.)

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

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

(MR. PEARNEL PATROE CHARLES, CD (JLP), Clarendon, North Central, entered and took his seat.)

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

ANNOUNCEMENTS

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

- **Ministry Paper No. 136**
  Cabinet Agenda Issues dated September 22, 2015
- **Ministry Paper No. 137**
  Cabinet Agenda Issues dated September 28, 2015
- **Certified Appropriation Accounts**

Head	Ministry	Financial Year
1500	Office of the Prime Minister	2013-2014
1500A	Office of the Prime Minister	2013-2014
1500B	Office of the Prime	

Head	Ministry	Financial Year
	Minister	2013-2014
5600	Ministry of Science, Technology, Energy & Mining	2013-2014
5600A	Ministry of Science, Technology, Energy & Mining	2013-2014
5600B	Ministry of Science, Technology, Energy & Mining	2013-2014

- 2009-2010 Annual Report for the Rural Electrification Programme
- 2010-2011 Annual Report for the Rural Electrification Programme
- 2011-2012 Annual Report for the Rural Electrification Programme
- Auditor General's Compiled Reports on the Financial Statement Assessment of Public Bodies:
  Ministry of Transport, Works and Housing
  (These are Jamaica Urban Transit Company Limited; National Road Operating and Construction Company; Port Authority of Jamaica)
- Auditor General's Activity Based Audit Report on the Housing Agency of Jamaica (HAJ)
- Auditor General's Activity-Based Audit Report on the Jamaica Tourist Board Management of Overseas Marketing Funds
- Annual Report and Audited Financial Statements of Port Authority Management Services Limited (PAMS) for the year 2014/2015
- Annual Report of the Micro Investment Development Agency (MIDA) 2013/2014
- Auditor General's Performance Audit Report on Management of Diabetes, a Non-Communicable Disease Entity - Ministry of Health
- Annual Report for the Spectrum Management Authority for the financial year 2014-2015
- Annual Report of the University Council of Jamaica (UCJ) for the period April 2014 to March 2015
- The Insurance (Amendment of Schedules) Regulations, 2015 Ministry of Finance and Planning
- Climate Change Policy Framework for Jamaica

PUBLIC BUSINESS

Mr. D. SMITH: Mr. Speaker.

The SPEAKER: Yes, Mr. Smith.

Mr. D. SMITH: As you are aware, when we last met, the Member from Portland West brought a Motion to this House, which is on the Order Paper as 35, obviously a sense of which we are expecting to be debated today. Unfortunately the House Leader, in scheduling the Business of the House, indicated that he was adamant that that Censure Motion would not be debated this afternoon.

Mr. Speaker, with the greatest of respect and I would like to be as calm as possible in making this statement, that the Opposition will

not accept that position against the background of precedence set here and what is widely and generally accepted worldwide in a democracy of this nature that a Censure Motion is debated at the subsequent meeting after that Motion has been passed. So that is the position of the Opposition, sir, and we do not intend to proceed to any other public business until that Motion is debated in its entirety this afternoon.

Mr. L. BUCHANAN: *Si di* door *deh!*

Mr. McKENZIE: Stop your foolishness!

Mr. PAULWELL: Mr. Speaker, as House Leader the remit is mine in consultation to determine the Agenda of each sitting of the Parliament. And I am sure the Member across the floor can attest to the full level of consultation, collaboration that we have had over these years in determining the Agenda for this House.

Mr. Speaker, I wrote to the Opposition - Leader of Opposition Business in the House, the Leader of Opposition Business in the House and I want to read into the House in its entirety the letter that I wrote to...

Mr. CHUCK: Mr. Speaker, on a point of order.

Mr. PAULWELL: What is the point of order?

Mr. CHUCK: On a point of order.

The SPEAKER: What is the point of order, Mr. Chuck?

Mr. CHUCK: The point of order, Mr. Speaker, regardless of what is the Business of the House, regardless of what is the Business of the House and regardless of what the Leader of Government Business has written to the Leader of Opposition Business...

Mr. BUNTING: What is the point of order?

Mr. CHUCK: The point of order is that once there is a Censure Motion against any Member of this House it takes precedence over everything else.

The SPEAKER: That is not a point of order.

Mr. PAULWELL: And that is the reason why the Member…

Mr. CHARLES: That's a constitutional lawyer.

Mr. PAULWELL: …and Mr. Speaker, in the same...

(The Speaker gavels)

Mr. PAULWELL: …tone and spirit I intend to respond in a calm and quiet manner. We do have students in the House and we are going to have to lead by example.

So, Mr. Speaker, I wrote as follows:

"Dear Mr. Smith,

It is always desirable for Motions of censure to be disposed of at the earliest possible date. Indeed, according to Erskine May's Parliamentary Practice, 2004, and I quote:

"By established convention, the government always accedes to the demand from the Leader of the Opposition to allot a day for the discussion of a Motion tabled by the Official Opposition which, in the Government's view would have the

effect of testing the confidence of the House", pages 329-330.

Notwithstanding the position stated above, I must respectfully reiterate my refusal to amend today's Agenda in order to accommodate the debate on the Censure Motion brought by Mr. Daryl Vaz, Member from West Portland, against the Minister of Health. My reasons are outlined below.

Firstly, the Motion of a censure, as tabled, mentions the Minister of Health and makes reference to claims allegedly made by that Minister at a news conference at Jamaica House on October 20, 2015 and subsequently in this Honourable House on October 27, 2015. On these dates and at the time when notice of the Motion was given, the Minister of Health was the Member from St. Thomas, Eastern. However, that is no longer the case.

Secondly, in elucidating the practice mentioned in my opening paragraph, May's indicates that, and I quote again,

> "Motions critical of the conduct of Ministers, either individually or collectively, have not been treated as falling within this Convention which I referred to on page 330 of May's."

Therefore there is no established basis for my giving priority to this Motion which relates to an individual Minister at this time.

Furthermore, in my view, the aforementioned issues relating to the identity of the person to whom the statements in the resolution would relate as at today's date also provide reasonable grounds for not proceeding with the debate on the Motion as drafted at today's sitting.

Yours sincerely,

Leader of the House."

(Applause)

Mr. L. BUCHANAN: Hear, hear! (Applause)

Mr. CHUCK: You normally clap nonsense.

Mr. L. BUCHANAN: That's why I clap you so much.

Mr. D. SMITH: Mr. Speaker...

The SPEAKER: (Gavels) Let us settle down.

Mr. D. SMITH: Mr. Speaker, I was tied up in a Committee meeting up to 1:15 and I have not seen that piece of correspondence; I have heard it from the House Leader, and I assumed that it was sent, for the very first time.

Mr. CHUCK: It was not agreed.

Mr. D. SMITH: But, there was no agreement. There was no agreement, Mr. Speaker, and regardless of what was supposed to have been sent, it makes no difference. The Opposition is demanding the Debate to take place now - the Censure Motion - and we do not intend to relent on that position.

Mr. PAULWELL: Mr. Speaker, today's sitting will commence...

Mr. WARMINGTON: Mr. Speaker... Mr. Speaker....

The SPEAKER: Hold on, House Leader. House Leader, hold on; let me respond. Let me respond to Mr. Smith.

Mr. D. SMITH: Mr. Speaker, that is the type of arrogance and disrespect...

The SPEAKER: Mr. Smith... Mr. Smith...

Mr. D. SMITH: No, no... but sir... sir...

(Cross talk)

Mr. JACKSON: The Speaker is speaking. There has been a ruling!

Mr. D. SMITH: Anyhow, let me hear your ruling, Mr. Speaker, and I will respond after.

The SPEAKER: Put very simply.

Mr. WARMINGTON: Mr. Speaker, I want to say something; just a minute. Mr. Speaker, he said that the Motion was testing the Government. In what way was it testing the Government as such? I would like explanation on that. Testing the Government, why... how... I don't see why we should go... (Inaudible) ...for a motion. This Debate is the Motion.

The SPEAKER: Mr. Warmington...

Mr. WARMINGTON: Yes...

The SPEAKER: A Censure Motion is a very serious act...

(*Sotto voce* comments)

The SPEAKER: ...in Parliament, and must be treated as such.

Mrs. NEITA-HEADLEY: Serious business.

The SPEAKER: The Motion specifically asks for the removal of the Minister...

Mr. D. SMITH: Among other things.

The SPEAKER: ...by the Prime Minister. This has been done, and makes the Motion redundant.

(Applause by Government Members)

Government MEMBERS: Hear, hear!

The SPEAKER: If I could take this to the logical conclusion as the Leader of Opposition Business had put it, I would ask:

How could I ask Parliament to vote on a Motion asking for the removal of the Minister when the Minister has already been removed?

Mr. WARMINGTON: He's a Minister still.

Mr. BUCHANAN: Minister of Health.

(*Sotto voce* comments)

The SPEAKER: That is illogical. I therefore move that the Motion cannot be debated.

(Cross talk)

Mr. CHUCK: He's still a Minister, He's still a Minister. He was removed from the Ministry, but he's still a Minister.

Mr. L. BUCHANAN: Chuck, you did want Andrew to resign. You called for his resignation and see Andrew *deh.*

(The Speaker gavels)

Mr. McKENZIE: Why you keep referring to...

Mr. VAZ: Mr. Speaker, permission to speak from a seat other than my own.

The SPEAKER: Mr. Vaz.

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

The SPEAKER: Hold on Mr. Vaz, hold on. Let me just explain one thing. When the Speaker makes a ruling, it is not to be questioned.

A MEMBER: Why?

The SPEAKER: If it is to be challenged, there has to be a motion against the Speaker.

(Cross talk)

Mr. VAZ: Mr. Speaker, as the person who moved this Censure Motion, I would expect that, at least, I will be able to say a few words.

The SPEAKER: It doesn't work that way, Mr. Vaz.

Mr. VAZ: Mr. Speaker...

The SPEAKER: It doesn't work that way.

Mr. VAZ: Mr. Speaker, I would have to challenge you, and I did not want to be in any way disrespectful, but you were selective in what you said was the Censure Motion, and I take objection to that.

(*Sotto voce* comments)

Mr. VAZ: I said that already. Why are you guys so panicked when I stand up, just relax *nuh.* Just take it easy. This is a very serious situation, Mr. Speaker, and it should be dealt with in a very sensitive and calm way. Mr. Speaker, part of the Motion that you mentioned a while ago was partial.

> Be it Resolved that the Honourable House censure the Minister for gross dereliction of duty, and declare its lack of confidence in him, and recommend to the Honourable Prime Minister that appropriate steps be taken to ensure that this important Ministry of Government is led by someone with the required competence.
>
> (DR. THE HON. KENNETH WYKEHAM MCNEILL, CD, (PNP), Westmoreland, Western, Minister of Tourism and Entertainment, entered and took his seat.)

So therefore, one aspect of this Motion has been dealt with, but the other two are still alive and well.

The SPEAKER: Mr. Vaz, it is apparent that you have missed the point I made. A Motion that...

(Cross talk)

The SPEAKER: (Gavels) Mr. Vaz, the ultimate thing for a Motion is to be put to the vote, you know. And I am saying to you, how could I, as Speaker, put to the vote for the Members to vote on something that has happened already.

Mrs. NEITA-HEADLEY: He has ruled.

The SPEAKER: It cannot be, and I could never allow it.

Mr. VAZ: Mr. Speaker... Mr. Speaker, in life we always agree to disagree, and in this case, I do so. And I want to say to you, Mr. Speaker, that last week Tuesday when I tabled this Motion, I had words with the Leader of Government Business who told me that it would be debated today because the precedent dictated that that would be done today.

Furthermore, when I saw it, not on the Agenda today, I made the enquiries at the Houses of Parliament, including speaking to you, and you told me it was redundant...

The SPEAKER: Thank you.

Mr. VAZ: ...for which I again agree to disagree. When I arrived at Parliament and spoke to the Leader of Opposition Business, I understood that it was not off; it was deferred for another time. So, I would like the Leader of Government Business to indicate to me whether or not it is redundant, and off, or it is deferred, and then I will be able to speak.

Dr. PHILLIPS: Mr. Speaker, on a point of order. The Standing Orders prescribe that the governing authority on all matters in the House which is final, is the Speaker and the Speaker's ruling.

(MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth South Eastern, entered and took his seat.)

My understanding, Mr. Speaker, is that you have already ruled. And I believe, Mr. Speaker, to continue... to continue to question the ruling of the Speaker in this way, not only brings the House into disrepute, it destroys its order. But furthermore, Mr. Speaker, there is important business at stake that needs to be done.

Mrs. NEITA HEADLEY: Absolutely!

Dr. PHILLIPS: And so, Mr. Speaker, I respectfully suggest that the Standing Orders be addressed, and that the Member from West Portland be not permitted to disrespect the Standing Orders of the House in this manner. (Applause)

Mr. VAZ: Mr. Speaker, I would in no way, shape, or form, wish for this issue that is being suppressed, and my right as a legislator to be suppressed, as has been done with the entire sordid affair. I would not want to encourage my colleagues on this side to walk out, but as a legislator who posed this censure motion, and based on what has been said by the Leader, and you as the...

(*Sotto voce* comment by Mrs. Neita-Headley)

Mrs. ROBINSON: It is not your house!

Mr. VAZ: ...and the Member over here, I would say to you that, I would not be in a position to remain, based on the fact that I am being deliberately muzzled.

Mr. WARMINGTON: I have seen that type of arrogance before, you know; I have seen that type of arrogance before!

(Mr. Vaz exited the Chamber at 3:10 p.m.)

Mr. PAULWELL: Mr. Speaker, the Minister of Finance will continue the Debate on the Income Tax (Amendment) (No. 2) which is at Committee Stage.

(Cross talk)

THE INCOME TAX (AMENDMENT) (NO. 2) ACT

Dr. PHILLIPS: Mr. Speaker, the House was in Committee in this matter. We were at the point where we had - as I had indicated, we were not going to proceed with the consideration of the Committee of the whole House in order to allow both the officials an opportunity to review the comments that the - the contribution that had been made to the Debate by the Opposition Spokesman, and indeed, Mr. Speaker, in order to facilitate discussion with the Opposition Spokesman and the officials of the Ministry of Finance, that those discussions have taken place, and we are now in the position where we can resume in Committee to conclude this Bill, Amendment to the Income Tax Act which has been - for which second reading has been moved and approved by the House, and now we are to resolve ourselves into a Committee of the whole House to consider the matter.

The SPEAKER: Thank you, Minister.

The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

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

The CHAIRMAN: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker - Mr. Chairman, my apologies. Amendments have just been circulated to the Bill, and I am proposing that we take those amendments. Prior to that, I must indicate that there were two amendments - two clauses that were adjusted, consequent upon the deliberations between the officials of the Ministry and the Opposition Spokesman on Finance.

The first is at Clause 7 which really aims to make clear that a scheme other than the scheme prescribed can be applied for by the taxpayer, and that it is within the remit of the taxpayer to say, these are the mechanisms whereby, subject to the approval of the Tax Administration.

And in relation to Clause 17 - Clause 4, rather, which amends Section 17, the Opposition Spokesman who, no doubt, we have made an amendment in order to ensure that no person - no taxpayer would be taken to a Court for any action that would transpire in the year of assessment, 2015, for which they would report in 2016, but that... So in effect, there is a transitional period that we are putting into law to ensure that there is the opportunity for any taxpayer who may not be prepared to get themselves prepared, and that they are not put to undue hardship for not observing the letter of the law. But it is felt strongly by the tax authorities that we need to proceed nevertheless to implement, because it is a matter of some complexity and the sooner we start the better, especially given the changes that are taking place elsewhere in the international community.

So, Mr. Speaker, if we can take the amendments, there is an amendment to Clause 1.

Mr. SHAW: I just wanted to comment on the two points that you have raised. Would you prefer if I just do it now?

Dr. PHILLIPS: Yes.

Mr. SHAW: All right.

First of all, Mr. Chairman, the clarification in Clause 7, where the person, meaning the taxpayer, is specifically inserted, is certainly consistent with making it clear that beyond the five methods of assessment, that the taxpayer now has another opportunity to make a proposal, after which, of course, the Commissioner General becomes the final arbiter. So I acknowledge that, Mr. Chairman, as an important amendment.

But the second one, which relates to the question of the timing and the year of assessment, when it should begin. I still have some concerns on that, but what is of concern, Mr. Chairman, is that, in effect, by passing this law and insisting that the assessment begins with January 2015, is really effecting

legislation retroactively, and the reason why I still think - and, Mr. Chairman, I must acknowledge that, while I acknowledge that the amendment now proposed where no penalties would apply in that area of assessment, but would only apply beginning in the year of assessment in 2016, while that is certainly an improvement on what was there before, I still think that as a matter of tidiness, I think that's the word I would like to use, as a matter of tidiness and to avoid any confusion whatsoever, I think the Honourable Minister should consider causing this legislation to be promulgated starting in January 1, 2016, rather than 2015. And I'll say another reason why.

As we are about to pass this law, the documentation regulations are not yet before us, and clearly, by the time those regulations hit the ground in terms of going to the various stakeholders, that's effectively going to be in the New Year, Mr. Chairman. So, I'm just saying, why not just start everything in the New Year? Just start January 1, because it takes time to go through the Regulations, learn it, understand it, it is complex legislation, and the methodologies are going to be complex, and certainly we would want to look forward to the Regulations coming to the House where we have been assured by the way, that in those Regulations some of the concerns that some of the stakeholders had in terms of the onerous nature of reports that were expected, we are being told that the Regulations will clarify that those kinds of excruciating details will not be required. But I really believe, Minister, I think just as a matter of good order and good for business, to just start it after the law is passed. Make it clean, start it January 1, 2016. That's what I'm proposing.

Dr. DAVIES: Mr. Chairman, if I may ask the Member. Is it that you are opposed to any period of retroactivity into it?

Mr. SHAW: Essentially, I think that it is - certainly, there is precedence where sometimes these have been done before, but in relation to the highly technical nature of this particular Legislation and the need for education to take place, I think it would be better to start it January 1 and implement the penalties simultaneously, once the people understand it, know it, and have no excuse not to follow the rules.

Dr. PHILLIPS: Chairman, I don't want to reenter the debate again, and I appreciate the comments and the views expressed by the Member - by Mr. Shaw. The fact is that, we need to recognize that these are international standards that we are dealing with. Many companies already operate in jurisdictions where they collect the information in the form that is being proposed, as I said, it is part of the OECD norms, and the fact of the case is also that it is good, where these companies exist, that that the taxpayers of Jamaica receive the benefits, and the public purse receives the benefits of the revenues that would flow from the application of these international standards. Every day that we allow the avoidance to take place because of the absence of the applicable rules, is a day that leaves the public purse of Jamaica poorer, and so, we are of the view that the year of assessment, for which returns will not be made until March 2016, is the appropriate

year. Also, we should bear in mind that many of our own double taxation agreements refer to the arm's-length principle, but we are unable to apply this principle because we don't have it encapsulated in our own legislation.

Where Mr. Shaw has a point and where we accept is that, for companies, new companies or Jamaican companies that have international dealings or subsidiaries, and where they may not be currently applying, that we ensure that they will not be put to disadvantage. It is always intended and even if we are to implement in 2016, we still intend a transitional period to facilitate companies coming up to speed, but let's not delay because, in fact, we are adept as a country very much at delay.

Mr. Speaker, we have met - you might say we have met him halfway, in fact, if it was between Mandeville and Chudleigh we are way up pass Walderston and almost at Chudleigh.

(Laughter by Dr. Phillips)

Mr. SHAW: No, but I want you to reach the bypass.

(Laughter by Dr. Phillips)

Dr. DAVIES: And you want it to be opened.

A Government MEMBER: And you stuck under the bridge.

Dr. DAVIES: And you want it to be opened.

(*Sotto voce* comments)

Dr. PHILLIPS: So Mr. Speaker, I think we should proceed. He has got one and three quarters of his fundamental issues, and even my friend from -

Dr. DAVIES: Only one.

(Laughter by Dr. Phillips)

Mr. SHAW: Except to say, just except to say that -

Dr. PHILLIPS: And there is one more I'll make, sorry.

Mr. SHAW: Yes, okay.

Dr. PHILLIPS: Sorry. The final point I'd make in this regard, where the regulations are concerned. The Bill, the Bill will not come into force until the Regulations have been received and debated by this Honourable House. Okay?

Mr. SHAW: Just to say, Mr. Chairman, that the only issue that would of great concern would be, why pursue this retroactivity for information that might very well not have been put together in the form that the Regulations require? And that is so because they didn't have any such requirement before so the information might just be all over the place. Why are you putting the private sector through the stress and strain and calling it a transition? Why?

Dr. PHILLIPS: No, no, no! That's the very point I am making. Many companies, many companies now operating have that information already corrected, particularly foreign multinationals. They operate in jurisdictions where the OECD standards apply, and so what we want to ensure is that they are induced to apply those rules where they have the information. So it is in a sense as - you used the word, "untidy", "transitional" is another word, but that's the nature. You are part of one, part of the other, but let us not deny the revenues, what can be

earned at this point, from those who have the data and the information.

Mr. Speaker, despite the distractions that are being foisted upon you, Mr. Speaker, I propose that we look at Clause 1 and the amendment to Clause 1.

The CHAIRMAN: I put the amendment to Clause 1.

Put to the Committee and agreed to.

I put Clause 1 as amended.

Put to the Committee and agreed to.

Dr. PHILLIPS: There is an amendment to Clause 2 also.

The CHAIRMAN: I put the amendment to Clause 2.

Put to the Committee and agreed to.

I put Clause 2 as amended.

Put to the Committee and agreed to.

There is amendment also to Clause 3.

Dr. PHILLIPS: Clause 3, yes.

The CHAIRMAN: I put the amendment to Clause 3.

Put to the Committee and agreed to.

I put Clause 3 as amended.

Put to the Committee and agreed to.

Dr. PHILLIPS: There is an amendment to Clause 4.

The CHAIRMAN: There were two amendments to Clause 3.

Dr. PHILLIPS: Yes.

The CHAIRMAN: I put the amendment to Clause 4.

Put to the Committee and agreed to.

I put Clause 4 as amended.

There is a new Clause 5(a) so I put Clause 5 as amended. The amendment to Clause 5.

Motion put to the Committee and agreed to.

I put Clause 5 as amended.

Motion put to the Committee and agreed to.

Dr. PHILLIPS: Clause 6.

The CHAIRMAN: I put Clause 6.

Put to the Committee and agreed to.

Dr. PHILLIPS: Clause 7 has an amendment.

The CHAIRMAN: I put the amendment to Clause 7.

Put to the Committee and agreed to.

I put Clause 8.

Put to the Committee and agreed to.

Dr. PHILLIPS: There is a new Clause 9 which is part of the amendment.

The CHAIRMAN: I put the new Clause 9.

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 twelve (12) amendments.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage with twelve (12) amendments.

Dr. PHILLIPS: Mr. Speaker, I move third reading of the Bill.

The SPEAKER: The question is that the Bill be read a third time.

Motion put to the House and agreed to.

Bill entitled:

"AN ACT further to Amend the Income Tax Act",

read a third time and passed.

Mr. PAULWELL: Mr. Speaker, we also have at Committee Stage the Road Traffic Act, 2015. I move that we now revert to Committee Stage to consider the Bill clause by clause.

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 ROAD TRAFFIC ACT, 2015

Dr. GUY: Mr. Speaker, there is an amendment to Clause 1 which has been circulated, an amendment to Clause 11 which has also been circulated.

Mr. Speaker, in light of the extensive discussions that have taken place, I'm seeking your concurrence that we do it in parts unless there are any…

The CHAIRMAN: That is in order.

Dr. GUY: So, Mr. Speaker, Clause 1 in Part I is amended as circulated.

The CHAIRMAN: I put the amendment to Clause 1.

Put to the Committee and agreed to.

I put Clause 1 as amended.

Put to the Committee and agreed to.

I put Part I, Clauses 1 and 2.

Put to the Committee and agreed to.

I put Part II, Clauses 3 to 5.

Put to the Committee and agreed to.

Dr. GUY: In Part III -

The CHAIRMAN: In Part III we have an amendment to Clause 11.

I put the amendment to Clause 11.

Put to the Committee and agreed to.

I put Part III, Clauses 6 to 19.

Put to the Committee and agreed to.

I put Part IV, Clauses 20 to 44.

Put to the Committee and agreed to.

I put Part V, Clauses 45 to 57.

Put to the Committee and agreed to.

I put Part VI, Clauses 58 to 65.

Put to the Committee and agreed to.

I put Part VII, Clause 66.

Put to the Committee and agreed to.

I put Part VIII, Clauses 67 to 78.

Put to the Committee and agreed to.

I put Part VIIII, Clauses 79 to 97.

Put to the Committee and agreed to.

I put Part X, Clauses 98 to 100.

Put to the Committee and agreed to.

I put Part XI, Clauses 101 to 104.

Put to the Committee and agreed to.

I put Part XII, Clauses 105 to 108.

Put to the Committee and agreed to.

I put Part XIII, Clauses 109 to 134.

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 Title and the Enacting Clause.

Put to the Committee and agreed to.

The CHAIRMAN: The question is that I do Report the Bill as having passed Committee Stage with two (2) amendments.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do Report the Bill as having passed Committee Stage with two (2) amendments.

Put to the House and agreed to.

Dr. GUY: Mr. Speaker, I now move for third reading.

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 and Replace the Road Traffic Act; to establish the Island Traffic Authority as the licensing authority for the regulation and control of traffic on roads; to create new categories of drivers' licences, and for connected matters",

read a third time and passed.

(Applause)

Mr. PAULWELL: Mr. Speaker, the Minister of Finance will now do the Insurance (Amendment) Act, 2015.

The SPEAKER: Minister Phillips.

THE INSURANCE (AMENDMENT) ACT, 2015

Dr. PHILLIPS: Mr. Speaker, this is a straightforward bit of legislation, Mr. Speaker, and arises from the reviews carried out by the Financial Services Commission in collaboration with the Ministry of Finance and Planning to address certain inconsistencies and weaknesses that have been identified in the Insurance Act.

First of all, the Bill seeks to harmonize the procedures for hearings and appeals with other financial sector legislation. The amendment to the Act involves giving aggrieved persons the opportunity to appeal or to have audience with the Financial Services Commission in the event of a refusal of a licence instead of proceeding directly to the Appeals Tribunal, although they are not relinquishing that ability.

Secondly, it seeks also to harmonize the procedures for unclaimed balances with other financial sector legislation. So, in order to facilitate the recovery by individuals or companies of unclaimed monies the Act will be amended to provide the refund of unclaimed insurance benefits by the Accountant General's Department.

Third, it sets up a provision, Mr. Speaker, for the protection of the public and the protection of insurers in relation to the disclosure of the *pro rata* condition of the average clause on the cover of insurance policies. One of the main challenges posed or that the Act seeks to address is the fact that most contracts for insurance coverage covering large risks and a fair amount of the property insurance policies are placed through brokers who often have to put through insurance contracts without informing the prospective insured as to the average clause. This practice puts policyholders at

considerable economic risk if there is a catastrophe in that people often believe that they are covered for less than they are actually covered for. And also the Act - as a consequence, the Act in its amendment seeks to ensure that all policies containing an average clause clearly indicate this on the cover or they will be null and void. So that is the aspect of protecting the individual or the insured. The insurance regulations will also be amended to ensure that notices of the *pro rata* condition, the average clause, are placed in the newspaper as well as on companies' websites so that we are really modernizing the Bill and protecting the companies in a way by ensuring that there are other means other than a specific direct discussion with each insured to transmit this information which often makes it impossible.

The Bill also will allow for the exemption of certain categories of persons from the regulatory requirements of the Act. A provision is included to allow the Minister to exempt certain government agencies or companies from the requirements of the Act. These companies include the Students' Loan Bureau, the National Export/Import Bank. These entities have requested authorization from the FSC to offer certain insurance products to their customers or members for the coverage of risks related to their core business services which fall within the ambit of particular governmental programmes. The Act also allows for the submission of an abridged version audited financial statements due to the high associated with the publishing of audited financial statements. So the amendment will also allow for the publishing of an abridged form as prescribed by the Financial Services Commission.

The amendments seek further to mandate all insurance companies to have risk management programme that includes elements as prescribed by the FSC. Additionally, the Act will give the FSC, with the approval of the Minister, the power to make regulations to require insurance companies to establish risk management programmes and execute risk management techniques. There are increases in the penalty for contravention of the insurance regulations and the monetary limit for the breaches will be raised from $1 Million to $3 Million given the potential serious nature of the contraventions of the insurance regulations and the time value of money.

Mr. Speaker, based upon further consultations with the insurance industry, there are two amendments which I will move in Committee. The first amendment brings clarity to the language used in part (a) of Clause 24 which amends the insurance regulations stipulating how notices will be given to policyholders in relation to the *pro rata* conditions, that is to say, the average clause and the second amendment seeks to remove the terms from part (b) of Clause 24, which has not been defined in the Act and replace each of these terms with a term that has already been defined in the Act.

Mr. Speaker, I would say that this Bill has been the product of extensive consultations between stakeholders including the Financial Services Commissions, the insurance industry

and their representative organizations and it incorporates their suggestions and agreement of all, Mr. Speaker.

With those considerations I so move second reading of the Bill.

The SPEAKER: The question is that the Bill be read a second time.

Bill entitled:

"AN ACT to Amend the Insurance Act",

read a second time.

The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

The CHAIRMAN: Twenty-four, that's the only amendment. So, in that case we can proceed.

Dr. PHILLIPS: So, Mr. Speaker, I propose that we proceed, well, through all the clauses.

The CHAIRMAN: I put Clause 1.

Clause 1 put to the Committee and agreed to.

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 put to the Committee and agreed to.

The CHAIRMAN: Clause 24.

Dr. PHILLIPS: The amendments have been circulated, Mr. Speaker.

There is one adjustment in the amendment at Clause 24 Part V, which reads, "*delivered to the policyholder's insurance broker",* to add the words after broker, "*by any method stated in paragraphs one to four".*

The effect of this is to allow information to proceed either by post, regular post like post office paper, something which is of long-standing - or by electronic means by electronic mail, otherwise called E-mail, or by facsimile transmission, that is what you call fax or by hand to the policyholder by paper. So it's just for purposes of clarity and precision to add those words, "*by any method stated in paragraphs (i) to (iv)* at the end of the word, *broker".*

A MEMBER: Paragraph what?

Dr. PHILLIPS: Paragraphs (i) to (iv).

The CHAIRMAN: I put the five amendments to Clause 24.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 24 as amended.

Clause 25 put to the Committee and agreed to.

The Title and the Enacting Clause put to the Committee and agreed to.

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage with five (5) amendments.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage with five (5) amendments.

Dr. PHILLIPS: Mr. Speaker, I move third reading of the Bill.

The SPEAKER: The question is that the Bill be read a third time.

Put to the House and agreed to.

Bill entitled:

"AN Act to amend the Insurance Act",

read a third time and passed.

(Applause)

Mr. PAULWELL: Mr. Speaker, the Minister will now deal with the Provisional Collection of Tax Order Resolution.

THE PROVISIONAL COLLECTION OF TAX ORDER RESOLUTION

Dr. PHILLIPS: Mr. Speaker, this also concerns the Insurance Industry and is straightforward, and has proceeded on the basis of extensive consultations.

As the Resolution sets out in some detail, Mr. Speaker, the House will recall recent changes that came into effect last April in the regime for taxation of Life Insurance Companies. Those amendments to the Income Tax Act were intended to protect the local industry by ensuring that premium payments from local persons to connect non-resident persons conform to the arms-length principle, that is, that premiums - a deductible expense - were not manipulated, resulting in profit shifting. Efforts to enhance this legislative framework for the taxation of this sector are continuing, and this is taking place with the full knowledge, as I said, and participation of the Sector itself.

The Provisional Order that we are seeking to confirm here today, that was issued in September of twenty fifteen, focused on the basis and rates of taxation for the industry, and it introduced changes following the April original decisions in respect to both Income Tax and Asset Tax for the Sector.

Before these changes in September, Mr. Speaker - that were made in September, Insurance Companies were taxed as follows:

Income Tax on gross premium revenue - three per cent for regionalized companies and four per cent for non-regionalized companies, and net investment income was taxed at fifteen per cent.

After extensive discussions - and I should point out also that before September the Asset Tax - the rate of Asset Tax imposed on the Life Insurance Companies was one per cent.

With effect from September 29, 2015, the following changes took place:

A twenty-five per cent tax on profits for 2015 and beyond replaced both the tax on gross premium income and the tax on net investment income.

So that it became a profits tax, and that was, as I said, with concurrence of the Insurance Companies. In addition to this, provision was made for a one-off exemption from tax for amounts which, as a result of the removal of the tax on net investment income would be released from actuarial reserves. The rate of Asset Tax for Insurance Companies fell from one per cent to point two five per cent, the rate payable by other financial institutions.

Since the signing of the Provisional Order in September, 2015, as the consultations have continued it was felt that certain changes were necessary in order to clarify the law and indeed to strengthen it.

The amendments which are set out in the Resolution set out, first of all, in subsection

(8)(viii) inserts immediately after the words, "*assessment 2015"* the words, "*and every subsequent year in assessment thereafter".* The inclusion of the words, "*and every subsequent year of assessment thereafter",* makes it clear that the new basis of taxation profits and not gross premium income or net investment income is to apply beyond just the single year of assessment 2015.

Then, in relation to the amendments in relation to Section 13 of the primary Bill, where it deletes in subsection (9) the words, "*shall not be included in the statutory income".* What that does, Mr. Speaker - and the words, "*any reduction in"* - deletes the words, "*any reduction in the actuarial reserves",* and substitutes therefor, "*any change in actuarial reserves".* That simply makes clear that there can be changes in actuarial reserves other than reductions in actuarial reserves. And that's just intended to clarify that in either case a commensurate adjustment is to be made.

In Section 9 that change as I said in Section 9, to delete the words, "*shall not be taxable",* and substitute the words, "*shall not be included in the statutory income".* This is another change which is for clarification only. It ensures that reserves which predate the year of assessment, 2015, are transferred to revenue, they are not to be included - that when reserves which predate year of assessment 2015 are transferred to revenue, they will not be included in the taxable income.

In relation to Section 13 of the Act, in paragraph HH as the resolution points out, it deletes the words, "*any increase in the actuarial reserves relating to the premium income of the Life Assurance Companies",* and substitutes the words therefor, "*any change in the actuarial reserves excluding annuities of the Life Insurance Companies".* Once again it is felt that change is a more neutral term rather than to specifically mention reduction, as was the case before, or increase, in this case.

In the section which deals with deductible expenses, it is being made clear that although monies placed in reserves are a deductible expense, those associated with annuities are not.

Section 15 of the main Act, what the resolution proposes in paragraph J, is to delete the words, "*considerations received for annuities"* and substitute therefor, "*for annuities described in Section 12".* It is proposed that deduction of expenses associated with annuities be disallowed as the income related to annuities is exempt.

With respect to Section 30 of the Income Tax Act, Section 28 deletes the words, "*for every year of"* and substitutes the words, "*for every subsequent year of".*

Section 30 sets out the rate of income tax introduced in the new twenty-five per cent rate. It is proposed that the inclusion of the word, "*subsequent"* will allow for clarity to show that this is a continuing new rate and method of taxation, as was provided for in the Provisional Order.

In Section 48 of the "*Income Tax Act",* in item one delete the words, "*to the year of assessment ending December 31, 2014",* and

substitute therefor the words, "*to the year of assessment 2014".* The effect of that is that all profits earned for the year of assessment 2015 are to be taxed at twenty-five per cent rate, irrespective of the relevant accounting period. The use of the word, "*subsequent"* in paragraph 4 which is as is set out in the resolution, allows for greater clarity.

Again Mr. Speaker, in keeping with the requirements of the "*Provisional Collection of Tax Act",* that an Order shall have no legal effect if it is not confirmed with or without modification by resolution of the House within thirty days after the publication date of the Order in the *Gazette*.

What we are seeking, Mr. Speaker, is the confirmation of the Resolution and the confirmation of the Provisional Order by way of this Resolution.

And I so move, Mr. Speaker.

The SPEAKER: Those in favour of the Motion?

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, we are going to continue the debate on three items simultaneously under Government Business: Item 7, Item 9 and Item 13. The Minister of Local Government had commenced and he will continue at this stage.

The SPEAKER: Minister Arscott.

(Applause)

THE LOCAL GOVERNMENT
REFORM PROGRAMME

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

Permission to speak from a seat other than my own.

The SPEAKER: You may proceed.

Mr. ARSCOTT: Mr. Speaker, I wish to remind this Honourable House of the numbers of consultations that have been going on from 1995 when the whole question of local government reform began. Many negotiations, discussions have taken place between the elected officials, political parties, private sector, religious organizations, teachers, women's affairs, students, vendors, sport administrators, NGO's, local government administrators, youth, Public Sector Modernization Division of the ministries, departments and agencies and they conducted four taskforce on finance and funding, legal and policy functions and structures, participation, democracy and accountability.

The feedback from these consultations, Mr. Speaker, informed the interim NAC Report which was tabled in Parliament in 2007. A Joint Select Committee was appointed in March 2007 and received submissions from several groups, including:

- the National Advisory Council on Local Government Reform;
- Ministry of Local Government and Environment;
- Association of Local Government;
- Roads and Works Superintendent,
- Association of Local Government,
- the Authorities;
- National Association of Parish Development Committees;
- Portmore Citizens Advisory Council;

- Western Sub-Regional Sub-Committee on Local Government Reform;
- Local Government Managers,
- Social Development Commission of the Jamaica Agricultural Society.

Recommendations:

The recommendations which emanated from the Joint Select Committee are in fact the current priority objects of the Local Government Reform Programme, and included the entrenchment of Local Government in the Constitution and a comprehensive revision of the existing Local Government legislation.

Mr. Speaker, I wish to bring attention and begin with the Local Government Bill. This Bill is intended to create the framework within which Local Authorities will operate with greater scope and autonomy. Additionally, it will provide new and clear standards of accountability for the Local Authorities and place extensive public consultations and participation at the heart of the new environment of governance.

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. ARSCOTT: Accordingly, Mr. Speaker, the formal objectives of this Bill involve the establishment of a framework to accommodate the various types of local authorities:

- the expansion of their mandate to include sustainable development and maintenance of civic order;
- the expansion of their powers to ensure the implementation of their responsibilities;
- the creation of accountability and transparency in the mechanism in the local authorities;
- the definition of the roles and relations between administrative and political organs of Local Authorities; and
- the empowerment of civil society and communities in the governance process.

Mr. Speaker, I will now present the Bill through its clauses. Clauses 1 and 2 treat with the short title and definitions of the Bill's key terms respectively.

Clause 3 establishes seven fundamental objects of the Bill.

Clause 4 provides that the Bill applies to all Local Authorities.

Mr. McKENZIE: Is three separate Bills...

Mr. ARSCOTT: Yes, we are going through them.

Mr. WARMINGTON: The House Leader says he was taking all three simultaneously.

The SPEAKER: Proceed with the clauses.

Mr. ARSCOTT: Clause 5 states that the Kingston and St. Andrew Corporation will continue to function with all its authorities and assets as a Local Authority.

(*Sotto voce* remarks by Mr. McKenzie)

Mr. ARSCOTT: So this is the Local Governance Act first. The Local Governance Bill first and then we go through the others.

Clause 5 states that the Kingston and St. Andrew Corporation will continue to function with all its authority and assets as a Local

Authority. It will be known as the Kingston and St. Andrew Municipal Corporation. In addition, each Council will be declared Municipal Corporation.

Clause 5 also states that the Municipality of Portmore will continue but will be governed by the provisions of this Bill rather than the Municipalities Act which will be repealed.

Clause 6 specifies that the Local Authorities will be categorized as Municipal Corporations, City Municipalities or Town Municipalities while Clause 7 establishes a Municipal Corporation as a body corporate with perpetual succession.

Clause 8, Mr. Speaker, outlines the power of the Minister by way of Ministerial Order to declare the inhabitants of any area as a City or Town Municipality and the power to grant a Charter for the governance of such Municipality. This Clause also provides the conditions in which the Minister may act. It further stipulates that a City or a Town Municipality is a body corporate and that a City Municipality must have an Advisory Committee. This Committee will include members of civil society, private sector and community-based organizations within the Municipality.

Subsections (13) and (14) treat with the governance of the Advisory Committee.

Clause 9 addresses the power of the Municipal Corporation to define the limits of towns, villages or other physical areas within its jurisdiction.

Clause 10 outlines the composition of the Council of a Municipal Corporation which is one Councillor for each electoral division with the Municipal Corporation's jurisdiction. It also provides for the composition of the Council of City Municipality and a Town Municipality. With respect to the City Municipality, the composition is a Mayor with responsibility for that jurisdiction and one Councillor for each electoral division.

(*Sotto voce* remarks by Opposition Member)

Mr. ARSCOTT: Clause 10 outlines the composition of the Council of a Municipal Corporation with one Councillor for each electoral division within the municipal coverage of its jurisdiction.

In the case of the Town Municipality, Mr. Speaker, it is one Councillor for each electoral division within the area of its jurisdiction and such other members that may be appointed as regulations permit. This section also addresses the power of the Council of the Local Authority.

Clause 13 deals with the constitution of a Local Authority.

Clauses 14 to 20 Mr. Speaker, are concerned with the roles of the Mayor and Deputy Mayor of a Municipal Corporation. More specifically, these provisions address the means by which they are elected to office, their tenure in office, the procedures that must be followed if a vacancy arises for any reason, and the means by which the occupant of either office may be removed and the source of their remuneration.

Part III - Part III of the Bill, Mr. Speaker, sets out the Scope, Structure and Functions of the Local Authorities.

Clause 21 identifies the functions of a Local Authority which includes initiating and promoting economic and social development within their jurisdictions. The mechanisms for doing so, Mr. Speaker, include entering into joint-venture relationships, public/private partnerships, as well as collaborating with other Local Authorities to deliver services.

Clause 22 requires a Local Authority to create and maintain mechanisms for consultation and participation with the stakeholders in its areas of responsibility. These stakeholders include Members of Parliament, civil society, public sector groups, non-government organizations, as well as members of the general public who fall with the Authority's jurisdiction.

Clauses 23 to 26 Mr. Speaker, require a Local Authority to employ a Chief Executive Officer, Chief Financial Officer and Chief Engineering Officer. The functions of the Chief Executive Officer are specified in provisions of Clause 24.

Clause 26 provides a Local Authority with the power to appoint deputies to the Chief Executive Officer, Chief Engineering Officer and Chief Financial Officer.

Clause 27 permits a Local Authority to appoint a person to act in the place of a substantive officeholder if that office becomes vacant. It is made clear, explicitly clear in Clause 28, Mr. Speaker that no Councillor can be employed to a Local Authority and, in addition, remains disqualified from being employed for one year after he or she ceases to be an elected representative.

Clauses 29 and 30 outline the circumstances and procedures governing the taking of Oath of Office for elected representatives and also the grounds and the procedures by which they are disqualified from continuing in office.

Clause 31 sets out the procedures to be followed when a Councillor resigns his or her seat.

The substantive procedural rules concerning meetings of Local Authorities are addressed in Clause 32 and the entitlement of Councillors in respect of remuneration and travelling expenses are outlined in Clause 33.

Clauses 34 to 36 deal with the order that is to be maintained at the meetings of the Local Authority, specifically they address to public nature of these meetings unless otherwise determined by Council. The rules governing admittance to the Chambers are the rules and penalties concerning any instance of assault or related offence that occurs within the precincts of the Chamber.

Clauses 37 and 38 addresses the power of a Council, or Municipal Corporation, or a City Municipality to appoint committees to facilitate the carrying out of its business, and the rules governing these committees.

Mr. Speaker, in keeping with the imperatives of increasing public participation, and increasing accountability to the public, Clause 38 goes on to specify that the duty of a Council to appoint a finance committee, and a local public accounts committee, and a poor relief committee. It is important to note that the Finance and Local Public Accounts

Committees will include non-elected representatives.

I wish to draw special attention to the structure of the Public Accounts Committee as disclosed in subsection (5) which not only comprises elected and non-elected persons but also excludes Mayor, Deputy Mayor, the Chairperson of the Finance Committee and the Chief Executive Officer, for membership. This section also stipulates, Mr. Speaker, that the Chairperson of each Committee shall be appointed from the non-Council membership.

Clause 39 authorizes a Council to appoint select committees.

Clauses 40 and 41 address the power of the Minister, after due consultation, to establish the standard setting and accountability mechanisms for Local Authorities, and the requirements for each Local Authority to convene community meetings at least once annually to report on its plans and performance.

Clause 42 outlines the procedures to be observed if a Council is dissolved by Ministerial Order. This Order, Mr. Speaker, can only be valid after an affirmative vote in Parliament.

Section 43 sets out the conditions that must proceed any ministerial decision in favour of dissolving a Council.

Clause 44 outlines the circumstances in, and the procedures by which a Council may expel one of its members.

Mr. Speaker, improvement districts are one of the important mechanisms in the community and parish development processes.

Clause 45 empowers a Local Authority to declare any area within its remit as a Business Improvement District, or a Special Improvement District.

The Business Improvement District is any specific area within that Authority where there is an operation association of business created to improve the conduct of business, or the business environment of that area.

Mr. Speaker, the Special Improvement District is a specified area where there is an operational association of one or more residences, businesses, or interested parties which exist for their general benefit. This provision also empowers the Minister to make regulations concerning the establishment, operation and management of these Districts and requires a Local Authority to obtain Ministerial permission before declaring them in any area.

Clause 46 incorporates some of the provisions of the Land Clauses Act in this Bill so that a Municipal Corporation can, with the approval of the Minister, acquire land for public purposes.

Clause 47 empowers a Municipal Corporation with Ministerial approval to sell or lease land that is vested in the Commissioner of Lands for the benefit of the people within its jurisdiction, or vested within the Corporation itself.

Clauses 48 and 49 confer the power to acquire land of the Municipal Corporation, and also the power to sell land under prescribed condition with Ministerial approval.

Part V of the Bill, Mr. Speaker, treats with miscellaneous provisions.

Clause 50 requires that the Local Authority is to develop policies to effectively manage a Municipal Police Force after due consultation with the Minister responsible for Local Government and the Minister of National Security.

Clause 51 empowers the Councils of a Municipal Corporation, or City Municipality to make by-laws for the effective management of all the services for which it is responsible.

Clause 52 provides for a review of the Act from time to time. The first review shall be conducted no later than five years after the appointed date.

Clauses 53 and 54 provide for the repeal of the Parish Council Act, the Kingston and St. Andrew Corporation Act, the Municipalities Act, the Parochial Elections (Modification) Act.

Clause 54 also establishes that particular sections of the Kingston and St. Andrew Corporation Act will remain in force until repealed by another Act of Parliament. This section, Mr. Speaker, also states that regulations made under these Acts remain in force.

Clause 55 provides that where references are made in other laws to a Town Clerk, Secretary, Manager, or Chief Administrative Manager in respect of a Local Authority, this officer shall now be known as the Chief Executive Officer. Similarly, Mr. Speaker, the Superintendent of Works in a Local Authority shall be known as the Chief Engineering Officer.

Clause 56 amends the Representation of the People Act, to insert Part VIII, entitled Local Government Election.

The First Schedule of this Bill provides new names for Local Authorities, for example, the Clarendon Parish Council will be now known as the Clarendon Municipal Corporation.

The provisions of the Second Schedule of this Bill, Mr. Speaker, will be inserted as, and become the Eighth Schedule to the Representation of the People Act. This Schedule addresses electoral matters, including the qualification of electors, councillors, and Mayors of a city municipality, rules regarding General and by-elections, the halting and voiding of elections, Term of Office of councillor or mayor, Nomination Day procedures, and provisions regarding the taking of the Poll.

Mr. Speaker, the Local Governance Bill provides the framework for the comprehensive reform of Jamaica's Local Government system. Through this framework, the Local Authorities will be granted greater scope and autonomy in the management of local affairs. With the expanded responsibilities, the Local Authorities will facilitate the participatory process with the direct involvement of key local stakeholders, including bodies within the public, private and nongovernmental sectors. We believe that this Bill is a solid foundation for the vastly improved continuance of Local Government in Jamaica.

Mr. Speaker, I will now turn to the Local Government (Financing and Financial Management) Bill.

Mr. McKENZIE: (Inaudible) A whole heap a things *ina di* Bill.

Mr. ARSCOTT: Remember, you had proposed it, you know, remember that.

Mr. McKENZIE: No man... no, Mr. Speaker.

Mr. ARSCOTT: It is not too long. I will now turn to the Local Government (Financing and Financial Management) Bill.

Mr. McKENZIE: Mr. Speaker, on a point of order.

The SPEAKER: Yes, Mr. McKenzie.

Mr. McKENZIE: The Local Government Act is a very significant bit of Legislation. It has serious concerns as far as the Opposition is concerned. I would much prefer, Mr. Speaker, if I am allowed to make my contribution, to raise my concerns, and to either lend support otherwise instead of taking all three at the same time, because the other two and - I think that I probably need to speak on this now instead of... so, I seek your guidance.

The SPEAKER: Well, if the Member prefers the Minister to take them individually, then we will proceed that way. So, Minister, we will deal with the Local Government Act.

Mr. ARSCOTT: I will be guided by the Clerk of the House.

(Consultation between the Clerk and the Speaker)

The SPEAKER: So Minister Arscott, when you conclude, you call for - the Local Government Act; you call for second reading, and then the Opposition Member will get a chance...

(*Sotto voce* comment)

The SPEAKER: No, no, no... now.

Mr. ARSCOTT: So, when I conclude you can speak.

The SPEAKER: You can conclude this aspect.

Mr. ARSCOTT: Okay.

Mr. McKENZIE: (Inaudible) ...get our copy of this presentation...

(*Sotto voce* comments)

Mrs. NEITA-HEADLEY: Mr. Speaker, if the Minister makes one presentation covering all three, and the Opposition Spokesperson has issues on each, he can put them together, and then he makes that presentation at the end, and then the Minister addresses them collectively.

The SPEAKER: That was how we started off, but the Member is expressing a different sentiment.

Mrs. NEITA-HEADLEY: I am saying, the Minister really has his presentation as one presentation, covering all three Bills, so I am saying - because the matters are connected. The matters are connected, the Bills are companion, so, if he addresses those issues which he has, and notes them as he goes along, presents all of them, then the Minister can respond to all of them collectively.

The SPEAKER: Mr. McKenzie, is that...

Mr. McKENZIE: *Unno* have the majority, you rule.

(*Sotto voce* comments)

Mr. McKENZIE: Because the importance of the Bill don't mean *unuh* must rush it.

Mrs. NEITA-HEADLEY: It is not being rushed.

Mr. McKENZIE: Yes, it is being rushed.

(Cross talk)

A MEMBER: I heard the Member saying how these Bills are taking so long.

The SPEAKER: Mr. Arscott...

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

I will now turn to the Local Government (Financing and Financial Management) Bill.

Mr. Speaker, one of the fundamental responsibilities of our Local Government system is the enhanced service delivery which requires a sound and sustainable financial base. The Local Government (Financing and Financial Management) Bill seeks to identify sources of revenue from which the Local Authorities will be financed. It also provides guidelines and oversight mechanisms for the prudent financial management, accountability, and transparency of the Local Authorities.

Mr. Speaker, I now move the Bill through its clauses.

Clauses 1 and 2 identify and define the main terms of the Bill.

Part II, Clause 3 treats with the financial management mechanisms through which the responsibilities of the Local Authorities will be administered. Every Authority will be required to prepare and submit for Ministerial Approval on an annual basis, an Operational and Capital Budget, a Statement of Financial Position, and Cash Flow Statement on a four-year Strategic Plan and Budget.

This section, Mr. Speaker, also outlines the standards that will govern the preparation of these documents, and which qualify them for approval.

Clause 4 is particularly important, Mr. Speaker as it introduces public consultation as a performance requirement that every Local Authority must undertake before any budget or strategic plan can be submitted to the Minister.

Clause 5 clearly states the spending prohibitions that must be observed by Local Authorities. This section requires that the Authorities refrain from spending any sum that has not been approved in the budget, as set out in Clause 3. It also prohibits the Minister from approving any budget that fails to meet the standards laid out in Clause 3.

Clause 6, Mr. Speaker, introduces contemporary financial reporting as a central feature of Local Government operations. Specifically, each Local Authority must submit a monthly financial statement to the Minister, and this statement shall be based on international public sector accounting standards, adopted by the Government of Jamaica. This provision also requires a Local Authority to submit annual financial reports and that the Minister should table them in Parliament.

Clause 7 requires the Local Authorities adopt an accrual accounting system based on international public sector accounting standards. It also conditionally permits the Local Authorities to establish revenue-raising policies and measures to finance their operations.

Clause 8 imposes a duty of compliance on every Local Authority, with all public

procurement laws, guidelines and other directives of the Government of Jamaica and its agents, notably the Financial Secretary.

Clause 9 authorize the Minister to formally designate an officer of a Local Authority to serve as its accounting officer. This officer will have a range of responsibilities including the assessment and collection of the Authority's receivables and the acquisition and safe disposal of the Local Authority's property. This section outlines also, Mr. Speaker, the financial authority of the accounting officer and the power of Parliament to summon him or her at its discretion.

Clause 10 empowers the Local Authority to impose a surcharge on any employee in various circumstances including those where funds have been deliberately or negligently misappropriated. The section also establishes a limit of the Local Authority's powers and states the procedures to be followed in applying such a penalty.

Clause 11 allows for an appeal of the Local Authority Services Commission. Clause 11 allows for an appeal to Local Government Services Commission by any employee who is surcharged in keeping with the provisions of the Local Government (Unified Service and Employment) Bill.

Part III. Mr. Speaker, Clause 12 to 26 constitutes Part III of the Bill, and this is devoted to matters of financing. Part III specifically addresses the ways in which the funds collected by the Local Authority are to be used, and also treat with revenue sources, namely the Parochial Revenue Fund and Equalization Fund. Local Authorities are required to create and maintain a general fund, a capital fund account and any reserve accounts as it deems necessary. These funds are also to be retained in registered deposit-taking institutions as defined in the Banking Services Act.

Clause 19 of Part III, Mr. Speaker, involves the procedures for the collection and use of money from licences, rentals and other fee income set out in the rules governing rateable projects. These, Mr. Speaker, are works carried out for the benefit of all the residents within the Local Authorities, or a subset thereof, with the Authority finances by charging a rate. It also applies to improvement district which are defined in Clause 21.

Clause 22 treats with the management of funds that Local Authority allocates to an improvement district, and the financial compliance measures that must be undertaken by the improvement district.

I move now to Part IV of the Bill, Mr. Speaker, which provides requirements regarding auditing, reporting and inspections.

Clause 27 provides that the accounts of all Local Authorities shall be audited by the Auditor General. It also provides that the Auditor General shall submit the accounts for that financial year, along with reports from the Local Authority's financial position to the Minister.

Clause 28 requires Local Authority to comply fully with the instructions of the Auditor General.

Clause 29 permits the Minister, in consultation with the Auditor General, to

introduce new regulations or orders regarding the auditing of Local Authorities.

In keeping with the emphasis on widening and deepening accountable structures, Clause 30 requires each Local Authority to establish an internal audit system which will examine accounting systems, internal controls, risk management and Government processes.

Consistent with the provision of previous clause, Clause 31 requires each Local Authority to establish a functional audit committee.

Clauses 32 and 33 Mr. Speaker deals with the Ministerial power to make regulations, to give directions to the Local Authorities respectively.

By way of Clause 34 the Parochial Rates and Finance Act is repealed.

Clause 35 removes the old Schedule of Municipal Officers (Surcharge) Act, and replaces it with new Schedule. Mr. Speaker, this piece of legislation will provide a single comprehensive framework to address the financing and financial management of Local Authorities. This framework is expected to facilitate efficient and transparent local governance.

Mr. Speaker, I now turn to the Local Government (Unified Service and Employment) Bill. This Bill will provide a framework to address human resource management issues in the Local Authorities. Given the wide-ranging financial responsibilities, this Bill will facilitate the establishment of a competent workforce with the requisite skills, orientation and commitment to local governance. It also reflects the spirit of the recommendations made in the final report of National Advisory Council on Local Government Reform, 2009.

Mr. Speaker, this Bill speaks to the creation of one unified service for all Local Government employees. The creation of a single Service Commission - Services Commission to oversee the management of the Unified Local Government Service, a redefinition of the role and functions of the Services Commission in relation to those of the Local Authorities, and the facilitation of the seamless movement of staff between Local Government and Central Government Services.

Mr. Speaker, I will now take the Bill through its clauses.

Clauses 1 and 2 provide for the Title of the Bill, interpretation of key terms. Subclause (l)(a) is amended, Mr. Speaker, by - Well, I don't know if you have those. I will leave that.

Clause 3 establishes and constitutes the Local Government Services Commission and outlines among other things, the procedures to be observed in appointing members.

Clause 4 specifies the tenure of service of the members of the Commission, five years, and the circumstances under which members may be relinquished or terminated.

Clause 5, Mr. Speaker, outlines the powers and functions of the Local Government Services Commission.

Clause 6 stipulates the authority of the Minister to provide policy directions to the Commission.

Clause 7 specifies the duties of the Local Authorities in relation to their employees, the Commission and the Minister.

Clause 8 deals with the responsibility of the Chief Executive Officer of a Local Authority to that body and to the Commission.

Clause 9 states the rights of employees to appeal decisions affecting them. The duty of the Commission to hear and consider any such appeal. This Clause also provides that the Unified Service Officer may appeal to the Privy Council as established under Section 82 of the Jamaican Constitution, if they are dissatisfied with the Commission's response to their appeals.

Clause 10 outlines the actions that constitute offences under the Act, and the maximum penalties to be applied on conviction, which include a fine, imprisonment, or both. This Clause, Mr. Speaker, also empowers the Minister to increase monetary penalties for offences committed under the Act.

Clause 11 authorize the Minister to make regulations to the Act.

Clause 12 amends the Pensions (Parochial Officers) Act to apply to all Local Authorities and to recognize the Local Government Services Commission as the appropriate Services Commission.

Clause 13 repeals the Municipal Services Commission Act, Parish Council (Unified Service) Act, and the Poor Relief Officers (Unified Service) Act.

The First Schedule, Mr. Speaker, provides for - the First Schedule, Mr. Speaker, provides with Unified Service Officers - are pensionable.

Second Schedule contains the oath or affirmation of office for members of the Local Government Services Commission.

Third Schedule specifies the rules governing the proceedings of the Commission and includes provisions for the remuneration of the Commission's members and the appointment of staff.

Mr. Speaker, the Local Government (Unified Service and Employment) Bill is a recognition that consistently sound public service is best provided at the administrative level of Local Government through qualified, responsive and motivated employees. This Bill remove the complicated arrangements that have outlived their usefulness, and replaces them with a single modern comprehensive legal framework designed to attract and retain the best talent possible.

Mr. Speaker, these companion Bills: The Local Governance Bill, the Financing and Financial Management Bill, and the Unified Service and Employment Bill constitute the most comprehensive attempt to reform Local Government to date. It is this foundation, Mr. Speaker, combined with the established internationally recognized contemporary standards of accountability and performance management that will give us the confidence to expect the transformation of communities, towns and cities to the passage of these three strategic laws.

I want, Mr. Speaker, to thank and commend the many people who facilitated and participated in the consultative process over the many, many years. (Applause by Government Members) Of note, Mr. Speaker, the Most Honourable Portia Simpson Miller, Prime Minister of Jamaica, who as Local Government Minister re-established the

National Advisory Council on Local Government Reform. (Applause) The National Advisory Council chaired by Professor Rex Nettleford - (Applause by Government Members) - played a significant role in the reform process. I wish also to make special reference to Mr. Keith Miller, consultant - (Applause) - who also performed the role as technical secretary to the National Advisory Council on Local Government Reform.

I must also recognize the various Ministers and staff of the Ministries of Local Government and Justice for the work done. These Bills will ensure that our public servants at the local level, elected and non-elected will effect their functions professionally, elevate the quality and range of services, and demonstrate everyday to our citizens that Local Government is indeed at the very heart of the development of Jamaica.

(Applause by Government Members)

I now invite Members of this House who wish to contribute to this exercise.

Thank you, Mr. Speaker.

(Applause by Government Members)

Mr. McKENZIE: Mr. Speaker. I would -

(Cross talk/The Speaker gavels)

I would like to join the Minister in expressing gratitude to those persons who contributed to the drafting and the putting together...

(Cross talk)

...of this very, very important bit of legislation.

(Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

(Cross talk)

Mr. McKENZIE: Mr. Speaker, the passage of this Legislation started long ago and the work of some outstanding local government practitioners like Keith Miller is worthy of mention. (Applause) But, Mr. Speaker, while I support these three important bits of legislation and while the Opposition is cognizant of the importance of the legislation we, when we were on that side, Mr. Speaker, did significant work in advancing the passage of this Legislation and while I will be critical of the Government for taking so long to complete the process, Mr. Speaker, it is a good day...

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. McKENZIE: ...for those of us who got our experience politically in local government.

Mrs. NEITA-HEADLEY: Hear, hear! (Applause)

Mr. McKENZIE: When I became a Councillor in 1977, Mr. Speaker -

(Inaudible comment by a Member)

Mr. McKENZIE: Yes, 1977. The system of local government, Mr. Speaker, had its fair share of recognition in Jamaica. The system worked and those people who over the years, Mr. Speaker, who have contributed to local government, must be grateful and this Honourable House has benefited significantly, Mr. Speaker, from persons who came up through the ranks of local government...

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. McKENZIE: ...even to the level of Prime Minister and that is commendable in terms of local government. But, Mr. Speaker, despite all of that, there are some challenges in

the Bill. If we are to give local government the level of protection and independence, Mr. Speaker, that is required then these three bits of legislation, Mr. Speaker, is offering more powers to the Minister of Local Government than he previously had. And while, Mr. Speaker, it is good to continue to have oversight for local government, I believe that the local government system has matured significantly enough, Mr. Speaker, that the heavy hands of central government and the powers that the Minister had before, which has now been strengthened, that the Minister needs to look seriously.

Let us look at the question of the establishment of the new Local Government Service Commission, which, Minister, I am assuming that the Municipal Services Commission no longer exists if I follow what you have said in terms of the establishment of the…

Mr. ARSCOTT: Instead of two, you have one.

Mr. McKENZIE: Instead of two you have one. (Chuckles) You see again, Minister, the bureaucracy - there ought to be a central body. And Minister, I thought that this Bill would speak to establishing one body that deals with the whole question of employment and regulation. But I am asking you, Minister, does the Municipal Services Commission still exist? Because if it exists, it means that this new body that is existing is playing almost a similar role as the Municipal Services Commission. It can't be one of the same thing. It's either it is the same thing or it is a new body and you are not clear, Minister, in explaining. The Bill is not clear whether or not the Municipal Services Commission that presently exists that has the responsibility for employment, for taking disciplinary actions, and doing all the things are necessary as it relates to local government employment and control if that body still exists.

So the role, Minister, of this new Commission needs to be defined and defined clearly. Again, Minister, I'm confused, because the KSAC has a separate Act, the parish councils have a separate Act. In this new governance structure that you have established although you used the word, "*repeal*", but that is when? It is repeating, Mr. Speaker, the role of the KSAC, the Act, the role of the Parish Council Act in this new bit of legislation. So the question I want to ask, is it four sets of Acts that the parish councils have to encounter or one set?

For example, you mentioned, Minister, about employment, who has the responsibility of employing persons to work within the local government system? Does the application go to the Municipal Services Commission; they do the interview and send the applicant off to the parish council? Or is the parish council now, based on what you have just said, does the parish council now have that responsibility interview and to employ? While, Minister, I believe that the Municipal Services Commission needs to be reexamined and a proper system be put in place, I believe that this aspect of the Bill is untidy and needs to be looked at and examined seriously.

You spoke about, Minister, in the Bill, the question of the funding and I want to state

clearly that the Opposition supports the regulation to streamline and to bring accountability to the local government system when it comes on to how taxpayer's money is spent. We support that one hundred per cent. There is no disputing of our position on that, because we believe that accountability and credibility is important, Mr. Speaker, to the success of local government. But, Mr. Speaker, the Minister still holds enormous powers as it relates to how the parish councils earn, spend their revenues. The Minister still holds enormous powers as to whether or not the parish councils can buy a motor car for the Mayor or to make some improvements that they deem necessary without his approval.

And I don't believe, Mr. Speaker, that if the freedom of local government is going to become a reality, the Minister should continue to hold so much power over the affairs of local government. Let us look at the question of the Equalization Fund. The Equalization Fund is a proceed of the revenue earned from motor vehicles, proceeds that go to the parish council - 66 1/3 per cent. But a portion of that money, Mr. Speaker, is held within the Ministry of Local Government to be spent at the discretion of the Minister and the Minister only. And as we speak, Mr. Speaker, there are serious questions about how the Equalization Fund is being spent. I brought to the attention of the Minister complaints coming out of the Kingston and St. Andrew Parish Council, the KSAC, about how the funds are spent. You go to the Clarendon Parish Council there are concerns, Mr. Speaker - Mr. Speaker, while the parish councils…

A Government MEMBER: How you know about that?

Mr. WARMINGTON: Oh, keep quiet. (Inaudible comment follows)

(Cross talk)

Mr. McKENZIE: We not quarrelling, you know. I am just making...

(Cross talk)

...I am just making a point, Minister, that if the local authorities is to stand up on their own two feet then the Minister should not continue to enjoy the amount of powers that he has over the affairs. There are questions arising out of the Clarendon Parish Council as to how the Equalization Fund is being spent. And while - Mr. Speaker, the Parish Councils, in order to access that Fund they have to pass a Resolution, the resolution then goes to the Ministry of Local Government and then the Minister determines whether or not I will allow the funds to be spent. Can't work. Can't work. There are some parish councils right now Minister, that you are aware of that only certain councillors receive benefit from the Equalization Fund.

I am not accusing the Minister. But I have brought to the attention of the Minister - and, Mr. Speaker, I am not speaking about this present Administration, I am speaking that all Administrations. And, the time has come, Mr. Speaker, where that Fund, the Equalization Fund, should not be the sole dictate of any Minister, whether on that side if we are on that side or they continue to be on that side.

(*Sotto voce* comments)

Mr. McKENZIE: The Funds, Mr. Speaker, the Funds - and this is very

important, because, Mr. Speaker, if you have a Parish Council where the margin in that Council - if you have twenty Councillors in the Council, Mr. Speaker...

Mr. WARMINGTON: Buchanan! Buchanan!

Mr. Luther BUCHANAN: Desmond say you must quiet!

Mr. McKENZIE: ...and eighteen represent one party, and out of say, fifteen resolutions that are passed - and the Council cannot suppress the resolution - when the resolution is passed by Council the Town Clerk or the Secretary Manager has the authority, can't hold on to it, sends it to the Minister. It is not fair, Mr. Speaker, in some Councils where the disbursement of the Equalization Fund is done in such a way that one can only describe it as being political. It is not fair. It is not fair, Mr. Speaker.

So, in this Bill...

Mr. Luther BUCHANAN: Political or partisan?

Mr. WARMINGTON: Oh, shut yu mouth!

Mr. McKENZIE: Partisan. Thank you, my brother, thank you.

Mr. Luther BUCHANAN: You don't understand.

Mr. McKENZIE: So, Mr. Speaker, in the Bill it speaks about the Equalization Fund and the powers that the Minister has over the Equalization Fund. And I would urge the Minister, I urge the Parliament to seriously examine the use.

And you know, Mr. Speaker, I don't know if you will allow me to use...

Mr. WARMINGTON: When you are Minister you can use it.

Mr. McKENZIE: ...the technology in the Parliament. But a message was sent to me, Mr. Speaker, by a Councillor in a Parish Council, and this is what he said:

We are concerned about what we believe is the partisan allocation from the Equalization Fund to the KSAC.

Mr. FAGAN: Which Councillor write that?

Mr. McKENZIE:

Approximately ninety per cent of the allocation from the Fund to the KSAC has been spent in PNP divisions. This in spite of the fact that the resolutions from the JLP divisions have been passed since early April, 2014, between April 2012, June 2015. And he is estimating that approximately One Hundred and Forty-one Million Dollars ($141M) were allocated from the Fund to divisions represented by the governing party.

Mr. FAGAN: Why you don't go back to the other period 2012 back?

Mr. McKENZIE:

And we strongly believe,

he said,

that this is a disgrace.

(*Sotto voce* comments)

Mr. McKENZIE: Mr. Speaker, I spoke - look, look, I am not coming here with no politics, you know, Minister.

(Heckling)

But, Minister, Minister, I am saying to you that both sides abused the Equalization Fund. We have a golden opportunity now to

change that to make it work so that nobody can talk about it. You can't blame the KSAC or the St. Catherine or the Clarendon Parish Council, the fault lies at the Minister's desk. And if we are going to, Mr. Speaker, have a Local Government system that is going to be free from this level of disruption - and that is why people continue to lose faith in the Local Government system because they don't believe that the system is working on their behalf. And so I would have expected that in this bit of Legislation in this new Bill, that the Minister would either tone down or put some level of control as to how the Equalization Fund is spent.

The other question, Mr. Speaker, that is of concern, the Parish Councils as presently exists, Mr. Speaker, on this new Bill, Mr. Speaker, in no way has eased that strain on the Parish Council. Even to increase fees for revenues, Mr. Speaker, the Minister has to give his final stamp of approval. It can't be. Can't be.

(*Sotto voce* comment)

Mr. McKENZIE: Yeah, but you have to have an oversight. But it doesn't necessarily mean, Mr. Speaker that the simplest of thing that the Parish Councils need, the Minister should have the final say. So why is it that we have entrenched Local Government in the Constitution if the Minister still has powers? The Minister can still dissolve the Parish Councils, you know, even though it is in the Constitution. All that is required for the Minister to do to dissolve the Parish Council is a simple, simple majority of the Parliament. Local Government is nowhere better off in terms of its protection, but at least the companion Bills could have offered the protection that the Bill that was entrenched in the Constitution is not offering.

The question, Mr. Speaker, of the Consolidated Fund, the Parish Councils have no recourse when they issue tickets for no parking, when they issue summonses or notices to builders to stop building, when the Parish Councils spend this enormous amount of money to retain the services of lawyers to go to Court to argue about uncollected fees.

(*Sotto voce* comment from Mr. Atkinson)

Mr. McKENZIE: I am not talking about your fees, what I am talking about, Mr. Speaker - and this is very important...

Mr. Luther BUCHANAN: You defend Desmond already, him owe you fees!

Mr. McKENZIE: Him defend me free of cost, pro bono. A mi friend.

Mr. Speaker, what these three bits of Legislation have failed to address, Mr. Speaker, is creating an independent source of defense for Local Government. And, what do I mean?

When you take a man to Court, when you issue a Cease Order for him to stop and then you issue a Stop Order, they ignore it. And the Attorney General, I don't know if he has started to work on the Legislation that will make a Stop Order from the Parish Council a creature of the Court, so that when you give it to a man who is building without approval, once he gets it and he does not comply it becomes contempt of Court.

Mr. ATKINSON: (Inaudible) ...the Minister of Justice.

Mr. McKENZIE: Well, all right, I am telling you to tell him.

But where, Mr. Speaker, where the Local Government system is suffering - and the Bill doesn't seek to protect that - when you go to Court and let us say the Judge fines a man Two Hundred and Fifty Thousand Dollars ($250,000) plus costs, you know where that money goes, into the Consolidated Fund. The Parish Council doesn't benefit, or in the case of the KSAC doesn't benefit from that funding, Mr. Speaker.

And in this Bill the Minister speaks about the Consolidated Fund. If the Parish Councils were in a position to collect their revenues without interference - because when you have to pay property taxes you have to go to the tax office, when you have to pay trade license you have to go to the tax office to pay trade license, all the revenues which are important, outside of the little amusement fees and hair-dresser license and all that sort of thing you pay at the Parish Councils but the big money for Parish Councils are paid directly to Central Government.

Trade license, Mr. Speaker, is one of the biggest earners of revenues for the Parish Council. If the Parish Council had the ability to collect even thirty five per cent of what is outstanding out there for trade license, then the Parish Councils would never have to look to Central Government to support any of its programmes. But these Bills, Mr. Speaker, do not speak to strengthen Local Government's ability to collect the revenues out there. All that it is doing is saying that you are giving the Minister the power to recall, you are giving the Minister the power to do, to take. Mr. Speaker, it can't work.

There is one aspect of this Bill that I am concerned about. How in the name of God, Mr. Speaker, that the two major political parties have a base of over thirty per cent of the population, let us say of the voting population...

(*Sotto voce* comments)

Mr. McKENZIE: No, no, I'll put it at thirty, I'll put it at thirty - but yet in this Bill, Mr. Speaker, the Minister is setting his stalls out so that fifteen per cent of any constituents who don't feel pleased with the performance of an elected representative, fifteen per cent of you can get together and call for the removal of an elected representative. This is madness! Total madness!

This is not, in any way, Mr. Speaker - and the people in Portmore must understand - and Member from St. Catherine, *a wah yuh hear mi* - if for any reason...

Mr. ARSCOTT: Point of order, Mr. Speaker. Mr. Speaker...

The SPEAKER: Point of order... Mr. Arscott.

(*Sotto voce* comments)

Mr. ARSCOTT: I think the Member has misrepresented that particular fact. The issue of the impeachment of the elected Mayor refers to the Portmore Municipality. The Portmore Mayor is unlike the remainder of the Councils in Jamaica, therefore, it was created on a Statute, and therefore the power of re-call... unlike other Councils that have specific situation where elected Mayors - Members can get together and vote on the re-call of a

Mayor, in the case of Portmore, that is not so. So, this Provision here, which you are referring to, is really to do with the Portmore Mayor.

(*Sotto voce* comments)

Mr. McKENZIE: Mr. Speaker, that even makes it worse, that even makes it worse because what can happen, if someone ascended to the position of Mayor in Portmore, and we feel that, look, this person shouldn't reach that position; let us organize 15 per cent of our base...

(*Sotto voce* comment by the Speaker)

Mr. L. BUCHANAN: You don't have that, you don't have that...!

Mr. McKENZIE: You can sit down and talk. You are under the impression that everything lasts forever. There is a saying that says, the longest rope has an end.

Mr. WARMINGTON: There is some danger there. Mr. Speaker...

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

Mrs. NEITA-HEADLEY: Mr. Speaker, I ask that the Member's time be extended for an additional 10 minutes to complete his presentation.

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

Put to the House and agreed to.

Mr. McKENZIE: Thank you, Mr. Speaker, and thanks for the courtesy of Members of the House.

(*Sotto voce* comment)

Mr. McKENZIE: Yes, Mr. Speaker... so the point I am making, I believe, Minister, that while the intention is honourable, I believe that the limit is too low. You need to increase... and I would suggest 35 per cent. Thirty-five (35) per cent, because, you see, Mr. Speaker, let us be fair, when we win the Portmore Mayorship...

Mrs. NEITA-HEADLEY: When that? (Laughter)

Mr. McKENZIE: When we win it.

MEMBERS: When?

Mr. McKENZIE: Suppose the Member from South St. Catherine and all the other... decide that they want to get rid of us, that is the only way they can.

Mr. JACKSON: No, you won't be there to be gotten rid of.

(Laughter/Applause)

Mr. McKENZIE: But I know you appreciate the point I am making.

(*Sotto voce* comment by Mr. Jackson)

Mr. McKENZIE: Mr. Speaker, the Bill is, in itself, Mr. Speaker... while I would have loved... and I heard the Minister mentioned that the Bill went to a Joint Select Committee of the House, I...

(*Sotto voce* comment)

Mr. McKENZIE: Well, he said in 2007, I don't know in which section of 2007. But Mr. Speaker, the importance of this Bill - and the only reason why, Mr. Speaker, we are going to give our support to the Bill, although we know there are difficulties, there are challenging aspects of the Bill...

(*Sotto voce* comments)

Mr. McKENZIE: Well, it is going to create problems, but I would love if when the Minister goes through the Bill clause by clause.

(*Sotto voce* comment by Mr. Atkinson)

Mr. McKENZIE: You don't want us to go through it clause by clause?

Mr. ATKINSON: (Inaudible) ….don't mean what you think it means.

Mr. McKENZIE: Hello, you know, I never touched the word, *impeachment*?

Mr. ATKINSON: Fifteen (15) per cent you are talking about.

Mr. McKENZIE: But the sad thing, it is dangerous Attorney General, it is dangerous.

(*Sotto voce* comment by Mr. Atkinson)

Mr. WARMINGTON: But amend that section.

Mr. McKENZIE: It can't be 15. Anyhow, Mr. Speaker, we will support the Bill, Mr. Speaker, but we need to have that section amended. I would have loved that this Bill would have been able to go to a Joint Select Committee of this Sitting of the Parliament, but the Minister says that it went already. I am concerned, Mr. Speaker, that in this whole new dispensation that no reference has been made about the establishment of a municipal court, Mr. Speaker, and I am hoping that when the Minister closes the Debate, he will be able to speak to the Parliament, to say something to the Parliament on the question of a municipal court.

Mr. Speaker, I just want to, again, thank those who have made the Bill possible. It is a good day for Local Government, regardless of who is the Government of the day. (Applause) It is a collective responsibility from both political parties...

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. McKENZIE: …that has brought us to this stage where we are seeing important changes to Local Government.

Mrs. NEITA-HEADLEY: Yes… hear, hear!

Mr. McKENZIE: But I still maintain that the Minister is enjoying too much power in this new bit of Legislation that we are debating.

Thank you, Mr. Speaker.

(*Sotto voce* comment by Mr. Jackson)

Mr. Luther BUCHANAN: Desmond, you notice everybody gone *lef* you, except us... (Inaudible)

The SPEAKER: Mr. Buchanan.

Mr. WARMINGTON: Oh, shut *yuh* mouth.

Mr. Paul BUCHANAN: Mr. Speaker, I rise in support of the Legislation presented by the Minister, particularly the accompanying Financial Bill, though not without some concerns. There are, you know, Mr. Speaker, divergent views...

Mr. WARMINGTON: Mr. Speaker, I believe the Member ought to seek your permission to speak from a seat other than his own. That's not his seat.

The SPEAKER: He may do so.

Mr. WARMINGTON: So, you ask permission before you speak from that seat.

(*Sotto voce* comments)

Mr. BUCHANAN: Mr. Speaker, I ask your permission, Mr. Speaker.

The SPEAKER: You may proceed.

Mr. Luther BUCHANAN: You know, you are a little side speaker.

Mr. Paul BUCHANAN: There are, you know, Mr. Speaker, divergent views on the entrenchment of Local Government...

Mr. WARMINGTON: Follow the Standing Order.

Mr. Paul BUCHANAN: ...particularly those who say the pie is too small to be shared between Central and Local Government, but the majority prevails, the Parliament passing the main elements of the Act earlier.

The point here, Mr. Speaker, is that to give true or real meaning to entrenchment, the companion Financial Bill must include a level of autonomy to underpin its intent. In truth, there cannot be entrenchment without financial empowerment. The Bill that is presented does not speak definitively to this.

Let us look at the implications, Mr. Speaker. Presently, the local authorities receive funding from three main sources:

1. the Parochial Revenue Fund (PRF) with average monthly flows to each Parish Council of somewhere between twenty-five to thirty million motor vehicle licencing in the main;
2. property tax provides an average of Forty Million Dollars ($40M) to the largest of the Local Authorities, to a low of Twenty Five Million ($25M) to the others, and, in total, five per cent of the Seven Billion ($7B) budgeted by Central Government. That is Three Hundred and Fifty Million ($350M) *per annum* to be shared by all the Parish Councils;
3. other municipal fees of approximately Four Hundred Million ($400M).

Indeed, Mr. Speaker, over the past many years the Parish Councils have not been able to meet their budgets. Let's look at the KSAC with a budget of Three Billion ($3B). Over the past three years, they have fallen short by anywhere between Five Hundred Million ($500M) to Seven Hundred Million ($700M). And those budgets do not include any pretence of estimates of parochial roads for upgrading in each division. It is simply a case of treating with road demands, based on what is available in the Equalization Fund at the time of request.

Most importantly, for all of us here, when one considers that the total offering from the Parochial Revenue Fund is only Twenty to Thirty Million ($20-30M) monthly to be shared among the 30 divisions in the KSAC, or put another way, Three to Three point Five Million ($3-3.5M) *per annum* to each councillor, it tells us that the Equalization Fund for offerings from which councillors repair parochial roads is grossly underfunded.

But, let me quickly add that in the context of these great limitations, the Minister has performed spectacularly. (Applause) But, even if you place the entire Equalization Fund - as the Opposition Spokesman from West Kingston suggests - under the preserve of the local authorities, it would still be inadequate. In effect, you are only sharing a small pie. You have to go beyond the current sources of revenue to treat with real demand.

It is in this scenario, Mr. Speaker, that I venture to propose for consideration, an amendment granting powers to the Minister of Local Government, relative to Section 26 of

the (Financing and Financial Management) Act, of 2015 which will allow him, without recourse to any other body for the Minister to float a specific type of municipal bond. In fact, Mr. Speaker, almost every major city in the world has the power to issue municipal bonds.

I am acutely aware, Mr. Speaker, of the fiscal challenges and the suggestions that such a move would have to surmount, particularly, the IMF conditionalities relating to our debt-to-GDP ratio primary surplus considerations or obligations. But, let me hasten to assure that in the subsection of Clause 26, there could be an allowance made for an entity of Local Government to issue a Municipal Bond which does no injury to the economy, specifically one that does not require a Government Guarantee.

Let me explain, Mr. Speaker. In Section 26, there is reference to the issuance of Capital Bonds by Local Government. But that Clause by itself would have to meet the concerns of the Minister of Finance and our fiscal reform objectives.

As I have said before, Mr. Speaker, at another time, in the post JDX, NDX dispensation, it is possible and indeed attractive to the market to issue such a bond, using a blue chip fund manager, such as a trust company of one of our major banks for a fee. The private sector does this regularly with much success. The market would respond favourably. In addition to the fact that the features of such a bond would allay all fears.

Let's, for example, Mr. Speaker, look at a $12 Billion issue. There would be a moratorium on the principal payments for, say eight years, a sinking fund of 50 per cent of the offer, or $6 Billion to be invested to retire the principal at the end of the moratorium period. A prompt interest payment facility to service the biannual interest demands of about $3 Billion, and then, Mr. Speaker, you would have a one-off upfront payment of $4 Billion to Local Government to properly fund its infrastructure demand. No Government guarantee. Such a bond offering would not be considered a contingent liability on the Government's books and so meet the test of fiscal stability and reform.

There is another point to be noted, Mr. Speaker. The bond proposed would reduce demand-pull inflation. We have seen, Mr. Speaker, that over the past ten years the bank’s allocation to productive pursuits have moved from 17 per cent to 11 per cent. It means that they are going more into financial paper and not into productivity. So if you were to take $12 Billion out of the system, of which $4 Billion will come directly to Local Government, these funds would instead be used to upgrade farm roads. Critical to my constituency. Coffee producing scarce foreign exchange. Price of coffee has now moved from $600 per box in 2011 to $12,000 as we speak. We need the roads. We can't have increased production and yet the farmer is having problems that set off some of his gains for transportation. His front end gone and they come to the Member of Parliament for everything these days.

So this type of bond that would provide the Local Authority, beyond the Equalization

Fund, a new source of revenue. It would treat with our infrastructure development and thereby facilitate growth. We have seen where this has worked elsewhere. But, Mr. Speaker, without this independent source of funding, we will continue to give lip service to Local Government Reform and it's entrenchment, and so I urge the Minister to consider this proposal and seek the acquiescence of his Cabinet colleagues to finally make Local Government the force that it was intended to be. And so, Mr. Speaker, may it please you. I am done.

(Applause by Government Members)

(*Sotto voce* comments)

Mr. FAGAN: Mr. Speaker, I just want to support the Bill somewhat, or the Bills. Somewhat want to also commend the Opposition. Clearly the Bills are not -

Mr. L. BUCHANAN: The one spokesman.

Mr. FAGAN: The one spokesman over there. Clearly, clearly, yes. Is only one spokesperson you can have on that matter, and clearly, clearly, clearly these Bills are not contentious. We on this side would have noted some of the concerns, especially as it relates to the percentage of those persons that would be required to remove the Mayor, and, of course, there are some concerns on this side, given the last speaker as it relates to the floating of bonds and so on. I think that these are matters that we can look at, and, of course, from where I stand, being a councillor myself, I think that this is a good day…

Mrs. NEITA-HEADLEY: Good day. Yes.

(Applause)

Mr. FAGAN: …for the parish councils, and clearly a lot of work would have been carried out during this Administration to the point. It is one of those things that we would have, as an Administration would have promised in the manifesto, and we said that we would make it happen and today we are completing that process. (Applause)

Again I want to commend my Senior Minister and the entire staff of the Ministry of Local Government and Community Development, and to say to all that we really appreciate and, of course, the legal arm of the Council the Ministry and those Ministries, Chief Parliamentary Counsel and all others, to say that we really appreciate the work over the period.

I now ask my Minister to close the Bill as we move forward. (Applause)

Mr. ARSCOTT: Mr. Speaker, I wish to begin by thanking all participating in this debate. Some points were raised by the Opposition spokesman on Local Government, I just want to just quickly allude to those.

Member, the question of the Local Government Services Commission. It will be a unified services commission. Clause 13 of Local Government (Unified Service Employment) Bill repeals the Municipal Service Commission Act, so we now have a Local Government Services Commission which will unify both Commissions.

The question of the imposition of fees. It is not accurate to say that the Minister is involved in all the imposition of fees. Clause 18(1) of the Local Government (Financing

and Financial Management) Bill allows for a Local Authority to impose certain fees. This ties in with the power of the Council for Local Authority to make regulations under the Local Governance Bill. All the fees are not all paid into the Consolidated fund.

Mr. McKENZIE: Mr. Speaker, on a point of order, I didn't…

(Cross talk by Mr. L. Buchanan)

Mr. ARSCOTT: Hold on no, man.

Mr. McKENZIE: No, well, I would have to raise on a point of order. I did not say that all the fees. I was specific in terms of the fees. I spoke about things like trade licence and when you take someone to the court. So I did not say that all the fees. Okay, Minister?

Mr. ARSCOTT: Okay, okay.

Mr. L. BUCHANAN: You collecting though? Look like the thing over deh so no trouble you.

Mr. ARSCOTT: But certainly, Member, we will examine and we all are negotiating with Finance to see how best we can get access to more funds for the Local Authority.

Mr. McKENZIE: Out of the Consolidating Fund?

Mr. ARSCOTT: Yes. I just want to say something just a little bit about the Equalization Fund. Provisions will be made in the Regulations to deal with points you have raised in regard to the Equalization Fund.

The point you raised about the allocation to Opposition Councillors in the KSAC. I have had five Resolutions from JLP Councillors, we have honoured four of the five.

(Applause by Government Members)

Mr. PARCHMENT: Hear, hear!

Mr. ARSCOTT: Some other points were raised and the question of the increase of the 15 per cent. Fifteen per cent of the Portmore voters is a substantial amount of voters, nevertheless, I will agree with you to increase it from 15, 20 per cent. I guess we can settle at a point. We had all accommodated your serious concern in terms of the number.

(Laughter by Mr. McKenzie)

Mr. McKENZIE: Twenty-five. Twenty-five.

Mr. ARSCOTT: Fifteen.

Mr. McKENZIE: Twenty-five.

Mr. ARSCOTT: Okay, 15 to 25 per cent.

Mr. McKENZIE: Yes, all right.

Mr. ARSCOTT: So we are agreed at 25 per cent. Okay, 25 per cent.

Mr. McKENZIE: Satisfied. Yes, 25.

Mr. FAGAN: You see we working with you.

(Cross talks by Government Members)

Mr. ARSCOTT: Mr. Speaker, I would like to close the debate.

I now ask for second reading of the Bill.

Mr. McKENZIE: Mr. Speaker, before. Mr. Speaker.

The SPEAKER: Yes, Mr. McKenzie.

Mr. McKENZIE: I will probably ask in the Committee.

The SPEAKER: In Committee.

Mr. McKENZIE: I will ask it in Committee.

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 Provide for the comprehensive reform of Jamaica's local government system, through which local authorities will be granted greater scope and autonomy in the management of local affairs, with an expanded and more holistic mandate for the good governance, sustainable development and maintenance of good civic order within their respective jurisdictions, and for connected matters"

read a second time.

Bill entitled:

"AN ACT to Provide a comprehensive framework for the employment, management and regulation of personnel employed by Local Government Authorities and for connected matters"

read a second time.

Bill entitled:

"AN ACT to Provide a comprehensive framework for the financing and financial management of local authorities 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 Bills clause by clause.

COMMITTEE STAGE

The CHAIRMAN: Yes, Minister, we'll start off with the Local Governance Act.

(Cross talk)

We go by Parts. Part I, I put Part I.

Put to the Committee and agreed to.

I put Part II, Clauses 3 to 20.

Put to the Committee and agreed to.

(Cross talk)

The Local Governance Act. Local Governance. Minister, is there an amendment to Clause 18?

(Cross talk)

Clause 18, the Impeachment clause and it changed from 15 to 25.

I put Part II, Clauses 3 to 17.

Put to the Committee and agreed to.

I put the amendment to Clause 18.

Put to the Committee and agreed to.

I put Clause 18 as amended.

Put to the Committee and agreed to.

I put Clauses 19 and 20.

Put to the Committee and agreed to.

I put Clause 21.

Put to the Committee and agreed to.

Clause 22, we have three amendments.

I put the amendments to Clause 22.

Put to the Committee and agreed to.

I put Clause 22 as amended.

Put to the Committee and agreed to.

I put Part III, Clauses 21 to 44 - and there is an amendment to - how many amendments to Clause 38. There is one amendment to Clause 38. I put the amendment to Clause 38.

Put to the Committee and agreed to.

I put Clauses 23 to 37 in Part III.

Put to the Committee and agreed to.

Clause 38. I put the amendment to Clause 38.

Put to the Committee and agreed to.

I put Clause 38 as amended.

Put to the Committee and agreed to.

I put Clauses 39 to 44.

Put to the Committee and agreed to.

(Cross talk)

[Clauses] 21 to 42.

Put to the Committee and agreed to.

I put the amendment to Clause 43.

Put to the Committee and agreed to.

I put Clause 43 as amended.

Put to the Committee and agreed to.

I put Clause 44.

Put to the Committee and agreed to.

Part IV, Clauses 45 to 49.

Put to the Committee and agreed to.

Part V, I put Clauses 50 to 56.

Put to the Committee and agreed to.

New clause, Minister. Clause 57. I put Clause 57.

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 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 seven (7) amendments.

Put to the Committee and agreed to.

Next Bill, the Local Government (United Service and Employment) Act, 2015.

Clauses 1 and 2 put to the Committee and agreed to.

There is an amendment to Clause 3. I put the amendment to Clause 3.

Put to the Committee and agreed to.

I put Clause 3 as amended.

Put to the Committee and agreed to.

Clauses 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 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 Title and the Enacting Clause.

Put to the Committee and agreed to.

The question is that I do report that the Bill as having Committee Stage with one (1) amendment.

Put to the Committee and agreed to.

The Local Government (Financing and Financial Management) Act.

I put Clauses 1 and 2.

Put to the Committee and agreed to.

Mr. McKENZIE: Is this the money Bill? Is this the money Bill?

Mrs. NEITA-HEADLEY: Yes, yes.

The CHAIRMAN: Clause 3. I put the amendment to Clause 3.

Put to the Committee and agreed to.

I put Clause 3 as amended.

Put to the Committee and agreed to.

I put Part II. Clauses 3 to 11.

Put to the Committee and agreed to.

I put Part III, Clauses 12 to 26 - those in favour?

Mr. ARSCOTT: Chairman.

A Government MEMBER: Chairman.

Mr. ARSCOTT: There is an amendment to Clause 9.

The CHAIRMAN: Clause 9. No, we got that one but there was a change of heart. They cancelled the amendment.

Mr. ARSCOTT: The amendment is delete number 26 and substitute therefor 24, yes.

(Cross talk)

The CHAIRMAN: Minister, it was a typo.

I put Part III, Clauses 12 to 26.

Put to the Committee and agreed to.

I put Part IV, Clauses 27 to 31.

Put to the Committee and agreed to.

I put Part V, Clauses 32 to 35.

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 that the Bill as having Committee Stage with one (1) amendment.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the following Bills as having passed Committee Stage:

- Local Governance Act with seven (7) amendments.
- The Local Government (Unified Service and Employment) Act with one (1) amendment; and
- The Local Government (Financing and Financial Management) Act with one (1) amendment.

Put to the House and agreed to.

Mr. ARSCOTT: Mr. Speaker, I now ask for third reading of the Bills.

The SPEAKER: The question is that the Bills be read a third time.

Put to the House and agreed to.

Bill entitled:

"AN ACT to Provide for the comprehensive reform of Jamaica's local government system, through which Local Authorities will be granted greater scope and autonomy in the management of local affairs, with an expanded and more holistic mandate for the good governance, sustainable development and maintenance of good civic order within their respective jurisdictions, and for connected matters",

read a third time and passed.

(Applause)

Bill entitled:

"AN ACT to Provide a comprehensive framework for the employment, management and regulation of personnel employed by local government authorities; and for connected matters",

read a third time and passed.

(Applause)

Bill entitled:

"AN ACT to Provide a comprehensive framework for the financing and financial management of local authorities, and for connected matters",

read a third time and passed.

(Applause)

Mr. L. BUCHANAN: Minister, Desmond wants to shake your hand. Come Desmond, approach the throne of grace.

(Mr. McKenzie and Mr. Arscott shake hands)

(Applause) (Cross talk)

Mrs. NEITA-HEADLEY: Mr. Speaker, I now ask for the recommittal of the item, Announcements.

The SPEAKER: The question is for the recommittal of the item, Announcements.

Put to the House and agreed to.

ANNOUNCEMENTS
(Recommitted)

The Clerk also laid on the Table of the House:

Climate Change Policy Framework for Jamaica

Mrs. NEITA-HEADLEY: Okay, Mr. Speaker, it is not intended to do any further business today. We therefore ask for the adjournment of the House until next Tuesday, November 17, 2015 at 2:00 p.m.

The SPEAKER: The question is that the House do adjourn to next Tuesday, the 17th of November, 2015 at 2:00 p.m.

Put to the House and agreed to.

(Gavels) The House stands adjourned.

The House accordingly adjourned at approximately 6:00 p.m.

TUESDAY, November 17, 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. PHILLIP FEANNY PAULWELL, CD, (PNP), Eastern Kingston & Port Royal, Minister of Science, Technology, Energy and Mining and Leader of the House

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

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. 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

MR. EDMUND CURTIS BARTLETT, CD, (JLP), St. James, East Central

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

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

MR. DELROY HAWMIN CHUCK, QC, (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. FITZ ARTHUR JACKSON, CD, (PNP), St. Catherine, Southern

MR. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western

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

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

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

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

MR. RUDYARD CONRAD SPENCER, CD, (JLP), Clarendon, South Eastern

MR. DWAYNE FRANCOIS ST. MICHAEL VAZ, (PNP), Westmoreland, Central

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

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

PRAYERS

Prayers were offered by Dr. Andrew Wheatley.

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 from Brown's Town Community College and from St. Jago High School.

(Applause)

ANNOUNCEMENTS

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

- **Ministry Paper No. 138**
  Annual Report and Audited Financial Statements of the Jamaica Dairy Development Board for the year ended March 31, 2010
- Annual Report for the Clarendon Alumina Production Limited for the financial year 2014 - 2015
- Auditor General's Activity-based Audit Report on the Early Childhood Commission
- Auditor General's Financial Statements Assessment for National Road Operating and Constructing Company (NROCC) and this supersedes the document that was laid in this Honourable House on November 10, 2015.

(MR. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, entered and took his seat.)

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, we will commence Public Business with Item No. 4 under Government Business. The Debate had commenced some time ago on the DNA Act and we want to complete the Debate this afternoon. The Government had done the presentation and I think it is now the Opposition that will do their contribution.

(MR. LLOYD BARNES SMITH, (PNP), St. James, Central, Deputy Speaker, entered and took his seat.)

The SPEAKER: Mr. Smith.

THE DNA ACT

Mr. D. SMITH: Thank you, Mr. Speaker.

Mr. Speaker, the Minister opened this Debate some months ago, and at the time the Opposition had suggested that we felt that this was of such importance, a technical Bill that we strongly recommended that a committee should have been established to go in details with the Bill. The Minister was quite adamant, the Minister was quite adamant that he would not go the route of a Joint Select Committee. Notwithstanding, assurances given, well - he was adamant because he was of the view, I don't know why, that the Opposition would drag out the proceedings and run it into months.

Mr. BUNTING: No, into years.

Mr. D. SMITH: Well, we had a discussion with him and gave him an assurance that we would try our utmost, cooperate as best we can, where that Joint Select Committee would complete their task within a three to a four-month period, but the Minister objected, vehemently so. But much to our surprise, it was left on the Order Paper for sixth months during a period when we would have completed the Joint Select Committee and we would have - but the Minister in closing will, I'm sure, advise the House why he sought to have it pending for some six months, whereas we had agreed that we would endeavour to have it through the Joint Select Committee completed in about four months.

However, Mr. Speaker, let me start by confirming our full support for the introduction of the use of DNA technology in criminal...

(Applause)

Mr. L. BUCHANAN: Hear, hear!

Mr. D. SMITH: ...and other proceedings in Jamaica which require this level of forensic science. Let me explain also, at no time has the Opposition, regardless of who was the Minister or the Opposition spokesman, had any apprehension about the need to introduce the science into our arsenal of crime-fighting weapons.

I just wish to inform the House that in September 2011 at a post-Cabinet press briefing at Jamaica House, the then JLP Cabinet announced that it had given approval for the Chief Parliamentary Counsel to include the recommendations of the Jamaica Constabulary Force in the preparation of draft legislation related to the use of DNA evidence.

Mr. Speaker, those proposals related to replacement of dental impressions with buccal swabs when defining intimate samples, destruction rather than the retention of samples, designation of the Director of Forensic Science, lab and custodians of the national DNA database, and the introduction of a national DNA database system.

Approval was also given for an assessment to be done on the operations of the forensic lab. This led to some delays in concluding the draft then, but we should recall that this Bill was in gestation for approximately one decade, and that a number

of Ministers of National Security on this side, as well as on that side have contributed to its successful progress from creation to conclusion over those years.

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

Mr. Speaker, we certainly were not idle in terms of taking the process forward, up to when we demitted office in January 2012. So we were surprised at the three-year delay between 2012 and April of this year when the current Minister actually tabled the Bill. It can't be a question of the Government not making major changes to what we have done up to 2011, because the same people who are currently advising the Government on this Bill are basically the same people who were advising us between 2007 and 2011.

Mr. Speaker, some people have interpreted my call for the Bill to be sent to a Joint Select Committee of Parliament as signalling an intention to delay its passage even longer. However, the fact is that since the Bill has raised some concerns, we would have preferred if, after being tabled, it was referred to a Joint Select Committee of Parliament for further review. Indeed, the fact is that it is not the Opposition which is really opposing the provisions but some prominent lawyers who have made their positions quite clear.

Mr. Speaker, after the Bill was tabled and the Minister opened, we had a flood of concerns from various lawyers particularly the Defence counsels which were published in our newspapers, and that was one of the reason why we insisted that we wanted this Bill to be put to a Joint Select Committee. However, for example, they have noted - the lawyers that is - that the Bill allows for the taking of samples from persons suspected of criminal offences by reasonable force, if necessary, for forensic testing, that this could be unconstitutional. They are concerned that an accused person's right not to incriminate himself is being infringed by these provisions. However, Mr. Speaker, I'm not a lawyer, we have one of the best constitutional lawyers in the country on this side of the House, and…

Dr. DAVIES: Who is that? Must be Desmond.

(Cross talk by Mr. Jackson) (Laughter)

…who will make a contribution subsequently, and those ignorant persons on that side will get the benefit of his great legal mind.

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

Mr. Speaker, I believe that if the legal fraternity raises the issue of constitutionality of such an important piece of legislation, we have a duty to take a second look. In fact, our view has always been that Bills with this level of impact on our society should be sent

to a Joint Select Committee for a final review before they are passed into law.

Opposition MEMBER: Hear, hear!

Mr. D. SMITH: Some critics have argued that laws, including the DNA Act, which seek to compel an accused to render assistance to the Prosecution in proving their guilt, is bound to have problems with legal provisions prohibiting self-incrimination, what is called double jeopardy.

It has also been suggested that the Bill will empower the police to forcibly hold a suspect and remove hair from his or her body or saliva from the mouth for storage under the pretext of reasonable force.

Mr. Speaker, these are issues which need to be addressed, and we should not pass this Bill without implicit assurance that the constitutional rights of our citizens will be protected at all levels.

Mr. Speaker, over the past three years, we have developed a very untidy way of conducting Public Business in the House. This includes: passing Bills with possible or obvious flaws, and suggesting that the issue can be fixed at the time of the first review of the Act which is usually three to five years down the road.

Mr. Speaker, I am appealing to the Leader of the House to let us cut out this practice because even three to five years is much too long, because it causes Jamaicans to suffer injustice because of procrastination.

Mr. Speaker, there are concerns about the retention and destruction of the samples and their removal from the National DNA Register. These include the question of protection of the samples while they are being kept as well as their disposal.

I must also remind the Minister that the previous JLP Cabinet had given approval for the retention of an Independent Oversight Tribunal to review the performance of the Forensic Science Lab or the Forensic Institute, both in terms of biological testing and matching its quality control.

Mr. Speaker, despite assurances and assistance from the US Government over recent years, our forensic lab is still not up to required standard. The Minister should recall the harsh criticism of the Auditor General in her 2011-2013 Report in which she expressed her disappointment with the capability and performance of that lab.

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

According to the Report, and I quote, Mr. Speaker:

"Demand for forensic analysis from three scientific disciplines: Chemistry, DNA and Biology increased by some 47 per cent over six years. The Forensic Services Lab record shows that between January 2007 and December 2012, FSL

received 52,657 case submissions for forensic analysis under three disciplines. However, FSL was able to complete only 65 per cent of these cases."

Mr. Speaker, this will not be good enough under this Act. I hope that the Minister will be able to give us some assurance today, and an update on the state of the Lab, or the Institute, as it is now called. We need to know what will be the cost of operating the Institute, and whether the Government is fully committed to providing total funding, unilaterally, bilaterally, or multilaterally, because without the proper funding of the Institute, the whole system will break down.

Mr. Speaker, we have to bear in mind that the technical reliability of DNA evidence depends on a number of factors, including the quantity and quality of the analyzed samples, as well as the laboratory equipment or technique used in analyzing the samples. We have to bear in mind that DNA database occupies more storage space, compared to non-DNA databases, due to the enormous size of the DNA and the sequence, and therefore, storage will be an enormous cost.

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

Every year, DNA databases are growing. This is a major challenge to storage, data transfer, retrieval and search. To address these challenges, DNA databases have to be compressed to save storage space and bandwidth during data transfer. They also have to be decompressed during a search or a retrieval of the sample. Therefore, we have to be efficient in compressing as well as decompressing.

Mr. Speaker, we can't, like we are doing in the case of decriminalization of ganja, tell the police to ignore the samples. If there is no place to store them, we need to ensure that there is accommodation to store these samples. We need to recognize that a DNA sample is only capable of analysis if there is sufficient quantity and reasonable quality of DNA present in the sample.

Therefore, it is also the problem that with the increase of the users who access the DNA base, people are worried about their information being leaked or shared inappropriately. For example, the DNA profile may be shared with others, such as law enforcement agencies or countries without individual consent.

Mr. Speaker, I believe, in many ways, we are at an interesting juncture in forensic DNA. We have, over the past few years, developed great technological capabilities that, in some ways, have outpaced our ability to appropriately interpret the evidence we have obtained.

However, I also believe that the fundamental danger in expanding this work is the need to provide full protection of the samples and the data which comes out of the process, as well as the need for funding to meet the requirements for expanding its role.

Cost will play a very important role in the future of DNA in forensic science. But,

we have to recognize that public labs are dependent on taxpayers' support, and especially within the current economic environment, the Ministry will have to compete for funds with a number of other pressing issues.

Mr. Speaker, I hope however, that the Government in particular, and the country in general, recognizes the importance of bringing crime, especially violent crime, under control and the need to increase the budget of the Ministry to allow it to fulfill its roles. We can't have any more of decreasing the budget of the Ministry of National Security.

(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.)

So in closing, Mr. Speaker, with that in mind, we have learned that the past performance will, as we did in the present, we'll be able to create a future where forensic DNA analysis can play an important role in criminal justice system here in Jamaica.

But Mr. Speaker, having said all of that, we also have to ensure that our justice system improves, because what we have now where cases are pending in some instances for decades will not work, will not assist the process against a background of high crime, in particular, runaway murders.

And I close, as I started, Mr. Speaker, that the Opposition supports a Bill which we accept as our own, having when we left office at the end of 2011, the Bill was almost ready.

Thank you very much, Mr. Speaker.

The SPEAKER: Mr. Chuck.

(*Sotto voce* comment by Dr. Davies)

Mr. D. SMITH: Yes, that's him, that's him.

Mr. CHUCK: Mr. Speaker, let me say that this Bill has long been coming. It is a Bill which, regrettably, we, in the last Administration, did not bring it and at the beginning of this Administration, I have asked that it should, in fact, be brought to the Parliament as soon as possible, and it is unfortunate that almost at the end, perhaps another couple weeks before the end of this Administration, that the Bill is finally - likely to be passed.

(*Sotto voce* comment)

Mr. CHUCK: Well, my understanding is that the Prime Minister is waiting on a call, and I heard the call will soon come, so that it is almost at the end of this Administration...

(*Sotto voce* comments/Laughter)

Mr. CHUCK: It is almost at the end of this Administration that this Bill is finally coming.

Now, Mr. Speaker, this Bill, the DNA Bill, is a very important Bill in the administration of justice.

A MEMBER: Hear, hear!

Mr. CHUCK: Most importantly, Mr. Speaker, it can serve to exonerate innocent offenders, or alleged innocent offenders. Indeed, Mr. Speaker, one of the major, or the most significant importance of a DNA testing is that it has assisted in absolving persons

who have been convicted of serious crimes, including murder and serious rape in America, because Mr. Speaker, DNA is unique to an individual and especially in rape cases where there is a sample, it can assist greatly in exonerating the alleged rapist.

So, Mr. Speaker, the first point to note is that no one should be afraid of giving a DNA sample if they are straightforward and innocent individuals, because a DNA sample can assist in exonerating such a person from allegations of an offence.

Also, Mr. Speaker, we know that a number of persons on whom jackets have been laid - persons, Mr. Speaker, who have been alleged to be fathers and who insist on a DNA test, a number of them, it has been shown that they are not really the fathers. And accordingly, Mr. Speaker, they have been exonerated and allegations of them being the father of children have been removed.

So Mr. Speaker, DNA testing is a major, major, medical, technological tool in promoting, not only truth, but especially in absolving persons who have been alleged to have committed crimes. But at the same time Mr. Speaker, we must be very careful how we utilize it or how we seek to get it in order to convict persons.

(HON. EDWARD RICHARD AZAN, (PNP), Clarendon, North Western, Minister of State in the Ministry of Transport and Works, entered and took his seat.)

Now, Mr. Speaker, I must admit that the submission from the Bar Association, I did not know until I just got it, maybe less than an hour ago, but these are the concerns, some of which I had.

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

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

And I hope that the Minister of Justice, who is putting forward this Bill, can respond to some of them, because some of them are serious concerns which, if the necessary safeguards are put in place, they can be properly implemented.

So although, Mr. Speaker, some of them are major concerns with the proper implementation, the breach in the constitutional rights can be avoided. And there is no doubt you know, Mr. President, that the DNA Bill, as I said, is of significant importance and it has to be put in place. But always, Mr. Speaker, how we implement and really ensure that it is effective depends on how we carry it out.

So Mr. Speaker, the Bar Association and with the permission of yourself, Mr. Speaker, expressed concerns in a few sections which is important that I should read them and the Minister can respond accordingly because the Permanent Secretary has responded to some of them, so you could reiterate for the records.

So Section 14, Mr. Speaker, provides for the taking of a sample with the consent of a child under the age of 16 years. Now this is the Bar Association, Mr. Speaker, has expressed some concerns because being under 16 the child is of tender age and the view is that it may be where a child is illiterate or suffering from disabilities that that child should be properly safeguarded and maybe the permission of the guardian or an adult should be necessary.

So the Bar Association's position Mr. Speaker is that the necessary safeguards must be put in place to reduce the likelihood or risk of abuse of this provision, especially regarding the basis for determining when someone is likely to obstruct the course of justice. If a detention officer intends to proceed without the usual written consent on the basis that there is likely to be such obstruction of justice, notice should first be given to the affected person.

I have no doubt, Mr. Speaker that with some cooperation that this breach need not occur. So the question is how you put in place the necessary regulations to avoid any possibility that a child under the age of 16 whose DNA needs to be taken that the necessary safeguards and protections are put in place?

More importantly, Mr. Speaker, Section 15 provides for the taking of non-intimate sample such as saliva, hair such as pubic hair and nail, skin impression, swab, *et cetera*. The more important point here, Mr. Speaker, is that it may happen that the person refuses to give a sample. And the question arises, Mr. Speaker, should reasonable force be used to take the sample?

Now, Mr. Speaker, generally there is a rule against self-incrimination. No one is forced to speak or to do anything to incriminate his or herself. So in a matter like this, where the person feels that if the sample is taken then it will certainly show that he is a guilty person then the person might well refuse. So if the person refuses, is it right to use reasonable force to take the sample to prove the case? And this is a difficulty, Mr. Speaker, because the person may well say I am not giving a sample because he is knows he is the offender, so he refuses on the very ground, Mr. Speaker, of self-incrimination.

So in such a case, Mr. Speaker, we have to be careful, Minister, and it may well be that we should put in a provision that all reasonable steps were taken to persuade the person to give a sample but if he or she refuses and that, Minister, will be a strong case against him in court, because instead of using reasonable force to take the sample which I dare say, Mr. Speaker, might be a breach of his constitutional rights, I think a better or alternative position is that having been given all opportunity to give the sample, including a simple pulling of a hair and he refuses, then a case that is even stronger or as strong may be not as strong but perhaps very compelling is that having refused to give the sample that evidence could be used against him in court and I have no doubt, Mr. Speaker, that a jury or a Judge would use it against him possibly to convict him. And in such circumstances, Minister, I think rather

than abusing or breaching his constitutional rights in forcing him to give the sample or infringing on his person, then it may well be that we put in an alternative that after all reasonable steps were put in place for him to give the sample and he refuses at every opportunity to do so, and in such circumstances, Mr. Speaker, it may well be that we look at the alternative.

So there is no doubt, Mr. Speaker, that the draftsmen and the Government had looked at a Bill which really we should pass and we should pass with these concerns that I have expressed, but we can't ignore these little concerns of the Bar and see if we can put in place the necessary protection or safeguards so that the constitutional rights of persons are not breached. Indeed, Mr. Speaker, even in Section 25 a person who has committed an offence, so he is an offender, Mr. Speaker.

The question arises having been convicted, does the State have a right to get a DNA sample from him? You know, Minister, I think the vast majority of the people would say, yes. You know, having been convicted just like when you are charged and you need to give your fingerprint, I strongly believe that in the case of an offender who has been convicted that in such circumstances if he refuses to give a sample I have no problem in using reasonable force to get the sample. I have no problem with that one because he is now a convicted person. But as against my argument where he is not a convicted person, then I would say that if he is a convicted person when he goes to the prison or when he is going to leave the prison one of the conditions should be that he gives a sample so we get his DNA. Because unfortunately, Mr. Speaker, there are many offenders who commit offence again and therefore we need to get his DNA so if he should commit another offence. Indeed, we could say as a part of your early release or parole you must give your DNA and it would be easy to do so, Mr. Sneaker, to get his DNA sample. But even if he refuses to give the DNA sample, I have no problem, because he is a convicted person to use reasonable force to get that sample.

So I see, Minister, you can see my distinction between a person who is not convicted and one who is convicted and therefore should, with reasonable force, provide the sample.

So with those concerns, Mr. Speaker, there is no doubt that the DNA is something that we need to not only promote because of the uniqueness of this particular technology, but, Mr. Speaker, I will just thread on one or a few more moments, Mr. Speaker, because you know the Minister in one of this wayward speeches, wayward, in one of his many wayward speeches said that we should bring legislation here to have the Electoral Commission release fingerprints so that it can be used in law enforcement.

Mr. BUNTING: Mr. Speaker, on a point of order. The Member is misleading the House. I challenge you to bring evidence to that, I did not say that. I did not say...

Mr. CHUCK: My understanding of….

Mr. BUNTING: That's not your

understanding, withdraw the statement. I never said to bring legislation.

Mr. CHUCK: My understanding is that you wanted to bring legislation.

Mr. BUNTING: No it's not so. You see, you are going on hearsay. I said if ever we were to be able to - law enforcement was to access that database it would require agreement and that it would require some framework. I never suggested that it be done.

Mr. CHUCK: Well, let me put it differently then, Mr. Speaker, to even think of that was wrong. To even think of that was wrong. Because, Mr. Speaker, this Parliament, this Parliament gave a commitment that the fingerprints in the electoral base would never be used other than for electoral purposes. But you know, Mr. Speaker, I have on the Order Paper a Motion to bring about a national identification system which the Leader of the House has refused to bring for debate. But you know Minister, I have no doubt that ultimately that the national identification system may well have DNA as one of its features, because every single individual is unique.

(*Sotto voce* remarks by Government Member)

Mr. CHUCK: No, not necessarily compulsory.

(*Sotto voce* remarks by Dr. Davies)

Mr. CHUCK: It should be voluntary. I have no problem. The point about it, you know, how unique you are. How unique you are is not so much your picture, not so much your name, not so much your age, not even your fingerprint but to the best of my knowledge is the DNA that is unique to you.

I have no doubt, Mr. Speaker, that ultimately I am not saying in the next 5, 10 or even 15 years that it would be long before you need a DNA so that when you go to the bank and you press a button or you use your finger or you put some saliva you are identified by your DNA to ensure that you can transact business. I am just saying, Mr. Speaker, that nowadays identities are being stolen and not even fingerprints can protect you. All I am really saying it won't be long before you can't be protected; you may well have to use your DNA because it is unique. So I look forward to that day, Mr. Speaker. At this moment I will support this Bill which is necessary in the fight against crime. (Applause)

The SPEAKER: Mr. Atkinson.

Mr. ATKINSON: May it please you, Mr. Speaker.

One of the problems with the concern about DNA is that as many people as those who don't even know what DNA means they don't seem to understand the nature of DNA. DNA is something that you cannot see with the naked eye. So storage of DNA samples does not mean that anybody can break in and decode your DNA. It requires not only very complex scientific knowledge but sophisticated equipment.

What we don't understand about DNA is that we leave our DNA all over the place, almost everywhere we go we leave samples of our DNA. In fact, to get one's DNA, one would simply have to go in a restaurant where you have drank out of a glass, and

before it is washed to pick up that glass and get your DNA. You can't see it but it is there.

(*Sotto voce* comments)

Mr. Derrick SMITH: But we don't know about DNA, we know about managing constituencies.

Mr. ATKINSON: And just in case you wanted to know, Mr. Leader of Opposition Business, DNA is deoxyribonucleic acid.

The concern about the use of force - and this relates only in circumstances where consent is refused for non-intimate samples. And non-intimate samples do not include pubic hair, pubic hair is expressly excluded. It is hair, and so one just has to get your hairbrush or your comb and they have all the samples that they will need.

And force is no more than the force that would be used if the Court were to order that your fingerprints be taken and you refuse to take it. And all it requires is some saliva, ordinary hair sample, a piece of your fingernail, material found under your fingernail, a swab of your mouth without breaking the skin, or a skin impression.

The concern about violating one's right against self-incrimination I think is completely misplaced. If there was any right that one were to consider it would be the right against unlawful searches or perhaps privacy, but certainly not the right to self-incrimination.

And as I indicated to my friend when he was speaking, that anybody who would stand up in a Court and say I refuse to give my DNA because it might incriminate me, is certainly making in that statement very incriminatory admissions, to start with. So I don't imagine that that would even arise in any circumstances.

The law makes it clear that in circumstances where the consent of persons under sixteen is concerned, that an adult, parent or guardian or a court order would bolster that consent. So it's not a situation that the law is going to take advantage of under-aged children.

As the Member from North East St. Andrew pointed out, it is a watershed and critical piece of Legislation. It is a piece of Legislation - the more you read and listen to our news today, the more we recognize how vital it is. And, in fact, I think most informed persons, particularly parents of newborn, would probably want to have their children's DNA registered somewhere and accessible later on.

When we read of airplane accidents, when we read of terrorism and having to sort out who might have been present when things went on, you recognize how critical it is if there were DNA Registries available.

In any event, Mr. Speaker, it takes away from persons who have committed crimes, serious crimes, the opportunity to hide from justice.

In the circumstances, I would support this Bill as one whose time came and went long ago.

May it please you.

(Applause)

Mr. BUNTING: Mr. Speaker...

Mr. WARMINGTON: Say something with sense now.

Mr. BUNTING: Mr. Speaker, let me thank the Opposition for their support for this, as all speakers have said that it is a very critical and important piece of Legislation.

(HON. HORACE WASHINGTON DALLEY, CD, (PNP), Clarendon, North, Minister of Health, entered and took his seat.)

I would just like to address some of the points raised, the first by the Member from North West St. Andrew who asked about the six-months delay. And I will remind him because he may not recall that when the suggestion was made to refer to a Joint Select Committee, which - by the Opposition - which inevitably would have delayed the process by a year or two, that I agreed to a compromise position - which he didn't mention - and that was that we would write the Bar Association and invite them to give their comments, as it was a relatively technical Bill and would be better appreciated by practitioners than just by members of the general public.

Mr. D. SMITH: You take the discussion out of the public space. That's the problem.

Mr. BUNTING: And I want to thank the Bar Association and in particular, Mr. Ian Wilkinson, the Chairman of their Law Reform Committee for the time that they took to review the Bill and to write a report on it. And we had both the AG's Department as well as the Law Reform Unit at the Ministry of Justice address those concerns, and the Legal Unit in the Ministry of National Security consolidated the responses and not only replied to the Bar Association, but the Opposition was copied on both their Reports.

Mr. D. SMITH: Last week, copied last week.

Mr. BUNTING: You read that slowly?

Mr. Derrick SMITH: Last week I got it.

Mr. BUNTING: I can't help it if he took a week to give it to you.

But the fact of the matter, Mr. Speaker, is that there was - there really was nothing raised that was not adequately addressed. And so we were able, given the intervening break - summer break from Parliament - that we have been able to move the Bill much more quickly than otherwise.

I would just read one section from the response that we sent over the concerns which I have heard raised again here today by the Members from North West and North East St. Andrew, respectively, and assure them that the Court of Appeal in England, the European Court of Human Rights and Courts in the United States have held that the taking of bodily samples does not breach the right against self-incrimination, because the right does not apply to real evidence samples.

And if I go further and quote from a Supreme Court of the United States reasoning around this where they recently had to consider whether the law that authorized using a cheek swab to take a DNA sample of a person arrested was unconstitutional. And by majority decision the Supreme Court of the United States held that the respondent's expectations of privacy were not offended by the minor intrusion of a brief swab of his

cheeks. And further, that DNA identification of arrestees is a reasonable search that can be considered part of a routine booking procedure.

In arriving at the majority judgement, the Court considered...

(*Sotto voce* comments)

Mr. BUNTING: In arriving at the majority judgement, the Court considered the fact that a buccal swab is a gentler process, a light touch on the inside of the cheek than that of drawing blood.

Mr. CHUCK: Still an assault.

Mr. BUNTING: The Court considered the legitimate government interest served by, in that case the *Maryland DNA Collection Act*, which is to provide a way for law enforcement officers to process and identify the persons and possessions they must take into custody in a safe and accurate way.

The Court noted that the use of fingerprint databases has been generally accepted, and went on to say as follows:

> *"The only difference between DNA analysis and the accepted use of fingerprint databases is the unparalleled accuracy DNA provides".*

The Court went on to opine as follows:

> *"The DNA collected from arrestees is an irrefutable identification of the person from whom it was taken. A DNA profile is useful to the police because it gives them a form of identification to search the records already in their valid possession. In this respect, the use of DNA for identification is no different than matching an arrestee's face to a wanted poster of a previously identified suspect, or matching tattoos to known gang symbols to reveal a criminal affiliation. Or matching the arrestee's fingerprints to those recovered from a crime scene.*

The Court, in balancing the reasonableness of the search stated that:

> *"It gave great weight, both to the significant government interest at stake in the identification of arrestees and to the unmatched potential of DNA identification to serve that interest".*

The Court further stated as follows:

> *"Finally, in the interest of justice, the identification of an arrestee as the perpetrator of some heinous crimes may have the solitary effect of freeing a person wrongfully imprisoned for the same offense".*

And so, Mr. Speaker, I think the large number of cases from the Court of Appeal in England, the European Court of Human Rights and the Supreme Court in the USA, can reassure us about the constitutionality of this issue.

Mr. Speaker, a number of concerns have also been raised about administrative processes in the taking of samples from various types of arrestees or from volunteers, and those have been addressed and will be addressed in the protocols developed around the taking of the samples.

Therefore, Mr. Speaker, I have only left to thank the Members who contributed to the debate. I want to thank the Attorney General for clearing up the issues surrounding the constitutional rights. And I conclude the

debate on the Bill and ask that it be approved and then go through the rest of the process. And I beg 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 Provide for the keeping, maintenance and operation of a consolidated forensic DNA databank, to be known as the National DNA Register for the purposes of forensic investigation and human identification inter alia 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, the retention or destruction of samples and DNA profiles, 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. BUNTING: Mr. Chairman, I would draw your attention to some minor amendments to be moved during the Committee Stage, the sheet has been circulated to Members; they are fairly minor, in many cases just typographical errors.

Mr. PAULWELL: Mr. Chairman, as the Bill has gone through so many iterations and it is so voluminous, can we move in parts?

The CHAIRMAN: Yes, we will proceed in parts.

I put Part 1, Clauses 1 to 4.

Put to the Committee and agreed to.

I put Part II, Clauses 5 to 9.

Put to the Committee and agreed to.

Mr. BUNTING: In Part III Clause 14, Mr. Chairman.

The CHAIRMAN: Just a minute, just a minute.

Part II is Clauses 5 to 13.

Put to the Committee and agreed to.

Yes, we have some amendments in Part III.

Mr. BUNTING: Yes, in Part III, Mr. Chairman, I point to the amendments to Clause 14 in subsection (l)(b)(i) and subsection (c)(ii)(A). Delete the words, "parent or guardian" and substitute therefor the words, "parent, guardian or adult relative." And similar in Clause 17(5) I would ask that we make an amendment to delete the words, "child other adult" and substitute therefor the words, "child or other adult."

The CHAIRMAN: Clause 14. I put the amendment to Clause 14.

Put to the Committee and agreed to.

I put Clause 14 as amended.

Put to the Committee and agreed to.

I put Clause 14.

Put to the Committee and agreed to.

Clause 15 put to the Committee and agreed to.

I put Clause 16.

Put to the Committee and agreed to.

Clause 17.

Mr. BUNTING: Put the amendment?

You want me to repeat the amendment for Clause 17?

The CHAIRMAN: No, it is an editorial.

Mr. BUNTING: Oh, it's editorial, so that doesn't need - okay.

The CHAIRMAN: I put Clause 17.

Put to the Committee and agreed to.

Part IV.

I put Clause 18.

Put to the Committee and agreed to.

I put Clause 19.

Put to the Committee and agreed to.

I put Clause 20.

Put to the Committee and agreed to.

I put Clause 21.

Put to the Committee and agreed to.

Clause 22. I put the amendment to Clause 22.

Put to the Committee and agreed to.

I put Clause 22 as amended.

Put to the Committee and agreed to.

I put Clause 23.

Put to the Committee and agreed to.

I put Clause 23.

Put to the Committee and agreed to.

Clause 24 put to the Committee and agreed to.

I put Clause 25.

Put to the Committee and agreed to.

I put Clause 26.

Put to the Committee and agreed to.

Part V. Clauses 27 and 28.

Put to the Committee and agreed to.

Part VI. Clauses 29 to 35.

Put to the Committee and agreed to.

I put Clause 36.

Put to the Committee and agreed to.

Clause 37. I put the amendment to Clause 37.

Put to the Committee and agreed to.

I put Clause 37 as amended.

Put to the Committee and agreed to.

I put Clause 38.

Put to the Committee and agreed to.

Part VIII. Clauses 39 to 43.

Put to the Committee and agreed to.

I put Part IX. Clauses 44 to 46.

Put to the Committee and agreed to.

I put Part X. Clauses 47 to 50.

Put to the Committee and agreed to.

I put Clause 51.

Put to the Committee and agreed to.

I put Clause 52.

Put to the Committee and agreed to.

I put Clause 53.

Put to the Committee and agreed to.

I put Clause 54.

Mr. BUNTING: Clause 54, Mr. Speaker, I'm proposing the amendment that was circulated to delete the clause and substitute the new Clause 54.

The CHAIRMAN: I put the amendment to Clause 54 which is a new Clause 54.

Put to the Committee and agreed to.

I put Clause 54 as amended.

Put to the Committee and agreed to.

I put Clauses 55 to 59.

Put to the Committee and agreed to.

Part XII. Clause 60.

Put to the Committee and agreed to.

Part XIII. Clauses 61 to 70.

Put to the Committee and agreed to.

Clause 71.

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 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 four (4) amendments.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage with four (4) amendments.

Mr. BUNTING: Mr. Speaker, I now ask that the Bill be read a third time.

The SPEAKER: The question is that the Bill be read a third time.

Put to the Senate and agreed to.

Bill entitled:

"AN ACT to Provide for the keeping, maintenance and operation of a consolidated forensic DNA databank, to be known as the National DNA Register for the purposes of forensic investigation and human identification inter alia 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, the retention or destruction of samples and DNA profiles, and for related matters",

read a third time and passed.

(Applause)

Mr. PAULWELL: Mr. Speaker, the Member from North Trelawny, the Attorney General will now deal with Item 7 under Government Business.

THE ADMINISTRATION (FEES COLLECTION) (VALIDATION AND INDEMNITY) ACT, 2015

Mr. ATKINSON: May it please you, Mr. Speaker.

The matter before this Honourable House is a Bill shortly entitled: "The Administrator General's (Fees Collection) (Validation and Indemnity) Act of 2015.

The purpose of this Bill has two objectives: one is to validate and confirm the acts of the Administrator General and the employees and agents of the Administrator General's Department in charging and collecting an investment fee at an incorrect rate. In fact, the rate that was collected was .75 of 1 per cent when the gazetted Administrator Fees Regulations published the rate at .75 per cent of 1 per cent. And the second objective is to indemnify the Administrator General, the Administrator General's Department and all other persons acting in its support from liability in relation thereto.

Mr. Speaker, when the fees were gazette, the rate of the fee was published in error. The Administrator General and the employees and agents of that office were unaware of the printing error and collected an investment fee at a rate of .75 of 1 per cent which conformed to the policy. However the published

investment rate was .75 per cent of 1 per cent.

The Administrator General Mr. Speaker, and the employees and agents thereof acted in good faith when they collected the investment fee at the rate which conformed to the policy but not published in the *Gazette*. The error, Mr. Speaker, was corrected in the Administrator General's (Fees) (Amendment) Regulations, and was published in the *Gazette* on the 23rd of December, 2014. Since that date the charging and collection of investment fees by the Administrator General's Department have been in accordance with the regulations made under the Administrator General's Act.

There are just two clauses, Mr. Speaker, and I propose to just take the House through very briefly in Clause 1, which is the usual citation clause setting out the title and year of the Act, and Clause 2 proposes to confirm as lawful, the charging and collection or the investment fee at the rate of .75 of 1 per cent during the period of March 30, 2004 and December 23, 2014.

Clause 2, Mr. Speaker, also seeks to indemnify any person who could be subject to liability due to the charging and collection of the investment fee, at the rate which differed from the rate that had been published. And those would be my opening statements on the matter.

Mr. Speaker, I would conclude and ask that the Bill be read a second time.

The SPEAKER: The question is that the Bill be read a second time.

Put to the House and agreed to.

Bill entitled:

"AN ACT to validate and confirm all acts in relation to the charging and collection of certain fees done in good faith and inadvertent as to the absence of statutory authority, by the Administrator General and officers, employees and agents of the Administrator General's Department, in the exercise of their functions under the Administrator General's Act, during the period commencing on the 30th day of March, 2004, and ending on the 23rd day of December, 2014, to indemnify persons against liability arising out of *bona fide* carrying out their functions, and for connected matter",

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 and 2 put to the Committee and agreed to.

I put the Preamble.

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 without amendment.

(Applause)

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage without amendment.

Mr. ATKIINSON: Mr. Speaker, I now ask that the Bill be read a third time.

The SPEAKER: The question is that the Bill be read a third time.

Put to the Committee and agreed to.

Bill entitled:

"AN ACT to Validate and confirm all acts in relation to the charging and collection of certain fees, done in good faith and inadvertent as to the absence of statutory authority, by the Administrator General and officers, employees and agents of the Administrator General's Department in the exercise of their functions under the Administrator General's Act, during the period commencing on the 30th day of March, 2004, and ending on the 23rd day of December 2014; to indemnify persons against liability arising out of *bona fide* carrying out their functions, and for connected matters",

read a third time and passed.

(Applause)

Mr. PAULWELL: Mr. Speaker, I move for the suspension of Standing Orders to enable us to take Private Member's Motion.

The SPEAKER: The question is for the suspension of the Standing Orders to allow for us to take Private Member's Motion.

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, at Private Member's Motion No. 38, the Member from East Portland had commenced the Debate some time ago; I am enquiring if other Members wish to speak at this point, failing which the Member will close the Debate.

The SPEAKER: Dr. Bloomfield.

Dr. BLOOMFIELD: Thank you, Mr. Speaker.

I rise to conclude the Motion - permission to speak from a seat other than my own.

The SPEAKER: You may speak.

Dr. BLOOMFIELD: Thank you, thank you, Members.

I rise to conclude the Motion that was brought a number of months ago, and started the Debate a few weeks ago. Unfortunately, we don't have any contributions from the many Members who should have been here, but are probably absent today because, among other reasons, I suspect a shift in the atmosphere, known as climate change.

And Mr. Speaker, I won't reiterate my opening statement as its *raison d'etre* is obvious. I acknowledge the persons who have commented along the way, and it was not meant to be exhaustive as the Motion simply highlighted a need for strengthening our democratic governance; simply, a Committee that would enhance the executive arm of Government; simply another working arm of Parliament, which would improve the effective law-making oversight and indeed, representational functions of our Parliament.

Indeed a Backbenchers' Committee would flesh out some of the recommendations made by other committees to extract very burning and weighty issues, to look at targeted areas, to act as a control mechanism of Government policies, and activities of other committees as I just mentioned: A Backbenchers' Committee which would trigger or catalyze our institutions of learning and research here in the Parliament, enhance our Parliamentary functions of legislation, of oversight, of budget scrutiny and indeed, of representation; a Backbenchers' Committee which would push for priority areas as we go forward; targeted areas, such as, disabilities, correctional facilities, growth strategies in areas of agriculture, tourism, industry and commerce and indeed, the emerging technologies, such as BPO and animation; areas that our Backbenchers' could, most appropriately, make contribution, as we all would learn how to conduct business in Parliament, and to be better representatives going forward.

Mr. Speaker, I won't delay, except to quote from Nehemiah 2, verse 18: *Then they said, let us start building, so they committed themselves to the common good.* And this Backbenchers' Committee would contribute to this common good, as we seek to enhance the functions and the capacities of all governmental system and indeed, our day-to-day government and governance. I conclude the Debate and commend it to the House.

Mr. Speaker, I thank you.

(Applause)

The SPEAKER: Those in favour of the Motion.

Put to the House and agreed to.

The SPEAKER: In the meantime, let us recognize the presence of Jonathan Grant School who joined us later.

(Applause)

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker, it is not our intention to do any further business this afternoon. I, therefore, move for the adjournment of Parliament until next Tuesday, November 24, at 2.00 p.m.

The SPEAKER: The question is that the House do adjourn until next Tuesday, the 24th of November at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: (Gavels) The House stands adjourned.

The Honourable House accordingly adjourned its sitting at 4.09 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2015 – 2016

TUESDAY, November 24, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:45 p.m.

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

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

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

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

HON. 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

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

DR. THE HON. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing with responsibility for Housing

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

OTHER MEMBERS

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

DR. DAYTON RICARDO CAMPBELL, (PNP), St. Ann, North Western

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

MR. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central
MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern
MR. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central
MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western
MR. RUDYARD CONRAD SPENCER, CD, (JLP), Clarendon, South Eastern
MR. DARYL WESLEY PHILLIP VAZ, (PNP), Portland, 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. Keith Walford.

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 on to today's business, let us welcome some visitors especially invited by me, our new Political Ombudsman is here with us today. (Applause) From the University of the West Indies, the Governance Society, we have some 13 members here today. (Applause) From Manchester we have Northern Caribbean University and Shortwood Teachers' College.

(Applause)

STATEMENTS BY MINISTERS

Mr. WARMINGTON: Mr. Speaker, before you go there. You said the new Political Ombudsman or Ombudslady. There was a Private Member's Motion brought to this House and accepted unanimously to abolish the position of Political Ombudsman. It went to Cabinet as is required by the Standing Orders of this House.

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

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

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

I believe if the Parliament accepts or pass a position, a Private Member's Motion, Resolution, what have you, I do believe that if it goes to Cabinet and Cabinet does not believe it should accept a recommendation from this House that at least a report should be brought back to this House and advise us. But we should not read in the paper that the Political Ombudsman has been appointed after

this Parliament, the highest authority and body in this country, takes a position, takes a position, accepted, approved and everything. We ought to get a report and advise as to what the position is on that Resolution, but we can't read in the paper and hear that an Ombudsman was appointed without we knowing what the position is. It says that that position should be abolished and we accepted that in this House.

The SPEAKER: Thank you, Mr. - thank you, thank you. House Leader.

Mr. PAULWELL: Mr. Speaker, just to clarify because the appointment of a Political Ombudsman is the domain of the Governor-General, and it is true that the Parliament had in fact debated on it and the matter, as is the practice, as is the rule, was taken to Cabinet and they only issue - and the Member is quite right - a report should really have come back...

Mr. WARMINGTON: Yes.

Mr. PAULWELL: ...to say that the Cabinet have not find favour with the report from Parliament and that is the position of the Government of Jamaica.

The SPEAKER: Thank you.

(MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, entered and took his seat.)

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

ANNOUNCEMENTS

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

- **Ministry Paper No. 139**
  Annual Report and Audited Financial Statements of the Agro-Investment Corporation for the year ended March 31, 2015
- Annual Report for the Jamaica Bauxite Institute Limited for the financial year 2014/2015
- Annual Report for the Electoral Commission of Jamaica for the financial year 2013/2014
- Annual Report for the E-Gov Jamaica Limited for the financial year 2014/2015
- Jamaica Mortgage Bank Annual Report and Financial Statement for the year ended March 31, 2015
- Annual Report and Audited Financial Statements of Jamaica International Free Zone Development Limited for the financial year 2014/2015.

(MR. WILLIAM JAMES CHARLES HUTCHINSON, CD, (JLP), St. Elizabeth, North Western, entered and took his seat.)

NOTICES OF MOTIONS GIVEN ORALLY

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 Firearms (Amendment) Act, 2015".

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

take first reading of the Bill and to give notice of second reading.

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move to introduce and have read the Bills shortly entitled: One, "The Constitution (Amendment) (Establish Fund Payment of Pensions Act 2015", and "The Pensions Public Service Act 2015".

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

Whereas subsection (1) of Section 17(d) of the Income Tax Act, hereinafter referred to as "the Act", provides that the Minister may make regulations generally in relation to transfer pricing and without prejudice to the generality of the forgoing, may make regulations determining (a), the size of enterprises to which the provisions of this Act relating to transfer pricing shall relate and (b), specifying the size and nature of transactions to which the provisions of this Act relating to transfer pricing shall relate;

And Whereas subsection (2) of the said Section 17(d) of the Act provides that regulations made under subsection (1), may be given retroactive effect to a date not earlier than January 1, 2015, and shall be subject to affirmative resolution of the House of Representatives;

And Whereas the Minister responsible for Finance on the 24th day of November, 2015 made the Income Tax (Transfer Pricing Documentation) Regulations, 2015;

And Whereas it is desirable that the Income Tax (Transfer Pricing Documentation) Regulations, 2015 be affirmed;

Now Therefore Be it Resolved by this Honourable House as follows:

1. This Resolution may be cited as the Income Tax (Transfer Pricing Documentation) Regulations 2015 Resolution.
2. The Income Tax (Transfer Pricing Documentation) Regulations which were laid on the Table of the House on 24th day of November, 2015, be affirmed.

I also beg to give notice, Mr. Speaker, that at the next meeting of the House I will move The Income Tax (Transfer Pricing Agreement) Rules, 2015 Resolution.

Whereas subsection (1) of Section 17 (d)(1) of the Income Tax Act hereinafter referred to as "the Act", provides that the Minister may make regulations generally in relation to transfer pricing and without prejudice to the generality of the foregoing, may make regulations:

a) Determining the size of enterprises to which the provisions of this Act, relating to transfer pricing shall relate; and
b) Specifying the size and the nature of transactions to which the provisions of this Act, relating to transfer pricing shall relate;

And Whereas subsection (2) of the said Section 17(d) of this Act provides that regulations made under subsection (1)

may be given retroactive effect to a date not earlier than January 1, 2015, and shall be subject to affirmative resolution of the House of Representatives;

And Whereas the Minister responsible for Finance on the 24th day of November 2015 made the Income Tax (Transfer Pricing Agreement) Rules, 2015;

And Whereas it is desirable that the Income Tax (Transfer Pricing Agreement) Rules, 2015, be affirmed;

Now Therefore Be it Resolved by this Honourable House as follows:

1) This Resolution may be cited as the Income Tax (Transfer Pricing Agreement) Rules, 2015 Resolution;
2) The Income Tax (Transfer Pricing Agreement) Rules, 2015,

which were laid on the Table of the House on the 24th day of November, 2015, be affirmed.

(MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern, entered and took his seat.)

(HON. NATALIE GAYE NEITA-HEADLEY, (PNP), St. Catherine, North Central, Minister without Portfolio in the Office of the Prime Minister with responsibility for Sport and Deputy Leader of the House, entered and took her seat.)

(MR. MIKAEL ASHER PHILLIPS, (PNP), Manchester, North Western, entered and took his seat.)

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

(REV. THE HON. RONALD GEORGE THWAITES, (PNP), Kingston, Central, Minister of Education, entered and took his seat.)

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

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. PAULWELL: Mr. Speaker, the Minister of National Security will address Question 31.

The SPEAKER: Mr. Smith.

Mr. D. SMITH: Mr. Speaker, I would like to ask the Minister of National Security to answer Question 31 standing in my name on the question paper.

The SPEAKER: Minister Bunting.

Mr. BUNTING: Thank you, Mr. Speaker.

Question 1:

Will the Minister answer to whether the contract awarded for the procurement of new passports was put to tender?

Answer

No.

Question 2:

If the answer to Part I is in the negative, will the Minister state the reason?

Answer

It was not put to tender because, first of all, the blank passport books must be compatibility with the existing passport production system in order to avoid the risk of lack of congruence between the

black books and supplier of the system. It was decided that there should be one supplier of both. This reduces the operational risk and ensures adequate supply of blank books.

Secondly, although the passport system is approximately 15 years old, PICA has been unable to replace it due to budgetary constraints. In earlier years PICA had considered introducing an integrated border management system and conducted preliminary work by engaging a consultant to provide a comparative estimate. Such a new system would cost approximately US$15 Million. It was felt that neither PICA nor the country could afford that level of expenditure at that time, therefore, the route of improving and upgrading the existing system has been taken.

And thirdly, the procurement of blank passports is a sensitive security matter. The nature of the system and its operation is a matter of national security to which there are serious implications, should the system be compromised.

In light of this, PICA has observed the exclusion of the follow-on agreements from the procedures in the Handbook of Public Sector Procurement Procedures, March, 2014, referenced at Volume 1 of 4, Section 1, Clause 1.2.1(g), which states that the following are not subject to the procedure contained in this Handbook: procurement of a sensitive nature for national defence, and/or national security purposes. Further, PICA was guided by correspondence from the National Contracts Commission, the last one dated October 17, 2013, reminding PICA of this exclusion.

Question 3:

Can the Minister advise when was the last time that the Government of Jamaica put the procurement of passports to international tender?

Answer:

On August 4, 2000, Canadian Bank Note Company Limited, and the Government of Jamaica, entered into an agreement for the development and supply of passports on a machine-readable passport system.

CBN was the successful bidder after an international tender process. The system was commissioned on September 3, 2010. Under the August 4, 2000 Agreement, one million passports were procured which lasted until March, 2010.

CBN has exclusive proprietary rights to the software, and to ensure continuity, functionality, and operability of the: system, the follow-on approach was used in 2010, 2013, and 2015 to procure additional supplies of passports to adequately provide uninterrupted passport services to Jamaicans locally, and overseas. These procurements were all endorsed by the NCC.

Question 4:

Will the Minister advise as to the Passport Immigration and Citizenship Agency's stock of passports prior to the award of the contract for the procurement of new passports?

Answer:

It didn't specify a date - a specific date in the question, but as at today the passport stock is as follows: Adult, 44,652; minor, 38,000 - and I should point out to the Opposition Spokesman that there is a typo in the written responses to the questions. Where it says 3,800, it should be 38,000, the remaining to be shipped from supplier, 1579 adult and 25,000 - again a zero missing from the rate table for minors. So, the total available as at today would be 46,231 adult passports and 63,000 minor passports - passports for children.

The projected monthly usage is 14,000 per month for adults and 6,000 for minors, respectively, giving a little over three months of stock for adult passports, and ten months of stock for children's passports.

Question 5:

Can the Minister advise how many passports per year were issued over the past five years.

Answer:

In Financial Year 2010/2011, there were 134,105 passports issued; 2011/2012, 138,773 passports issued; 2012/2013, 150,777 passports issued; 2013/2014, 177,243 passports issued and 2014/2015, 227,510 passports issued.

Question 6:

Can the Minister indicate whether the new passports being procured are biometric?

Answer:

The Jamaican passport is a machine-readable passport which has the face as a biometric feature. It is fully compliant with the International Civil Aviation organizational requirements.

There is a newer generation of biometric passports, commonly referred to as the e-Passport, which has additional biometrics; for example, fingerprints and iris scans embedded on a computer chip within the passport, but it also has the machine-readable page.

(HON. HORACE WASHINGTON DALLEY, CD, (PNP), Clarendon, North, Minister without Portfolio in the Ministry of Finance and Planning with responsibility for Public Service, entered and took his seat.)

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

(MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern, entered and took his seat.)

Question 7:

If the answer to Part VI is negative, will the Minister advise as to when it is intended to have Jamaican passports that are biometric?

Answer:

In the medium term, that is, in the next one to three years, the feasibility of introducing an Integrated Border Management System with an e-Passport module will be examined.

Question 8:

Will the Minister state the number of countries to which the current supplier, CBN, supplies passport?

Answer:

Eighteen (18).

Question 9:

Can the Minister advise of the countries in the Caribbean that are currently using biometric passports?

Answer:

All Caribbean countries except Haiti now use machine-readable passports with the face as a biometric feature. The following table shows Caricom countries that issue both e-Passports and machine readable passports with or without biometrics:

- Antigua and Barbuda machine-readable passports;
- the Bahamas - since 2007 issues an e-Passport which has biometrics, including fingerprints and the facial recognition;
- Barbados has a machine-readable passport. In fact, similar to Jamaica, Barbados, Belize, Cuba, Dominica, Grenada, Guyana, St. Lucia, Suriname, Trinidad and Tobago all have similar machine-readable passports;
- St. Kitts and St. Vincent have also introduced the e-Passports with the additional biometrics.

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

Question 10:

Will the Minister advise of the number of countries to which the supplier, CBN, provides biometric passports?

Answer:

Again, they provide 18 countries with passports, and of those 18, I believe it is 14 in the Caribbean, and the majority of them are machine-readable with three being the e-Passports with the additional biometric in the computer chip.

Question 11:

Will the Minister advise as to whom the local representative is of CBN?

Answer:

It is our understanding that CBN has an agreement in place with Dunn/Cox, attorneys at law for legal and consulting services. However, CBN, because of the long relationship that we have had with PICA, deals directly with PICA, and did not utilize Dunn/Cox services for PICA's current business.

Thank you.

Mr. D. SMITH: Mr. Speaker, to the Minister. Minister, this is very shocking information. The Opposition finds it very unusual, and very difficult, and in fact, will never accept that just short of $1 Billion worth of passports was ordered without following procurement rules. This is unheard of and I am of the view that it might even be illegal. Would you want to speak to that, Minister?

Mr. BUNTING: No, I don't wish to speak to that because I made it clear that it is consistent with the Procurement Guidelines.

Mr. PICKERSGILL: He didn't hear that.

(*Sotto voce* comment by Mr. Vaz)

Mr. D. SMITH: You didn't make it clear. You said that you got correspondence some years ago from the Contractor General; I think you said, about ordering then. You did not indicate that you got a current approval from that source.

Mr. BUNTING: I pointed out that the correspondence from the NCC, the National Contracts Committee, pointed to the section of the Public Sector Procurement Guidelines which says that in these cases - and in fact there are more than one sections that could apply, but we quoted from Volume 1 of 4, Section 1, Clause 1.2.1(g), which states that the following are not subject to the procedure contained in this Handbook. And that is procurements of a sensitive nature for national defence and/or national security purposes. Clearly, passports and our border control system would fall under that category.

But there is also another section which you could refer to, where it speaks to systems that are of a proprietary nature. It would be unwise, and perhaps impossible, to get a blank passport book from a separate supplier that would not be compatible with the proprietary software used by Canadian Bank note.

So if you are using a system - an integrated system, which has both the readers and the passports, it makes good sense to have both supplied from the same supplier.

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

Mr. D. SMITH: Minister, I refuse to accept that it would make good sense if you can't look at a comparative situation. It makes good sense for you to spend half-a-billion of the Government's money without tender, but you are not looking at a comparable situation. So how can you prove to this House that it makes good sense if you don't have anything to compare it with?

Mr. BUNTING: Mr. Speaker, I am surprised at the fact that the Opposition Spokesman is perplexed at this. In 2010 when that side was in administration, they did the exact same follow-on procurement without any international tender, for the same system.

(*Sotto voce* comments)

Mr. BUNTING: So you know, I must say his shock and astonishment and awe at this is extremely puzzling at this time.

(The Speaker gavels)

A MEMBER: Is it right or wrong?

Mr. D. SMITH: Mr. Speaker, to the Minister. What obtained in 2010, based on the rate of improvement in technology, doesn't necessarily mean it is the best option in 2015 going 2016. But let me deal now with the biometric passport - full biometric passport - e-Passport. Are you saying that you are satisfied spending approximately half-a-billion dollars to order an outdated type of passport for Jamaicans?

Mr. BUNTING: As I pointed out in the answers, it is not outdated; it is fully compatible with the International Civil Aviation Organization. And in fact, it is the exact same system that's used by the vast majority of Caribbean countries.

And I should point out that neither the system static; this is not the identical system that was purchased in 2001. Upgraded have constantly been done to the software, for example, there is facial recognition elements now embedded that were not there in 2001. So as you know, we have moved to adding the kiosks which was not a part - not a capability available back in 2001.

So the software is constantly being upgraded by the supplier, however we recognize that as technology improves, and as it becomes more standardized and affordable, it is something we will always have under review, and I can assure you that in my next term, as Minister of National Security...

(Applause)

Mrs. NIETA-HEADLEY: Hear, hear!

Mr. BUNTING: You hear that? ...Prime Minister willing, I will ensure that we have a thorough feasibility assessment of introducing the e-Passports.

(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. D. SMITH: Mr. Minister, you and your colleagues seem quite satisfied to keep Jamaica in the backwoods in relation to updated type of passport which is generally accepted around the world now. You feel satisfied in keeping Jamaica behind St. Kitts, St. Vincent and the Grenadines and the Bahamas because the sort of a support you get from your colleagues suggest - but you said in the next term you would deal with full biometric passport. You can do that because you casually spend half a billion dollars hiding under the guise of national security, which is nonsense, and we are very, very dissatisfied and this is a matter that we are going to have some further investigation on. You can't even tell us who is the local representative of these people.

(*Sotto voce* remarks by Mr. Bunting)

Mr. D. SMITH: No, no, you told me who their lawyers are.

Mr. BUNTING: And I explained also that we don't go through an intermediary. We have had relationships with these people now for about 15 years. So we deal directly with them, we don't go through an intermediary.

Mr. D. SMITH: I didn't ask you how long. I asked you who their agents are now.

Mr. BUNTING: I told you as - the information supplied to us they used Dunn, Cox and Orrette for legal and consultative services. Those were the only agents they told us of and we interfaced with no agent. We interfaced directly with their officers.

Mr. HOLNESS: Minister, just for curiosity you may have answered it, but I haven't read, is there likely to be a requirement from the international authorities that countries move solely to e-passports?

Mr. BUNTING: I am not aware of such a requirement but I would expect over time as technology evolves and become, and the use of e-passport which is right now still with a fairly exclusive group of countries, but as it expands I would imagine that the standards

would be raised to have reflective improvements with technology and security.

Mr. HOLNESS: A follow-on, Minister, so you would be saying that the stock that you had purchased under the existing technology would be exhausted by the time that this happened, or is it likely that the requirement would happen and you are left with an abundance unnecessarily?

Mr. BUNTING: It would be near exhausted based on the rate of growth in the issuing of passports each year. And to put in an entirely new system would not involve just passport books, you would have to have a whole new set of readers, a whole new set of kiosks, a whole set of training. And, as you know, implementation of a major integrated border control management system is something that would take a year, two years at least to go through the evaluation, writing the specifications, international tender and then implementation of a full system. So you would be talking, you know, as I say, a minimum of probably two years for that process to be implemented.

Mr. HOLNESS: Just to be clear again Minister, you may have it in your answer. I haven't had a chance to read your answer fully. How long do you expect the stock that you have to last?

Mr. BUNTING: If you have a copy of the answer we have been growing between 2010, 2011 and 2014, 2015 from a 134,000 passports issued annually to - by 2014/2015 we were at 227,000. So if you assume that next year, based on this rate of growth, we are saying somewhere between 250,000 and 300,000 we will be looking at the new order between two and three years, would serve us between two and three years.

Mr. D. SMITH: The kiosks that you created.

Mr. BUNTING: No, that was before. This is in the previous fiscal year; this is not in the current fiscal year.

Mr. BARTLETT: Mr. Speaker, the Minister, in giving his answers to Question No. 5, indicated that the number of passports issued had increased and what seemed to be nominally during the period 2010 to 2011, 2011, 2012, 2013, even up to 2014, but then there is this phenomenal increase of nearly 50,000 in a single year. Would the Minister wish to indicate what gave rise to this phenomenal increase and if, indeed, there is any consideration or, in fact, any active economic citizenship programme at work?

Mr. BUNTING: No. I think it reflects two things. One, increasingly a number of commercial enterprises requires multiple pieces of identification and the passport is usually one of those that they use that all will accept. So a lot of people get passports for identification purposes, even if they are not immediately required to travel. And we have seen even at places like the money transfer and remittance agencies, some of them have started requiring at least two separate picture IDs and they will only accept certain types.

Mr. BARTLETT: Machine-readable.

Mr. BUNTING: Well some may require machine readable, but I know the passport is a universally accepted one. I believe the increase in issuance is perhaps reflecting that

phenomenon, as well as from the fact that as people become more prosperous and more accustomed to travelling, interact with relatives overseas, businesses overseas, people travel more. So I believe that more people need passports to facilitate travel.

Mr. BARTLETT: Mr. Speaker, just a follow-up. The recent disclosure that over 100,000 Jamaicans migrated since 2012, is that an indication of this spike in the demand for passport for this year?

Mr. BUNTING: I cannot verify that figure. I didn't come here prepared to speak to that.

Mr. BARTLETT: But STATIN gives it for you.

Mr. BUNTING: But I am not aware of any particular connection, because you would be suggesting that persons who were migrating were first-time passport holders and that could be, but I wouldn't see that as - I wouldn't see a high correlation.

Mr. BARTLETT: It's worth checking. We can look at it.

The SPEAKER: House Leader.

Mr. HUTCHINSON: Mr. Speaker, I beg to give notice that at the expiration of 21 days I will ask the Minister of Transport and Works the following questions:

Question 1:

Will the Minister state which roads have been rehabilitated or patched by the National Works Agency and the amount of money spent on each road in St. Elizabeth since January 2012.

Question 2:

Will the Minister state which roads have been rehabilitated or patched by the National Works Agency and financed by the Tourism Enhancement Fund since January 2012?

Question 3:

It is reported in Ministry Paper No. 123-2015 "the Mocho to Arcadia roadway is a major link between Montego Bay resort area and Accompong in St. Elizabeth". Will the Minister state why the road is being rehabilitated from Mocho to Arcadia and not from Arcadia to Accompong in St. Elizabeth?

I would like also, Mr. Speaker, to find out from the Minister of Science, Technology and Energy when will Question 26, standing in my name, which is supposed to have been answered from the 7th day of October, when will this one be answered?

Mr. PAULWELL: Mr. Speaker, I would like to let the Member know that I intend to bring him some good news next week when I answer the question.

Mr. McKENZIE: Christmas.

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.

NOTICES OF MOTIONS GIVEN ORALLY
(Recommitted)

The SPEAKER: Minister Hylton.

Mr. Anthony HYLTON: Mr. Speaker, I beg to give notice that at the next sitting of the

House I will move to introduce and have read a first time the Bills shortly entitled: "The Limited Partnership Act, 2015" and "The General Partnership Act, 2015".

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Mr. BUNTING: Mr. Speaker, I now move for the suspension of Standing Orders to enable me to take first reading of the Bill, notice of which I gave earlier and also for me to give notice of its second reading.

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

Put to the House and agreed to.

The SPEAKER: Minister.

Mr. BUNTING: Mr. Speaker, I now move to introduce and have read a first time the Bill shortly entitled: "The Firearms (Amendment) Act, 2015".

Bill entitled:

"The Firearms (Amendment) Act, 2015",

read a first time.

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

PUBLIC BUSINESS

REPRESENTATION OF THE PEOPLE ACT 2015

Mr. PAULWELL: Mr. Speaker, this afternoon we will commence Public Business with the amendment to the Representation of the People Act, 2015. Mr. Speaker, this Bill, which is before this Honourable House, seeks to amend the Representation of the People Act to address the matter, the fundamental matter of campaign financing in Jamaica.

The Bill implements recommendations set out in the Report on Campaign Financing prepared by the Electoral Commission of Jamaica. The Bill seeks to fundamentally reform the matter of how campaigns are financed as well as to introduce certain key guiding principles. The rationale for reforming campaign finance is the recognition of the need to bolster the transparency and accountability of elected officials and reduce corruption and improper influence in public life, thereby encouraging greater confidence in our political process. These are principles, Mr. Speaker that I, the Government and I am sure the Opposition will unreservedly support in this Debate.

As Leader of Government Business in the House, I commend the ECJ, its Commissioners and the staff of the Electoral Office of Jamaica for their work in preserving, protecting and promoting our (suffrage) and the process of democratic representation.

The amendments to the Representation of the People Act, Mr. Speaker, represent a historic and indeed timely development. The changes have been long in coming and for the first time we are about to witness the insulation, I believe, of our democracy from corruption. Elections must reflect the will of the people; political power must not be bought; confidence in the governance of our country must remain sacrosanct, and at all

costs we must protect the processes that give meaning to full participation and national development.

It is my wish that the ECJ reaches out through its commemorated activities that it is currently pursuing, that its messages will gain traction and that our people will recognize and appreciate the great gift of exercising their franchise: the right to vote in national elections, the responsibility to participate in determining the destiny of the nation and an appreciation of the embodiment of liberty, freedom and self-determination. All stakeholders have invested much thought and time in the process and must be commended. The Electoral Commission of Jamaica has once again proven its maturity, its integrity and prudence in contributing to the process and in the end the Representation of the People Act, 2015 will redound to be benefit of us all and the enhancement of our democratic way of life.

Mr. Speaker, as I proceed to go into some of the background, especially some of the developmental work in relation to this Bill, you will recall when I tabled the Bill some weeks ago, I had issued a reservation on behalf of the Government, largely because we are very sensitive and responsive to the will of our people who generally believe at this time the provision at 52B(n) would not be appropriate in terms of the funding by the State of political campaigns.

But Mr. Speaker, on reflection, and certainly, being very impressed with the comments from the Opposition - especially the Member from South West St. Catherine - that we need to preserve at all costs the tradition which speaks to maintaining without change all the recommendations from the ECJ, Mr. Speaker, in light of that, and so as not to be in breach of that tradition, the Government is removing its reservation on the section, with the hope that all sections will be approved by both sides, and thus maintaining the tradition. And I hope that when the Opposition gets to speak next week they will endorse that statement.

Mr. Speaker, the matter of campaign financing was first placed on the agenda for electoral reform as far back as November, 2003. The Electoral Advisory Committee at that time held consultations with the representatives of political parties and Civil Society organizations, and at that time had joined the issue on both political party registration and financing with that of campaign financing. Not realizing much success then with the presentation of both matters conjoined, the Commission sought to separate the issues. And for the recollection of this Honourable House, the Bill on *Political Party Financing and Registration* was in fact passed last December, 2014.

Mr. Speaker, Jamaica has made noteworthy progress in reforming its electoral process and in ensuring that the basic principles of democracy, the principles of integrity, fairness, transparency and respect for the sovereignty and will of the people, form the basis of efforts towards electoral reform.

The progress made is recognized not only by the people of Jamaica - and sometimes, Mr.

Speaker, we don't give ourselves enough credit for some of our accomplishments. And I think in this area of electoral reform the Jamaican people can feel justly proud of the successes that we have achieved over the last number of decades. (Applause) The progress made is recognized not only by us, as demonstrated by our people's growing confidence in the ability of the system to deliver free and fair elections, with the results taking effect in accordance with the law, but also by regional and indeed international bodies and organizations that see Jamaica as *avant-garde* and as a hemispheric leader in promoting electoral reform, as well as in conducting elections to the highest international standard.

The country, in general, and the ECJ in particular, are mindful of the progress made thus far and are grateful for the recognition. Nonetheless, Mr. Speaker, it recognizes that there is still much more work to be done.

Mr. Speaker, while the importance of the role that money plays in politics has been recognized for a long time, the last ten years have seen a significant increase in the attempt of many jurisdictions to regulate the issue of political campaign financing. The issue is usually regulated by implementing several mechanisms, but largely through imposition of a cap on spending limits, bans on certain sources of campaign handing, and the introduction of various regimes of disclosure requirement.

Recognizing the deficiencies of the provisions of Sections 56 to 61 of the ROPA, in providing an effective mechanism to control election expenses, the Electoral Commission put forward several recommendations proffered in its Report on campaign financing. The background to the Report and the recommendations proffered therein are as follows.

One: The Commission hosted a Caribbean Regional Meeting of the OAS, on Political Party and Campaign Financing. This meeting was held on September 2 and 3, 2010, at which representatives of the OAS presented a model legislation for Campaign Financing.

(*Sotto voce* comments)

Mr. PAULWELL: Two: The content of the Commission's Report on Campaign Financing - if the Member from North East St. Andrew would allow the Member from North Central St. Andrew to hear my presentation without interpretation.

Mrs. NEITA-HEADLEY: Yes, and we agree.

Mr. PAULWELL: Very well.

Mr. VAZ: Much better than CCJ.

(Heckling)

(*Sotto voce* comment from Mr. Vaz)

Mr. PAULWELL: The Commissioners participated in various discussion programmes on both radio and television. Invitations were extended to citizens and organizations to submit suggestions to the Commission on campaign financing.

Mr. Speaker, representatives of both major political parties and the returning officers held special consultative meetings in the various constituencies to present suggestions and recommendations on the issue. Meetings were also convened with

representatives of the minor political parties and the ECJ, where the content of the Report was shared. Meetings were also held with representatives of Civil Society Organizations. And I really want to commend the various Civil Society Organizations for the role that they are playing. (Applause) Citizens Action for Free and Fair Elections, CAFFE, the President's Council of the Private Sector Organization of Jamaica, Jamaica United for Sustainable Development, the Bar Association of Jamaica, the Press Association of Jamaica, the Umbrella Group of Churches, the Women's Resource and Outreach Centre, National Integrity Action Forum, the Jamaica Coalition of Civil Society, the Bankers' Association of Jamaica, the Women's Political Caucus, among other organizations.

Mr. Speaker, we want to recognize the role of these Civil Society bodies as being legitimate partners in the unfolding democracy that we are trying to perfect, and we will continue to support their views on matters relating to this, and indeed other national issues.

Meetings were also held with the Contractor General, the Political Ombudsman, the Chairman of the Broadcasting Commission, as well as with the Director of the Financial Services Commission. We had public meetings in Montego Bay and Mandeville. The Commission subsequently collated the various responses and submissions from the many sources above, which is drafted as a set of recommendations incorporating the various responses; consultations were then held with other stakeholders and so on and so forth.

So Mr. Speaker, the process has been quite involved and all-embracing. Again, a feature of the ECJ in its approach to recommend to this Parliament matters relating to the work of the ECJ.

Mr. Speaker, the specific recommendations of the Commission's Report were made with the emerging knowledge and against the background that there is no perfect legislative scheme for campaign financing; we have to be clear on that. And we are always clear, Mr. Speaker, that perfection ought not to be the enemy of the good.

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. PAULWELL: And prudence, we believe, requires that acceptable workable and effective measures be put in place as one of the requirements of good governance, and that's what we are seeking to do with these amendments. Further, a workable and effective mechanism on campaign financing must at a minimum include elements dealing with sources of funding, permissible and impermissible donors, a system of disclosure and monitoring to an extent, and monitoring of course, to an extent of State funding of these campaigns.

Mr. Speaker, note should be taken that prior to November 2011, there was a voluntary agreement brokered by the ECJ - by both parties - in relation to donations from any foreign or Commonwealth Government or their agents or agencies, whether directly or indirectly, and that no donations would be accepted from other named sources, including unregulated financial institutions. These are things that we had agreed on before.

Further, Mr. Speaker, both parties made a commitment that they would direct all their candidates to comply fully with the existing provisions of the ROPA, Section 51 - Sections 51 to 61. Note also, Mr. Speaker, that Parliament, in November, 2011, increased the limit of expenditure by a candidate from the sum of Three Million Jamaican Dollars (J$3M) set in 1997, to Ten Million Jamaican Dollars (J$10M).

Mr. Speaker, the...

(*Sotto voce* remarks from Mr. Holness)

Mr. PAULWELL: No, no, no, but if it is not realistic then let us increase the amount, let us increase the amount so we don't live with a lie. And did you say Twenty-five Million ($25M)?

(Inaudible comment from Mr. Holness)

Mr. PAULWELL: No, no, no, I am asking.

(*Sotto voce* comments)

Mr. PAULWELL: No, no, but we are all for being realistic. So if it is more than Ten Million ($10M) let us address that, and we are willing to do so.

Mr. Speaker, the essence and some of the major recommendations of the Report, which are now the matters being legislated in this Bill are as follows: one, Sources of Contribution and Donation.

Mr. Speaker, we all know that money is necessary for democratic politics and therefore, political parties must have access to funds to play their part in the political process.

The recommendation is that legal entities and natural persons, as a matter of course, are permitted to contribute and make donations to political parties.

Additionally, there is to be established a National Elections Campaign Fund, to be operated by the Election Commission, to which legal and natural persons, as well as Jamaican Diaspora groups wishing to support the democratic process but not wishing to make a direct contribution to political parties, may contribute to do so. So there are persons who don't want to contribute directly to either of us. They are able in this National Elections Campaign Fund, which is separate and apart from the provision dealing with State financing, that this National Campaign Fund is a source where they can make contribution. It is administered by the ECJ and the rules - there are rules governing that, which I will come to shortly.

Mr. Speaker, in an effort to minimize or ideally obliterate vulgar interference or influence peddling in it, it is proposed to ban the following entities from making donations to campaign for political office. The following are:

- Commonwealth Governments or their agents or agencies, whether directly or indirectly;
- a public body as defined in the *Public Management and Accountability Act;*
- anonymous donors; and
- illegal entities or entities whose activities are illegal under the law.

Mr. Speaker, a limit is being proposed for the amount of contribution given to a political party and individual candidates. The total amount of contribution or donation given by a donor shall not exceed in a single campaign period an amount equal to ten per cent of the

aggregate limit of the expenditure to which the candidate is entitled. Or in relation to a political party, an amount equal to five per cent of the aggregate limit of the expenditure to which the party is entitled.

And Mr. Speaker, the parties' entitlement is to spend up to Ten Million Jamaican Dollars ($10M) to promote political campaign in any constituency. A political party's entitlement is computed on the basis of the number of seats contested by that party. This, Mr. Speaker, will be explained in greater detail later in my presentation. But more importantly, Mr. Speaker, any contribution that is made by a permissible donor shall be regarded importantly as a tax deductable expense. And this is new ground that we are breaking for the first time. (Applause)

Mr. Speaker, the matter of State funding for candidates and political parties. State funding is any funding provided by the State, such as any waiver, grant, service or any access to services provided by the State and given at reduced cost, or moneys given to political parties to promote election activities. The prevailing view, Mr. Speaker, is that State funding may act as a valuable tool in protecting political equality of opportunity and in promoting robust electoral competition.

It has been further posited that robust electoral competition witnessed by the influx of new political contenders would eventually create a somewhat level playingfield where the various contenders can vie with the more established competitors. This, it is believed, can only be achieved if assistance is given in the form of State funding.

The funding which would be a reimbursable expense and which a candidate or political party may elect not to receive, would be granted only if certain conditions are met. And remember, Mr. Speaker, this was one of the areas that we had some concerns about but we are proceeding on the basis of maintaining this tradition.

What are these conditions? Firstly, candidates and political parties must meet the requirement of Section 12 of the ROPA, which gives the entitlement to political parties having five or more Members in the House of Representatives to appoint scrutineers. The scrutineers are paid from the public purse to act in this capacity.

Mr. Speaker, if a party does not satisfy this requirement then it can only appoint scrutineers if certain other requirements are met to the satisfaction of the ECJ. One such requirement is if it satisfies the Commission that one of its principal objectives as stated in its written constitution is to contest elections for membership to the House of Representatives. Also, if it submits a petition to the Commission signed by at least 50,000 persons aged 18 years and over, that it is a viable political entity which enjoys the support of the signatories to the petition.

The other criteria for the disbursement of state funding are, firstly: For independent candidates, the candidate must or should receive at least five per cent of the votes cast in the election, and two, political parties and candidates who poll at least five per cent of the votes in the election. Additionally, Mr. Speaker, State funds shall only be disbursed

upon certification by the Director of Elections that the candidate is in compliance with the Campaign Finance Regime as stated by the ROPA and also upon certification by the Political Ombudsman that the party and/or candidate applying for State funds is in compliance with the political Code of Conduct. So that's an additional responsibility that's been assigned to our new political ombudspersons. Mr. Speaker, we are trying to get that term right, to make sure that we are gender conscious in how we define or describe that office.

Mr. Speaker, the new regime proposes disclosures as imperative in achieving financial transparency in campaign financing matters. Disclosure refers to the ability of the Commission to publish reports disclosing the totality of contributions received by each registered political party, and disclosure of all contributions of or exceeding the sum of J$1 Million. It is further proposed that decisions of the Commission with respect to disclosure are to be made by the selected Commissioners.

Mr. Speaker, it is proposed to amend the Act to prohibit the publishing - Mr. Speaker, I think this is very important. This has to do with political broadcast and campaign advertising, which is not strictly speaking, dealing with campaign financing but it's a very important amendment that I think Members should be aware. So we are proposing to amend - to prohibit the publishing or broadcasting of any political campaign advertisement in whatever form, within 24 hours of the time fixed for the opening of the poll on Election Day.

Further, the publication or broadcast of any opinion polling results, or any opinion survey is prohibited within 48 hours of the time fixed for the opening of the poll on Election Day. The view, Mr. Speaker, is that the public should be given this block-off period to carefully consider the merit or lack thereof, of those putting themselves forward for electoral contest.

Lastly, Mr. Speaker, in terms of the recommendation the new regime proposes a series of mechanisms to monitor campaign financing including the submission to the Commission of audited financial statements by the political parties and the candidates. The Commission intends to establish a special unit to monitor these arrangements.

So Mr. Speaker, I will now move to examine the Bill clause by clause.

Clause 1 deals with the short Title, construction and commencement of the Bill Representation of the People (Amendment) Act, 2015. Clause 2 amends Section 2(1) of the principal Act by introducing new definitions and strengthening some of the existing definitions. Of note, Mr. Speaker, is the introduction of definitions for "campaign" and "campaign period", which covers in relation to a general election the period commencing on the earlier of the day (a), the day immediately following the last day of the period of 54 months from the commencement of the term of office of the Government, or (b), the day on which the date of an election is officially announced by or on behalf of the Prime Minister, and, Mr. Speaker, ending 24 hours before the time fixed for the opening of

the poll on Election Day. So that's a very important period during which this law that we are seeking to have passed will have effect. Meaningful effect.

Clause 2, Mr. Speaker, also defines the campaign period for elections held to the Municipal Corporation and Municipal Council. The campaign period for by-election to the House of Representatives as well as by-election to the Municipal Corporation is also defined in this clause. There are some other terminologies treated under the clause, Mr. Speaker, such as contribution, donation, reporting period, others are included.

Clause 3, Mr. Speaker. This seeks to amend Section 17 of the principal Act as it relates to the period of validity of the voters list. Section 17 of the Act, Mr. Speaker, was revised in 2003 to amend the proviso which went: "*provided that a new list shall not be published between Nomination Day and Election Day*." The 2003 amendment removed the words, "*between Nomination Day and Election Day"*, and substituted therefor the words, "*less than five clear days before Nomination Day*." This means effectively, that under the present construction a new list shall not be published less than five clear days before Nomination Day.

The Commission in a separate report relating to the fixing of parochial division boundaries and the authority of the Commission under the Parochial Election Modifications Act appended this recommendation to amend Section 17. Drafting instructions were issued to the CPC to give effect to the recommendation in that report. Those instructions are being fulfilled by CPC but on the advice of the Commission it was decided to include this recommendation along with the campaign financing matters, for speed, for passage before the next parliamentary election.

The general feeling was that the Campaign Finance Bill, Mr. Speaker, would be debated in the House earlier than that report for which drafting instructions were recently issued.

The proposed amendment to Section 17 is to use the construction, "*provided that a new list shall not be published during the period commencing five clear days before Nomination Day and ending on Election Day*."

Clause 4, Mr. Speaker, seeks to amend Section 23 (5) of the Act by increasing the nomination fee. Nomination fee from J$3,000 to $10,000.

(Cross talk with Opposition Member)

You want him go above that? This, Mr. Speaker, is in keeping with the standard practice of establishing the nomination fee in relation to the amount that candidates are allowed to spend as election expenses.

The nomination fee was increased in 1997 to $3,000 following the increase in the amount candidates were allowed to spend, that amount being $3 Million then. With the November 2011 increase to $10 Million, we now have to increase the nomination fee to **$**10**,**000**.**

Clause 5 of the Bill introduces a new Part B(c) to follow Part B(b). This Part B(b) was introduced by virtue of Act 21 of 2014 and it regulates political party registration and

financing. We have already dealt with that, we passed it last year so there is no need for us to revisit that law. But Part B(c), Mr. Speaker, introduces several new sections to the existing Clause 52 A(m), and which defines the terms "*fund*" and "*impermissible contributor*". Clause 52 A(m), Mr. Speaker, establishes a fund to be called the National Campaign Fund held and applied among other things for the purpose of accepting and receiving contributions from individuals, companies and other entities as well as for the purpose of promoting the active participation of citizens in the electoral process.

Clause 52 A(o) speaks to the management and administration of the fund with the Director of Elections having responsibility in this regard. I have already referred to that fund, Mr. Speaker, as one where anybody can contribute to.

Clause 52 A(b) establishes the constitution of the fund which also or which shall consist of moneys contributed to it by legal and natural persons, and I already mentioned that the Jamaican diaspora groups can also make contribution to it.

52A(q) deals with the account of the funds and obligates the Director of Elections to keep proper records to pay yearly statements of accounts and have the fund audited annually by a fit and proper person.

Mr. D. SMITH: So you need an accountant not auditor.

Mr. PAULWELL: You do. You do.

52A(r) establishes that moneys to the fund are to be disbursed to the candidates as a reimbursable expense within 180 days after an election is held. Further, Mr. Speaker, 52A(r) outlines the formula to be applied upon disbursement. Moneys are to be disbursed only upon certification by the Political Ombudsman that the candidate is in compliance with the political Code of Conduct. So if you are bad behaving, if you flaunt the Code then the Ombudsman can recommend that you be not allowed to benefit under this provision. So good behaviour is the hallmark of accessing this. I see a number of persons who are wondering if they will qualify. So, right, you have to be incompliance with the political Code of Conduct for elections, and that the candidate has complied with its obligations under the Act to the satisfaction of the Commission.

A candidate may, by writing to the Commission, elect not to receive moneys from the fund in respect of expenses incurred in promoting his candidature or opposing the candidature of another. So you can opt not to benefit from it.

Clause 52A(s) deals with contributions by persons who have Government contracts. This is important, Mr. Speaker. It requires that if within two years before making the contribution to the campaign, the entity or person have entered into a Government contract in excess of the prescribed value of J$500,000, a declaration shall be made to the Commission within 14 days of making the contribution. Contravention of this section on summary conviction in a RM court results in a fine not exceeding J$1 Million.

52A(t) prohibits a registered political party or a candidate from knowingly accepting

contribution from any foreign or commonwealth government, or any agent or such government. It also disallows acceptance of contributions from a public body, as I mentioned before, and entity whose existence is or activities are illegal on the law. The penalty for contravention of this section is a fine not exceeding J$3 Million or to imprisonment for a term not exceeding 12 months.

Clause 52A(u) qualifies the condition under which a political party or candidate is deemed to have accepted a contribution. That is, any contribution accepted by the political parties or a candidate, and not returned within a prescribed time is deemed to be accepted. If the contribution is returned to the donor within 30 days, then it is deemed that the party or candidate did not accept the contribution. So anybody can send money to you, you have 30 days to return it. 52A(v).

Mr. PICKERSGILL: You hear that, Karl?

Mr. PAULWELL: You hear that Karl.

This section requires a registered political party or a candidate to return within a period of 30 days a contribution received from an impermissible donor. In a case where the contribution comes from an anonymous or unidentifiable donor the contribution shall be transmitted to the Accountant General for payment into the Consolidated Fund.

52AW: Where a contribution from an impermissible donor has been knowingly accepted by a registered political party, or a candidate, and is not returned within the 30 day period, in addition to any other penalty that may be imposed, the Commission may seek an order from the Supreme Court for the forfeiture of property of a value equivalent to the value of the contributions.

52A(x) requires a registered political party or a candidate, to obtain an invoice from each supplier of goods and services provided. There is the further requirement for the invoice to state the market value of goods or services provided, regardless of who is liable for payment, and regardless of whether the goods or services were supplied free of charge. This section, however, does not apply if the market value of the goods or services is less than $10,000, or such other sums as the Commission may order, subject to affirmative resolution prescribed.

Fifty-two 52A(y) sets a limit on the total amount of Contributions that may be made during a reporting period by any particular contributor. In the case of a candidate, that amount should not exceed an amount equal to 10 per cent of the aggregate value - of the aggregate limit of the campaign expenditure which now stands at $10 Million.

For a registered political party, that limit should not exceed an amount equal to five per cent of the aggregate limit of the campaign expenditure which the party is permitted to incur.

52A(z), Mr. Speaker: This makes any contribution within the prescribed amount, and made by a permissible donor or contributor, a tax deductible expense, for purposes of Section 13 of the Income Tax Act.

So those people who are now making legitimate contributions to political parties, to

their campaigns, can now benefit under Section 30 of the Income Tax Act. And I think this is one of the notable additions - notable reforms that we welcome.

Clause 52BA states that there is the requirement for declaration to be made by the contributor stating his particulars and declaring that he is qualified as a permissible donor to make the contribution.

Mr. Speaker, the declaration, once received, shall be submitted to the Commission as part of the reporting requirement. There is no requirement to submit a declaration for contributions of the amount or equivalent in value to J$250,000.

If several contributions are made by a particular contributor, and this contribution in the aggregate, exceeds the sum of $250,000, then there is the requirement that the declaration shall include all such contributions, even if any of those contributions is less than the $250,000.

So this is really trying to prevent people from beating that provision by making smaller contributions at different intervals. The penalty for making a false declaration on this section is a fine, not exceeding J$3 Million, or a term of imprisonment not exceeding 12 months.

Mr. Speaker, Clause 52BB stipulates that any contribution accepted by a candidate must not be used for personal business or family related expenses, but rather contributions shall be applied for the campaign activities of the candidates.

52BC: This Clause requires the issue of a receipt for any contribution of an amount above $250,000. Further, if more than one contribution is accepted which, in total, exceeds $250,000, a receipt is required to be issued for each of those contributions, even in the contribution is less than that sum.

Mr. Speaker, Clause 52BD: This stipulates that in circumstances where any property, services, or utilities, or equipment are provided to a registered political party, a candidate, otherwise than at arm's-length commercial terms, the value of the property or services shall be taken to be the amount representing the difference between the actual cost and the cost that would have been incurred by the political party or candidate, as the case may be, had the loan been made or the property, services, or facilities, provided on strict commercial terms.

52BE requires reasonable measures to be taken by a registered political party or a candidate to verify, or to ascertain the identity of the contributor, as well as the pertinent details of the contributor, and whether or not the contributor is an impermissible donor.

52BF requires every candidate who contested the election to declare to the Director of Elections the fact that, to the best of his or her knowledge and belief, he or she did not accept contributions from an impermissible source. This declaration shall be made within six weeks after the election. These are things that you now have to do in order to not be in breach of the law. I am looking directly at the Member from North Central St. Andrew.

52BG Mr. Speaker obligates the Director of Elections to no longer than 21 days after a

declaration is made, as required under BF, to issue a certificate of compliance to the declarants. So every person now, within 21 days will have to receive a certificate of compliance by the Director of Elections.

52BH imposes a limit on the election expenses that may be incurred. We have already addressed that. It is now at $10 Million.

Again, I think the Opposition Leader has already signalled that we might want to spend a little time looking at that amount because they don't want to insert a figure which is subject to severe penalties if it is unworkable, and if it is going to lead to every Member breaching. So we are prepared in the course of this Debate to look at that figure to make sure that it is realistic. And of course, so as not to breach the tradition, we will have to sort that out with the selected members of the Commission before we pass this law, hopefully, next week.

Mr. Speaker, 52BI: This is the one that establishes the ceiling of $10 Million on election expenses that may be incurred by a candidate. This amount is inclusive of all monies that a candidate receives from any registered political party.

BJ requires the submission to the Commissioner for Campaign Period Expenditure Report within a period of 180 days after the Election day. The specific requirements of the Report detailed in this - the requirements are detailed in this section.

52BK, Mr. Speaker, makes it an offence or failure to submit the Campaign Expenditure Report within the time period, and in the manner prescribed. The responsibilities for submission of the Campaign Report fall on the authorized representatives of the registered political party. A contravention of this provision will result in a fine of J$1 Million.

52BL makes it an offence for any person who, knowingly, makes a false statement in any report, declaration, or other document filed to the Director or the Commission as a requirement under this new regime. The penalty on conviction is J$3 Million or 12 months imprisonment.

52BM gives the discretion to the Commission to require disclosure in relation to any campaign finance matter. This disclosure may be required from the authorized representative of a registered political party, or from any contributor who made a contribution, or from any candidate or his election agent.

Further, Mr. Speaker, the Commission may serve a disclosure notice on any contributor, on any registered political party, on any candidate, or election agent, to produce for its inspection, any, or all documents relating to the income and expenditure of the organization, or the individual in question.

The documents at the Commission may be reasonably required for audit purposes; could be documents used during the last five of the most recent financial years of the organization or individual.

Mr. Speaker, Clause 52BN - that famous State-funding Clause - states that where the Government may have appropriated monies in the approved Estimates of Expenditure for the current Financial Year, for the purpose of

State funding, this money may be provided as a reimbursable expense to the candidates of a registered political party which meet the requirement of Section 12, and those other requirements as stipulated under the Part BB dealing with political party registration and financing.

Independent candidates, Mr. Speaker, receiving at least five per cent of the votes cast in an election will qualify under this section for State funding.

Mr. Speaker, the important point to be made in relation to this provision is that because it requires funds from the Consolidated Fund, it is subject to, firstly, the ability of that Fund to make these payments, and of course, has to be voted on by the Parliament in its annual budgetary exercise.

It is this provision that we are agreeing to include, though it is clear, Mr. Speaker, under the current financing regime, that we would not be able to accommodate any such payment, or any such fund from the Consolidated Fund for the near future.

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

Mrs. NEITA-HEADLEY: Mr. Speaker, I ask that the Member's time be extended for a further 15 minutes to complete his presentation.

The SPEAKER: The question is that the Member's time be extended by 15 minutes to allow him to complete his presentation.

Put to the House and agreed to.

Mr. PAULWELL: Much obliged, Mr. Speaker.

Mr. Speaker, you know, as I am doing this presentation, I realize how much education that is going to be required by, not only to us inside here, but to the general public, on these provisions. These are very far-reaching provisions, and it is important that from day one, we mount a massive public education campaign to ensure that people are not unwittingly in breach of the provisions. Well, they need to know what the provisions are, and to ensure that they do not breach them, because the penalties are quite severe.

Mr. Speaker, Clause 52BO requires registered political parties, candidates contesting on behalf of registered political parties, or candidates contesting as independent, to keep proper financial records.

Now, this one is crucial, and oftentimes during a campaign, sometimes you are going through and it is so rigorous and involved that you don't focus on some of these important accounting issues. The law now mandates it, and therefore, we have to find the people in our campaign teams who will be able to focus and find the time to do these financial reports because you are going to be in breach if you do not.

52BP requires every registered political party and every candidate, independent or otherwise, to submit a Final Disclosure Report to the Commission. This Report is required whether or not contributions were received, or money expended during the campaign period. So, even if you are not into raising money, or spending money, you still have to make a full disclosure at the end of the period.

BQ requires the Commission to maintain in its office, records of declaration, and contributions received during the period of - the reporting period of Clause 52BR. This Clause establishes the requirement for the Commission to disclose by way of publishing reports, the total contributions received by each registered political party during the reporting period.

It also requires the Commission to publish a list of all contributions received by each Registered Political Party exceeding the sum of J$1 Million.

BS stipulates that the decisions of the Commission relating to provisions established by the regime of campaign financing are to be made on behalf the Commission by the selected Commissioners only and BT requires that if it is the Commission's view that there are breaches of the provision of Section 21 of the Broadcasting and Radio Re-diffusion Act relating to right of access to, and use of State media, *et cetera,* the Commissioner has the right to directly refer the matter to the Broadcasting Commission.

BU empowers the Commission to make regulations for the better carrying-out of the provisions relating to campaign financing.

B(b) outlines the standards to be applied in circumstances where a registered political party or a body corporate becomes liable for contravening the provisions of the campaign finance regime.

There are some consequential changes. Clause 6. This Clause amends Section 55 of the principal Act dealing with the total amount of expenditure to be incurred. It aligns the provisions for congruence with the provisions of Part B(c).

Clause 7. This aligns Section 56.

Clause 8 amends Section 57 of the principal Act dealing with the expenditure that may be incurred by candidate.

Clause 9 and Clause 10 also deal with some consequential amendments.

Clause 11 amends the existing Form 22 now used by candidate to submit election expenses to the returning officers. It substitutes it for a revised version.

So Mr. Speaker, as we have seen from the close examination of the clauses here we are talking about some fundamental and far-reaching reforms dealing with campaign financing.

In closing, Mr. Speaker, I need to note that the solid electoral strides that we have taken and its evolution over the past three decades have not gone unnoticed in the international community.

As I mentioned earlier, just a few weeks ago the Secretary General of the Organization of American States welcomed the tabling of this Campaign Finance Bill in our Parliament and expressed the hope that other countries in Latin America and the Caribbean will adopt similar legislation. So this is a significant observation from the OAS. Both the Government and the Opposition, we believe, are united in purpose to amend this Act which will result in reforming Jamaica’s electoral campaign financing, bolster the transparency and accountability of elected officials and reduce corruption and improper influence in public life.

Indeed, Mr. Speaker, Jamaica has been cited as a reference in the Caribbean with respect to our work to strengthen our democracy. We are agreed that without campaign finance reform there is the grave and ever present danger that our cherished democracy can be captured and high-jacked by unsavoury characters.

We must finally, Mr. Speaker, express gratitude again for the invaluable support that we have received from our international partners and, as I've mentioned earlier, from our local partners who have been quite involved in this process.

The evolution of our democracy has become a model for old, new and emerging democracies and we have much to be proud and thankful for. The promulgation of these measures has at times been spirited but always they have been devoid of acrimony, gamesmanship and with great deals of competitive politics. It signals our shared values and speaks, Mr. Speaker, volumes for our continued commitment to the highest principle of democracy going forward. Mr. Speaker, I make these submissions on the basis that we will pause this week and we will return to conclude the debate when the Opposition and other Members will be able to make their observations.

Thank you very much, Mr. Speaker.

(Applause)

The SPEAKER: Let me acknowledge the presence of the Chairman of the Electoral Commission, Mrs. Pine-McLarty, on my right (Applause) and head of the NLA, Professor Trevor Munroe, on my left.

(Applause)

Mr. PAULWELL: Mr. Speaker, it is indeed significant that both the Chairman of the ECJ and Mr. Munroe who has played a tremendous role in pushing and kicking and stirring us to...

Mr. CHUCK: He is very disappointed you don't agree with him.

Mr. PAULWELL: You didn't listen to my submission. You did not listen to my submission.

Mr. CHUCK: I am going to speak and agree with him.

Mr. PAULWELL: So, Mr. Speaker, we are glad that they are here and it is good that there is the spirit to maintain the tradition that has served us so well. I therefore move that this Debate be suspended until next week.

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, the Attorney General will now deal with the Bill shortly entitled: "The Jury (Amendment) Act".

Mr. CHUCK: You will be closing today or just opening?

Mr. PAULWELL: No, we are going to be opening.

Mr. CHUCK: Okay.

The SPEAKER: Mr. Atkinson.

THE JURY (AMENDMENT) ACT, 2015

Mr. ATKINSON: May it please you, Mr. Speaker.

Before this House today for consideration and approval is the Jury (Amendment) Act, 2015. This Bill seeks to amend the Jury Act

by introducing new provisions to address some of the longstanding issues that have affected the system, jury system in Jamaica. Ironically, the Jury Act was first passed in 1898 and although there have been some amendments over the years, there is still a lot left to be done.

Some of the important changes, Mr. Speaker, will seek to reduce the number of jurors needed to try certain cases to put them on par with other offences carrying the same potential penalty, also to broaden the pool of persons available to serve as jurors and to streamline the selection process. And also significantly, Mr. Speaker, to permit a trial to proceed by Judge alone where the prosecutor and accused so agree.

Over the years, Mr. Speaker, the jury system in Jamaica has been plagued with a number of problems, not the least of which is the fact that the pool of qualified persons from which jurors are drawn has diminished considerably, notwithstanding the growth of the population size since the Act was first passed.

The rules governing the jury system, Mr. Speaker, make it difficult to raise sufficient numbers of jurors to serve the current needs of the criminal justice system, especially in cases involving multiple dependents. Cases which are ready for trial sometimes cannot be commenced because of the difficulty in obtaining an adequate number of jurors. This contributes to the delays in the system and the backlog of cases in the Supreme Court.

Calls, Mr. Speaker, have been made for the overhaul of the jury system and for definitive action to be taken to address the underlying problems. This Bill resulted from the development of a position paper by the Ministry of Justice, which examined the problems and made a number of recommendations for mitigating and resolving them. The position paper was shared with key justice-sector stakeholders, including the Judiciary, the Bar, civil society and other organizations with an interest in the justice system and human rights. Comments were solicited and received. Those comments were analyzed and the recommendations in the position paper were adjusted to take account of them.

The legislative measures in the Bill which is now before us, Mr. Speaker, seek to implement these recommendations. One of the objectives is to promote the availability and willingness of persons to offer themselves for jury service. The proposed changes recognize and respect the well-established doctrine that as a general rule it is desirable that a person accused of a crime should be tried by his peers. The changes also recognized the need to secure the integrity of the criminal trial process and to build and maintain trust in the criminal justice system in Jamaica.

As a complementary and anticipated measure, prior to tabling this Legislation, the Ministry of Justice sought and received the approval of the Ministry of Finance and thereafter the Cabinet to increase the daily stipend of persons who provide jury service from $500 to $2,000 per day, and this increase was implemented by regulations I made earlier this year.

The stipend, Mr. Speaker, had not been adjusted for some 15 years and was no longer a reasonable amount to assist jurors who give voluntary service with their transportation cost and their mid-day meal. While jury service is a civic obligation of citizens in a democratic society, it is not remunerated as such, and we seek to make it less burdensome on those who are called to serve.

Mr. Speaker, I should mention that the arrangement governing the stipend has always been paid - always been that it is paid for each day of service while actually serving as a juror and not for other periods when persons are asked to attend court prior to being empanelled or to go through preliminary administrative processes that are involved. This arrangement has been the subject of some adverse comment. While having just substantially increased the amount of the daily stipend, we do not have the budgetary resources to expand the arrangement to include the preliminary periods to which I have just referred. I am advised that the Minister of Justice intends to examine the matter to see whether this aspect of the arrangement can be adjusted in the future and to work with the Chief Justice to identify ways that the preliminary processes can be made more efficient and less time wasting for persons who have to go through.

The new statutory provisions in the Bill, Mr. Speaker, seeks to reform the jury system and to introduce - and which the Bill seeks to introduce include (a) a production of an expanded list of potential jurors from a combination of the Voter's List and persons holding Taxpayer Registration Numbers, TRNs.

The use of the TRN for this purpose, Mr. Speaker, was initiated by the previous Administration by legislation passed in 2010, but it could not be implemented because of the exorbitant printing cost entailed in applying that amendment to the existing procedures. We are addressing those logistical costs in this Bill.

Mr. Speaker, an array of seven jurors for all jury trials will be implemented other than treason and murder where, on conviction, the death penalty may be imposed.

Modifications, Mr. Speaker, of the rules concerning the number of peremptory challenges allowed are also included in the Bill.

We feel that it is now this aspect of the selection process that is left open to abuse and which often results in delays. Because, Mr. Speaker, if one were to look at the potential panel and utilize and realize that it was not sufficient if all the peremptory challenges were utilized, one could cause a trial to be aborted, or the commencement of a trial to be aborted by just utilizing one's peremptory challenges.

The Criminal Justice Administration Act, Mr. Speaker, will also be amended to provide for trial by Judge alone, where the Prosecution and the accused so agree.

Employees summoned to serve as jurors are going to be protected against loss of wages and other employment benefits, by reason of their performing their civic duty to give jury service.

Mr. Speaker, we want citizens to feel that they can carry out their civic duty without any cloud of uncertainty or fear, as it relates to their jobs and their salaries.

As a companion measure to the reforms introduced by this Bill, the categories of occupational groups exempted from jury service is being refused by a Ministerial Order amending Schedule A to the Jury Act. The most significant new category which will now become available to give jury service is persons in the public sector.

I will briefly, with your leave, Mr. Speaker, go through the Bill clause by clause.

Clause 1 states that the short title of the Bill is the *Jury (Amendment) Act, 2015*, and that the Act will come into operation on a date to be appointed by the Minister, by notice published in the *Gazette.*

Clause 2 introduces a new Section 1A in the Act, which defines the term "jury list", as referring to a list that is certified, pursuant to Section 13(1) of the Act.

Clause 3 amends Section 2 of the Act by deleting subsection (4) which lists the categories of persons who are exempt from jury service.

Section 4 amends Section 6 of the Act by inserting next after the word, "Judge," wherever it appears in the principal Act, to the words, "Registrar of the Supreme Court". This will empower the Supreme Court Registrar to excuse a juror on grounds set out in that subsection. It also renumbers subsection (2) as subsection (3), and inserts a new subsection (2), which makes it a criminal offence for a person to knowingly submit false information in support of an application for excuse from attendance at Court for jury service.

The offence of knowingly submitting false information for this purpose is punishable by summary conviction to a fine not exceeding One Hundred Thousand Dollars, ($100,000) or in default of payment, a term of imprisonment of not more than three months.

Clause 5 repeals Section 7 of the Act, and makes new provisions for the compilation of the jury list.

The proposed new Section 1A requires the Director of Elections, at such intervals as the Minister may, by order, prescribe, to prepare and forward to the Registrar of the Supreme Court, a list with the names in alphabetical order, of all persons who appear on the current list of electors for elections to the House of Representatives.

Clause 5 also provides for the Commissioner General of Tax Administration of Jamaica, to prepare and forward to the Registrar of the Supreme Court, at such intervals as the Minister may, by order, prescribe, a list containing the names in alphabetical order, of persons who are registered under Section 17D of the *Revenue Administration Act*, that is, the holders of TRN numbers.

Clause 5, Mr. Speaker, further provides that the list generated under subsections (1) and (2) shall be combined by the Registrar of the Supreme Court, by electronic means, and the combined list will be referred to as the master list.

Section 6 amends subsection (2) of Section 9 of the Act, by deleting the specific

date fixed for the holding of the Special Petty Session for which provisional settlement of the sub-set list, and replacing it with the words, "*at such intervals as the Minister may by order prescribe*". This, Mr. Speaker, allows for greater flexibility in making arrangements to settling the jury list.

Clause 6 also deletes subsection (3) of the Section 9 of the Act, which requires the Chief Officer of Police to attend the Session and produce copies of the list from the Director of Elections and the Commissioner General for Tax Administration, and inserts in its place new provisions that require the Chief Officer of Police for each parish to attend the Special Petty Session for the purposes of verifying and correcting where required, the list provided by the Registrar of the Supreme Court, under Section 7(4) of the Act and to answer on oath any question put to him by the Justices, concerning the particulars.

Clause 7 repeals Section 11 of the Act and replaces it with new provisions that allow for the corrected list to be signed by at least two Justices present and delivered to the Chief Officer of Police who at a prescribed time and date shall cause a copy of the list to be displayed in a conspicuous place in each Court House and Police Station in the parish.

Clause 8 of Section 12 (1) of the Act, by deleting the time specified for the holding of a Special Petty Session for the final settlement of the list and providing instead the holding of a Session on such date and time as may be prescribed.

Section 9 repeals Section 13 of the Act, and inserts a new Section 13 which provides that where the list has been settled, the Justices shall certify that it is a true and proper list, and their decision as to the qualifications of the persons on the list is final.

The Clause further provides that the settled list, which is known as the jury list, shall be forwarded to the Registrar of the Supreme Court and both the Clerk of the Court and the Chief Officer of the Police for the parish to which it relates.

Section 10 deletes Section 14 of the Act, deletes the words, "certified copy of the list" and replaces them with the words, "jury list"; and deletes words, “for the ensuing year, and for each year thereafter”.

Clause 11 amends subsection (2) of Section 19 of the Act. That provision allows a jury summons to be served upon a person by delivering it to another person apparently over the age of sixteen years, who resides at the usual place of abode or place of business of the person being summoned, a term - a process which in law, Mr. Speaker, is referred to as inmate servicing - service. The requirement that the person to whom the summons is delivered at the last place or usual place of abode or place of business of the person being summoned, must reside at the place that has been deleted.

Section 12 inserts a new provision as Sections 19A through E of the Act, that treat with the protection of an employee against adverse action taken by his employer because of his being summoned for jury service or having served as a juror.

The new provision of Section 19A requires that an employee who has been

summoned to jury service should be given time away from his job without any loss of remuneration or other benefit or other advantage to which he is entitled.

Section 19B imposes a duty on an employee to inform his employer that he is in receipt of a summons for jury service, as soon as is reasonably practical.

Section 19C requires an employer who has received a summons on behalf of an employee to inform that employee that he has been served a summons for jury service as soon as is reasonably practicable.

The new Section 19D, Mr. Speaker, imposes an obligation on an employer to release an employee who is summoned for jury service and prohibits the taking of any adverse action against the employee, such as depriving him of his remuneration or other benefits, dismissal or threats of dismissal, or other punitive action.

Where an employer takes such an adverse action against his employee, he commits an offence and is liable on summary conviction to a fine not exceeding Two Hundred and Fifty Thousand Dollars ($250,000), or in default, to a term of imprisonment of not more than three months. Where the employer is a Body Corporate, in addition to the liability of the Body Corporate, each manager, director of the entity who knows or ought to have known of the contravention and took no steps to prevent it, shall be liable to a fine not exceeding Two Hundred and Fifty Thousand Dollars ($250,000), or in default of payment of a fine, to a term of imprisonment not exceeding three months.

Subsection (2) provides that the employee who is adversely affected by the contravention, may apply to the Court or to the Industrial Disputes Tribunal for relief under this section.

Section 13 amends Section 31 of the Act by deleting subsection (1) and subsection (2), which deal with the number of jurors to form an array in the trial. And it inserts new provisions which provide that where the trial is for the offence of treason or of murder committed in circumstances which would attract on conviction the death penalty, the array shall be twelve jurors, shall remain as it is. On trials on indictment for any other offence, the array shall be seven jurors.

The effect of this, Mr. Speaker, is that trials for those categories of murder which do not attract the death penalty will now be before a jury of seven rather than twelve, as was previously the case. This will facilitate the more expeditious disposal of such cases and reduce the frequent delays in the starting of such trials which are occasioned by difficulties in empanelling a sufficient number of jurors.

It also achieves, Mr. Speaker, the logical coherence and consistency in the law, as the penalty on conviction for noncapital murder which is fifteen years to life imprisonment, is the same as that which is applicable to other serious offences which are triable by a panel of seven jurors.

Clause 14 amends Section 33 of the Act to make new provisions for the number of peremptory challenges available to the Prosecution and accused. Peremptory

challenges, Mr. Speaker, are challenges to persons being empanelled as jurors, and which do not require any grounds to be put forward for such challenge.

Currently, Section 33 provides for two levels of peremptory challenges. In a case of murder or treason, the number of peremptory challenges allowed is seven, and in all other cases it is five. So if you had a case where you had four persons, Mr. Speaker, who were charged for murder, the defense could challenge 32 - 28 jurors and the Prosecution could challenge another 28, which is 56, which would mean that in order to empanel a jury you would have to have a panel of about 60 - at least 68 jurors. For all other offences the number of peremptory challenge is five, and the amendment to Section 33 as set out now in three levels of peremptory challenges.

Section 33(1) provides that every person who is arraigned for murder or treason is allowed up to seven jurors by way of a peremptory challenge. And this, again, is for cases that attract on conviction, the death penalty. This subsection will be amended by deleting the words, "murder or treason" and substituting “an offence referred to in Section 31 (a)”, which are the offences of murder and treason in circumstances which attract the death penalty.

Subsection (2) will be deleted and a new subsection (2) inserted. Subsection (2)(a) will provide that any person arraigned for murder in circumstances which do not attract the death penalty or any other offence that attracts a minimum penalty of not less than fifteen years, is allowed four peremptory challenges.

Subsection (2)(b) provides that in any other offence the number of peremptory challenges is two.

Subsection (3) makes the same provisions in respect of peremptory challenges for the Prosecution.

The changes in the number of peremptory challenges, Mr. Speaker, do not affect the challenges for cause. That is where persons have - parties have evidence - have reason to believe that a potential juror is either bias or at least has the appearances of bias. Well, let's say appearance of bias.

Mr. WARMINGTON: I was excused because of my bias.

Mr. ATKINSON: I think you would be probably permanently excused.

Clause 14, Mr. Speaker, inserts after subsection (3), new subsection (3A) and (3B) in Section 33 of the Act, which provide that where there are three or more accused arraigned on trial, each accused is entitled to challenge three jurors peremptory and the Crown is entitled to the same number of peremptory challenges. Crown here means the Prosecution. Where the juror is selected to replace another juror who can no longer serve, the Prosecution is allowed to use any unused peremptory challenges remaining from its allocation and the accused is also allowed to use any unused peremptory challenges also remaining from his allocation.

Clause 15, Mr. Speaker, deletes Section 39 (1) of the Act, which deals with fines to be imposed on persons summoned for jury service but who fail to attend to serve if called upon to do so.

New subsections (l)(a), (l)(b) and (l)(c) will be inserted in summary and will provide that, where a person who is summoned fails to attend, or to serve, the Court may impose a fine of not exceeding $10,000 and may in default of payment order that the person perform community service for an aggregate of not less than 40 or more than 360 hours as specified by the Court which means that it would not necessarily have to be served by consecutive days, you could do two days this week, two days this week as the Court may direct.

(The Speaker leaves the Chair at approximately 4.45 p.m. and the Deputy Speaker presides)

Clause 15 increases the maximum amount of the fine specified in subsection (2) of Section 39 of the Act, deputies making a false representation with intent to evade jury service from a maximum of $2000 to a maximum of $50,000 or in default of payment to a term of imprisonment of no more than one month.

Clause 16 inserts a new provision at Section 50A of the Act, empowering the Minister to amend the schedules to the Act by Order published in the *Gazette*, and a new provision at Section 50B enabling the Minister to amend by order subject to affirmative resolution the monetary penalties specified in the Act.

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

Clause 17, Mr. Speaker, amends Section 52 which deals with the matters in respect of which the Minister may make regulations by renumbering paragraph (b) as paragraph (c), and inserting as paragraph (b) a new provision which speaks to the regulations, the manner of forwarding any list required for purposes of the Act, whether by electronic means or otherwise.

Clause 18 introduces a new provision, new provisions as Section 53 subsection (1) and 53 subsection (2) of the Act. Subsection (1) is a savings provision which validates the jury list that is in existence prior to the coming in force of this amendment to the Act. Subsection (2) provides that the amendment shall not apply to any trial which commence before it comes into force.

Clause 19 amends the Criminal Justice Administration Act, to provide that an offence which is otherwise tried by a jury may be tried by a Judge alone if prior to the impaneling of the jury the Prosecution and the accused, or each accused where there is more than one accused person, agree in writing for the offence to be tried by Judge alone. This however, does not apply to the offences set out in Section 31(1), that is treason and murder where death penalty may be imposed. Those cases must be heard by a jury.

Mr. Speaker, the jury is a very important component of our criminal justice system and it is recognized that the problems with the jury system, if not addressed, will continue to negatively impact the efforts being made to improve the justice system in other respects

and will undermine the entire justice system. In addition, Mr. Speaker, the proposed jury form measures are a critical part of the justice reform programme being undertaken by this Administration.

Mr. Speaker, I think famous lawyer and former President of the United States Thomas Jefferson said, "I consider trial by jury as the only anchor yet imagined by man, by which a government can be held to the principles of its constitution." It is a fundamental thing to have a jury system and what I think is very significant here is that parties, all parties to a criminal trial can agree that the case should go by Judge alone rather than by jury. And there are certain cases, indeed, Mr. Speaker, that lawyers recognize would better be tried by Judge alone, particular cases where the real issues before the Court are legal issues where the facts are really not in contest but they are legal questions really to decide the outcome of a case and it will speed up such cases rather than having to go through, you impanel a jury, they have a jury trial, have a Judge going to explain all these technical legal questions to the jury.

Mr. Speaker, with that I would seek the support of the Members of this Honourable House for the Bill entitled: "The Jury (Amendment) Act, 2015".

May it please you.

The Deputy SPEAKER: Mr. House Leader.

Mr. PAULWELL: Mr. Speaker, it is not intended for us to do any further business. Mr. Speaker, I move for the suspension of the debate until next week.

The Deputy SPEAKER: The question is that the debate be suspended until next week.

Put to the House and agreed to.

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 House until next Tuesday, the 1st of December at 2:00 p.m.

The Deputy SPEAKER: The question is that this Honourable House now adjourns until next Tuesday, December 1, 2015 at 2:00 p.m.

Put to the House and agreed to.

The Deputy SPEAKER: (Gavels) This Honourable House now stands adjourned.

The House adjourned at approximately 4:53 p.m. until Tuesday, December 1, 2015 at 2:00 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2015 – 2016

TUESDAY, December 1, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:45 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, CD, (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

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. DAMION ORANDY CRAWFORD, (PNP), St. Andrew, East Rural, Minister of State in the Ministry of Tourism and Entertainment

OTHER MEMBERS

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

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

DR. DAYTON RICARDO CAMPBELL, (PNP), St. Ann, North Western

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

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. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western

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

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

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

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

MR. DARYL WESLEY PHILLIP VAZ, (PNP), 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. Daryl Vaz.

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

ANNOUNCEMENTS

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

- **Ministry Paper No. 140**
  Annual Report for the Pesticides Control Authority for the financial year April 2011 - April 2012
- **Ministry Paper No. 141**
  Cabinet Agenda Issues dated October 26, 2015
- Auditor General's Activity-based Audit Report on the National Public Health Laboratory
- Annual Report and Audited Financial Statements for the Trade Board Limited for the year ending March 2012/2013
- 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 "Kentucky Kid" Hill and the response of the Office of the Director of Public Prosecutions to this Report.

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 27th day of November 2015, a Bill entitled: "AN ACT further to Amend the Income Tax Act" was passed in the Senate without Amendment.

I also have the honour to advise the Senate that on the 27th day of November, 2015, a Bill entitled: "AN ACT to Repeal and replace the Cyber Crimes Act, and to provide for consequential matters" was

passed in the Senate with seventeen (17) amendments for which the Honourable Senate desires the concurrence of this Honourable House.

And the amendments have been circulated.

Signed: Floyd E. Morris,
President of the Senate"

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

Mr. PAULWELL: Mr. Speaker, I now move that the Senate Amendments to the Bill entitled: "The Cyber Crimes Act, 2015", be considered and approved.

Put to the House and agreed to.

REPORTS FROM COMMITTEES

Dr. BLOOMFIELD: Mr. Speaker.

The SPEAKER: Dr. Bloomfield.

Dr. BLOOMFIELD: Mr. Speaker, I beg to lay on the Table of the House a copy of the Report of the Committee of the Joint Select Committee of Parliament, which was set up to consider and report to the 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 "Kentucky Kid" Hill and the response of the Office of the Director of Public Prosecutions to this Report.

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. PAULWELL: Mr. Speaker, just before I deal with Questions and Answers, I just want to note, the Member from West Kingston, I think he's celebrating a birthday today, so I want to wish that he has a good birthday today.

(*Sotto voce* comments)

Mr. PAULWELL: Mr. Speaker, Answers to Questions by the Member from North West St. Elizabeth.

Mr. HUTCHINSON: Mr. Speaker...

The SPEAKER: Yes, Mr. Hutchinson.

Mr. HUTCHINSON: I would like to first give notice that at the expiration of 21 days, I will ask the Minister of Agriculture and Fisheries, the following questions:

Question 1:

Will the Minister state if it is a fact that the CEO of the Agro-Investment Corporation is receiving a travelling allowance of $7,820,000?

Question 2:

Will the Minister state what has been the actual Infrastructure Expenditure, to date, on the Agro Parks engaged in production?

Question 3:

Will theMinister state how much money has been spent on Infrastructure at the Meylersfield Agro Park?

Question 4:

Will the Minister state what are the agricultural activities taking place at Meylersfield?

Question 5:

Will the Minister state what work is earmarked to be done to make Houndslow an Agro Park?

Question 6:

Will the Minister state if farmers at Plantain Garden River owe any of the credit unions money, and if so how much?

I now ask the Minister of Science, Technology, Energy and Mining for the answer to Question No. 6 standing in my name.

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

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

Mr. PAULWELL: Question one, regarding the extension of electricity supply to areas in North West St. Elizabeth.

Question 1:

Will the Minister please state when will:

a) Johnson Bush Road, and
b) Red Hills/10 Foot Road be completed?

Answer:

The Rural Electrification Programme (REP), now National Energy Solutions Limited, NESL, has advised that the extension of the electricity supply to

a) Johnson Bush Road and
b) Red Hills/10 Foot Road in North West St. Elizabeth

will commence in January 2016, and completed by the end of January 2016.

Mr. HUTCHINSON: Thank you very much, Minister.

Mr. Speaker, I would just also like to find out, there are two other roads - Mr. Minister, two other roads: Morris Top...

The SPEAKER: Roads?

Mr. HUTCHINSON: ...and Mahagony Hill, where... those have been completed, but the street lights have not been installed, and we are asking that those be done and also, when these are completed, that the street lights be installed?

Mr. PAULWELL: I will certainly follow-up, Mr. Speaker, to ensure that the lights are put in.

Mr. CHUCK: It is not only in Burger Gully you must install street lights... (Inaudible)

The SPEAKER: Mr. Vaz - questions.

Mr. VAZ: Mr. Speaker, permission to speak from a seat other than my own.

The SPEAKER: You may proceed.

Mr. VAZ: Mr. Speaker, at the expiration of 21 days, I would like to table the questions in my name to the Minister of Health:

Question 1:

Can the Minister of Health advise when, by whom, and how he was made aware of the pile-up and proposed mass burial over the last weekend of babies who died at the Kingston Public and Victoria Jubilee Hospitals?

Question 2:

Can the Minister state the total number of babies to be buried and indicate how many babies died after birth, how many were still births, and the period during which they died?

Question 3:

Of the 27 babies reportedly born premature, will the Minister state how many weeks premature was each baby? Will the Minister also state the birth weight of each premature baby?

Question 4:

Did the Minister mislead or was he himself misled when he informed the country that there was no need for alarm as they were all cases of still births?

Question 5:

Of the total number, how many dead babies have already been buried or incinerated, where and by whom? Will the Minister also state what is the cost to date?

Question 6:

Can the Minister state the total number of dead babies that are currently in storage at KPH and the funeral home, and the length of time they have been there?

Question 7:

Can the Minister state the reasons for the pile-up, and are any of the 19 babies who died during the klebsiella and serratia outbreak earlier this year included?

Question 8:

Can the Minister advise if there is a similar situation at other hospitals across the island where dead babies are awaiting burial?

Question 9:

Have post mortems been done on these babies which were not still-births to find out the cause of death and if not, when will the post mortems be conducted?

Question 10:

Will the Minister state under what statutory authority can a hospital unilaterally undertake the burial of infant bodies?

Question 11:

Will the Minister state how many parents, families have been advised and when, that their babies would be a part of a mass burial of babies, and of that how many have agreed to this arrangement? Will the Minister also advise how were they advised and when?

Question 12:

Can the Minister advise who ordered the mass burial, whether due process had been followed and what is the role of the SERHA in these circumstances?

Question 13:

Will the Minister please state what arrangements were, or have been made for death certificates to be issued for each baby?

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Mr. PAULWELL: Mr. Speaker, on behalf of the Minister of Finance, I now move

to introduce and have read a first time, the Bills shortly entitled: The Pensions (Public Service) Act, 2015; and, the Constitution (Amendment) (Established Fund) (Payment of Pensions) Act, 2015.

Bill shortly entitled:

"The (Pensions) Public Service Act, 2015",

read a first time.

Bill shortly entitled:

"The Constitution (Amendment) (Established Fund) (Payment of Pensions) Act, 2015",

read a first time.

(*Sotto voce* comments)

(The Speaker gavels)

Mr. PAULWELL: Mr. Speaker, I beg to give notice of second reading of the Bills, and also, Mr. Speaker, on behalf of the Minister of Industry, Investment and Commerce, I now move to introduce and have read a first time, the Bills shortly entitled: "The Limited Partnership Act, 2015", and "The General Partnership Act, 2015".

Bill shortly entitled:

"The Limited Partnership Act, 2015",

read a first time.

Bill shortly entitled:

"The General Partnership Act, 2015"

read a first time.

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

Mr. PAULWELL: Mr. Speaker, on behalf of the said Minister, I beg to give notice of second reading of the Bills.

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, we are going to continue with the Debate on Campaign Finance Reform. We are awaiting the arrival of the Leader of the Opposition. In the meanwhile, we will conclude with the Member from North East St. Andrew. We will conclude the Debate on the Jury Act at this time.

Mr. CHUCK: I was ready from last week.

(MR. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western entered and took his seat.)

The SPEAKER: Your time now, Mr. Chuck.

Mr. CHUCK: Mr. Speaker, the present Jury (Amendment) Act before Parliament is not only worthy of support, but necessary.

Mr. Speaker, the jury system whereby persons who are charged with any - or serious criminal offence, are tried by their peers, goes back to several centuries.

And certainly, Mr. Speaker, from the 13th Century - in the 14th Century, the Bill oftentimes referred to as *Magna Carta*, oftentimes said that no free man may suffer punishment without the lawful judgement of his peers.

And Mr. Speaker, we have adopted the jury system in Jamaica on the basis that any person charged with a serious criminal offence that they should be tried by their peers and their peers would determine the facts of the

case, because it is felt that persons who are not necessarily briefed or who are lawyers or members of the profession, that they can give a fairly straightforward use of the facts of the case and come to a judgement based on their experience.

Mr. Speaker, the jury system is of historic importance. Certainly, in America you find that virtually every civil and criminal offence - civil cases and criminal offences, serious ones, they are all tried by juries. Mr. Speaker, there is no doubt that the jury system is something that should be preserved. In Jamaica, we have unfortunately contaminated the jury system and there is no doubt, Mr. Speaker, that so often you hear of cases in which juries have been bought and this, Mr. Speaker, is something that we must be very careful about, because if you have 12 or as we may reduce it to 7, where the jurors can be influenced by connections or monetary considerations, we would be corrupting the judicial system.

And Mr. Speaker, there are speculations - I put it no higher than that - that the juries in some cases have been corrupted and it is something Mr. Speaker that we must guard against because if justice is to be pure, fair and straight, we must be sure that a juror and the juries come to a decision based on their clear conscience. If they are infected by connections or by money then the justice system would have been corrupted.

Indeed, Mr. Speaker, we have to be careful that we don't have professional jurors. There have been allegations - put it no higher than that - that in the Coroner's Court there are persons who go there and you hear of stories when they leave - I heard of this case, Mr. Speaker, of this man leaving his house every morning and he is going to work. And when he is asked, where are you going to work, he is going to the Coroner's Court where he - it is a fact of life.

(*Sotto voce* remarks by a Government Member)

Mr. CHUCK: I would never lie to this Parliament.

And he goes to the Coroner's Court, Mr. Speaker, hoping that he will be empanelled as a juror because he makes a certain subsistence per day.

(*Sotto voce* remarks by an Opposition Member)

Mr. CHUCK: No, it is a fact, it was in the newspaper that this man, who everyday he left his house and he went to work and he went to the Coroner's Court.

So, Mr. Speaker, I want to say to the Attorney General I am happy that in this Bill we have intimated it, but soon the Coroner's Court will now divest itself of juries. I think this is important, Mr. Speaker, because I don't think in a Coroner's Court you really need a jury. So hopefully in due time the Coroner's Court will be divested of the juries. But, Mr. Speaker, there are many persons who sit around in court and when you can't find a jury they make themselves available. It's a fact. But, Mr. Speaker, we in this country must make it plain to every citizen of Jamaica that they can play a part not only in the democratic process but in this fight against criminality. And one fight, Mr. Speaker, is that you can serve on a jury to be able to assess and

determine the innocence or guilt of a person who is tried for serious offence.

I find it, Mr. Speaker, almost ridiculous that a number of Jamaicans feel that to serve on a jury is an imposition. And far too many Jamaicans, Mr. Speaker, feel that they don't need to play a part in the governance of this country and serving on a jury is one simple part to play in the governance of this country. And, Mr. Speaker, there are many persons who come to me and ask me to assist them to excuse them from serving as a juror. And, Mr. Speaker, I beg parliamentarians and anyone listening to this, encourage persons to serve as a juror. It takes no burden. Far too many people feel that it is a security risk. It isn't.

And, Mr. Speaker, everyone at some point should, if possible, and if they are available, serve as a member of a jury. Because, Mr. Speaker, I can tell you that there are many of my friends who asked me to write letters to excuse them and after sitting and discussing it with them and say serve, you will enjoy it. And after they have served, Mr. Speaker, they return and tell me it's a good thing they serve and they want to serve again. My wife, my wife when she was summoned to be called as a juror she asked if she could be excused because she is the wife of an attorney. I said, no, you go and serve.

Dr. DAVIES: Who is the attorney?

Mr. CHUCK: And, Mr. Speaker, she served and she enjoyed it. And I would urge, Mr. Speaker, every single Member of Parliament, every Jamaican to encourage their brothers and sisters to serve on the jury. It is a simple part to play in the governance of this country. And I know, Mr. Speaker, it takes nothing away from anyone to go and serve as a member of the jury.

So, Mr. Speaker, we have had challenges in the courts to find jurors. And, Mr. Speaker, it is very, very sad that far too many Jamaicans find all sorts of excuses, all sorts of inconveniences not to serve on the jury. And, Mr. Speaker, I urge Jamaicans play your part, play your part in the judicial system and the governance of this country and serve on the jury. Because, Mr. Speaker, the jury system is not only embedded and concretized in the Constitution of our country, but when we change the Constitution we make the jury system an important part of the rights and freedoms of our Jamaican people. And not only, Mr. Speaker, is it of historical importance, it is also one of the basic safeguards of freedom of the individuals across every breath and length of Jamaica.

Because, Mr. Speaker, when you are charged with a serious offence and you are brought before a court, you know that it is your peers who are judging you, not necessarily the Judge who grow up or may have grown up in an Eiffel Tower and gained all of his credentials in an Eiffel Tower, but you know you can choose a jury from your peers and it is your peers who will be assessing the facts and deciding whether or not you are guilty or innocent. So, Mr. Speaker, may I emphasize that the jury system is a very important part of our system of justice and I urge all Jamaicans to be a part of it if and when called upon to do so. One of the problems we have, Mr. Speaker, is to get a

proper jury empanelled each day, each week in the Courts. And so far, Mr. Speaker, the problem has been that we have been dependent on the Electoral List from which we choose the Jury List.

Mr. Speaker, regularly in the Magistrates' Courts, the police will report to the Courts that many names on the Voter's List they can't find the persons whose names are on the Voter's List and whose addresses have been given.

Mr. Speaker, for the short time I served as Minister of Justice, we had in mind to use the TRN, the Tax Registration Number, but when we asked to get a list of the Tax Registration Number, we heard it cost $30 Million to get the list. That was outside the budget of the Ministry of Finance at the time. So it was almost impossible, Mr. Speaker, to get a full printed list of the TRN of persons whose names could be used.

What we have in this Bill, Mr. Speaker, is not that the TRN will be published but that a disc of the TRN could be used, because to get a print out of the TRN I was told four, five - five years ago that it would cost about $30 Million to print that list. So we decided we would not print the list from which we would get a jury.

Now, Mr. Speaker, in this Bill we have the provisions that a disc could be used rather than a printed list, and along with the TRN and the Electoral List we will be able to summon juries or persons to serve on the jury.

Mr. Speaker, I have said before and I say it again, we are in a difficulty in getting proper identification system for Jamaicans.

Mr. Speaker, for over 20 years, we have been trying to get a National Identification System. The Electoral Commission of Jamaica was set up 20 years ago on the basis that they would be the basis on which we had a National Identification System. For one reason or another, Mr. Speaker, the Electoral Commission has not been given the mandate to develop the National Identification System.

(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, if there is one success story of governance over the last 20 or 30 years it is the Electoral Commission of Jamaica. (Applause) And I am not saying it because the Chairman, Mrs. Dorothy Pine-McLarty is here; it has been a success for the last 30 years or more. And Mr. Speaker, we give thanks to Professor Mills, Professor Miller and the present Chairman who have done a marvelous job of ensuring that the Electoral Commission of Jamaica can be respected by all Jamaicans. But, Mr. Speaker, we have not given them enough support and I dare say enough work to do. And, Mr. Speaker, I have said before and I will say it again, the Electoral Commission of Jamaica should be given the job to develop the national identification system. That was the intention, Mr. Speaker, when they were put together by the two parties that eventually they would be responsible for the National Identification System.

Now, Mr. Speaker, if that was done - and I say, Mr. Speaker, very clear, that the next Government which will be a Jamaica Labour Party Government... (Heckling) ...will make the National Identification System a priority because if we don't have a National Identification System we are wasting money with TRN...

(*Sotto voce* comments)

Mr. CHUCK: ...licensing, Voters' List, everything.

Mr. L. BUCHANAN: But you are talking about two thousand and seven.

(Cross talk)

Mr. CHUCK: And I say, Mr. Speaker...

(The Speaker gavels)

I say, Mr. Speaker, it's about time we make the National Identification a priority, and that National Identification would overtake the Voters' List, the TRN, passport, licensing system, so we have uniqueness in the citizenship of this country. If we have a National Identification System, Mr. Speaker, it will streamline and assist crime prevention, and also, Mr. Speaker, be able to solve many crimes.

So, Mr. Speaker, we support this Bill but we urge the Parliament and we urge the Government not only to implement it immediately, but also, Mr. Speaker, to proceed expeditiously to remove the Jury System from the Coroner's Court and also, Mr. Speaker, to start looking from now at the National Identification System.

Mr. Speaker, I can only hope that the present amendment to the Jury Act can be implemented forthwith, so that by 2016 we can use both the TRN and the Electoral Voters' List to choose juries, because, Mr. Speaker, the Courts are being impeded because of the lack of jurors. And the sooner we pass this Act the better not only for this Parliament, but for the Judicial system of Jamaica.

Mr. L. BUCHANAN: Delroy, listen to sense now.

Mr. ATKINSON: May it please you, Mr. Speaker.

I wish to thank my colleague for his support of this Jury amendment, and assure the House that while this is not a panacea for all the problems that exist, it goes a far way into reducing the challenges that the Jury system has been subject to over the years. The size of the array, the list of jurors available has been increased, the array of jurors to try cases has been reduced, the issues that might affect jurors in their employment we have sought to address.

And in the circumstances I would close the debate on this Bill and ask that it 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 Jury Act 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: Are there any amendments proposed?

Mr. ATKINSON: No, Mr. Speaker.

The CHAIRMAN: Okay. We will proceed then.

Clauses 1 through 19 put to the Committee and agreed to.

The Title and Enacting Clause put to the Committee and agreed to.

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage 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 would ask that the Bill be read a third time.

The SPEAKER: The question is that the Bill be read a third time.

Put to the House and agreed to.

Bill entitled:

"AN ACT to amend the Jury Act and for connected matters",

read a third time and passed.

(Applause)

Mr. PAULWELL: Mr. Speaker, we will now revert to the debate on Campaign Finance Reform, and the Member from North East St. Elizabeth will make his contribution.

The SPEAKER: Mr. Pryce:

Mr. PRYCE: Thank you, Mr. Speaker.

THE CAMPAIGN FINANCE REFORM BILL

Mr. Speaker, I offer this brief intervention on the Bill now before us.

Any amendment or development that impinges on the process through which the people's representatives are elected is of fundamental importance. This amendment or process that will so significantly impact on that method is particularly important.

Popularly, it is referred to as the *Campaign Finance Reform Bill.* The debate, however, ensues in a period where nationally expectations are high as we approach the fourth anniversary in the life of the current Parliament. Many believe that General Elections, though neither due nor announced, are thought to be imminent.

Mr. Speaker, at the base of these amendments is an intention to make even more transparent and fair the election of the people's representatives to this Honourable House.

All of us agree that the integrity of the Parliament and of our democracy requires safeguards to enhance and ensure fairness and transparency.

A Motion standing in my name has been referred to and reviewed by the Internal and External Affairs Committee of this Parliament. That Motion is also intent upon safeguarding our democracy from certain connections and monetary considerations which could unduly impact the outcomes of elections at the national and at constituency levels, making those outcomes different from the will of the people, which otherwise would

have been achieved were it not for said intervention.

That outcome, Mr. Speaker, or that threat is the first of a tripartite threat which this Bill seeks to correct.

The second is best expressed by reference to the piper and the tune metaphor. He who pays the piper calls the tune, is often referred, as it suggests that if an individual or entity invests heavily in the election of an individual or party, that individual or entity could expect returns on that investment through influencing Government policy.

There is a third related risk and that is only that the monied class or those linked to the monied class can ultimately participate in or determine a successful campaign.

(*Sotto voce* comments)

Mr. PRYCE: Mr. Speaker, either or all three of these outcomes would be injurious to the practice of democracy in Jamaica.

The Bill courageously attempts to define a campaign period.

Mr. SHAW: You shouldn't talk about campaign financing, you know.

Mr. PRYCE: And neither should you speak about the IMF.

(Laughter)

Mr. Speaker, the Bill courageously...

(*Sotto voce* comments)

Mr. L. BUCHANAN: Eh, Audley! Audley, behave yuself.

Mr. PRYCE: You know, Mr. Speaker, it is not a widely-known fact that the Member from North East Manchester actually presides over a constituency in which I have extensive property.

Opposition MEMBERS: What! What!

Mr. PRYCE: I think he might actually learn from this intervention today.

Mr. SHAW: What! Come and run against me then.

(Cross talk)

Mr. PRYCE: The Bill courageously attempts to define a campaign period.

(The Speaker gavels)

In Section 2:

A campaign period means in relation to:

a) A General Election commencing on the earlier of:
   i) the day immediately following the last day of the period of fifty-four months from the commencement of the term of office of the Government or such other period as the Commission may order subject to affirmative resolution unprescribed or the day on which the date of an election is officially announced by or on behalf of the Prime Minister.

Mr. Speaker, it also seeks to define the campaign period for local polls and for by-elections.

Important terms such as contributor and contribution are also defined, yet the Bill isn't brave enough to address an existing reality...

(*Sotto voce* comments)

Mr. PRYCE: ...which directly impinges upon the practical definition of a campaign period. And that is the fact that it is the case within the Jamaican Constitution that it is the person who holds the office of Prime Minister of Jamaica who exercises the finite discretion

as to the announcement of elections in this country.

Those powers are separate from those of the ECJ and the EOJ. Those entities are responsible for the administration of the elections once they are called. Recent discussions across society have brought this dichotomy into sharper focus. One aspect of those discussions is a remark credited to the Director of Elections which, if misconstrued, could suggest that some $20 Million were wasted or otherwise prematurely expended. While I won't tarry on that point too long, a dichotomy has been created if not a dilemma in the minds of the public as to the synchrony between the authority to call elections, and the responsibility to administer those elections. It may well be that an act to fix the dates for elections and to make exact the terms of office is imminent.

Now in a recent interview, I had reason to explore the definition of the words "imminent" and "immediate" with one of Jamaica's leading journalist and influences of public opinion. I won't reengage that processes here, suffice it to say, however, that the imminence of an election is determined by the announcement, and therefore the responsibility of the institution that administers over elections should be timed with that practical reality as to when a campaign ensues and when elections are due. But there is another aspect of my contribution today and that is the instrumentation which measures and communicates compliance to whatever standards are enacted at the close of this debate. In my view that instrumentation is at least as important as the amounts prescribed from time to time as determined by the Parliament upon the proposal of the ECJ, or by its own determination.

Mr. Speaker, the extant form used in 2011 by the Electoral Office of Jamaica, for which candidates were to file their returns, illustrates the point. Effectively, as parliamentarians know, there are two parts to the correct form. The first covers expenses to be declared for among other things, the rental of premises at which the campaign at the constituency level ensues, utilities to supply said premises, cost for speakers who appear on behalf of the candidate, and related expenses to include canvassing and other activities.

Mr. Speaker, the amounts declared in that section of the form are published by the Electoral Office of Jamaica. What is largely unknown by members of the public, is that there is a second part of the form on which candidates must declare expenses incurred for printing paraphernalia and related material pertinent to a successful campaign.

The fact that many in the public do not know that there is this feature to the form where the second part is unpublished by the EOJ, causes persons who could otherwise have informed themselves to publish frequently statements of non-fact which accused, as one paper recently does, as hypocrisy, the debate currently underway in the Parliament as to the limits and caps of campaign contribution.

Mr. Speaker, it seems to me that an aspect of this amendment could have and should have included a determination by the authority

with responsibility to administer elections, to change the instrumentation and the manner in which it notifies the public as to the expenditure of candidates at both the constituency level as an individual, and at the level of a party as an organization. For if both parts of the form were published, then the misconception that has been kept alive by some in the media and elsewhere across the public, that parliamentarians do not file truthful declarations as to the expenditure incurred in a successful campaign could only continue to erode public trust in the institution of Parliament and the democracy which the Parliament ought to protect.

Mr. Speaker, while several aspects of the Bill before us are important, apt, and appropriate for debate at this point, it seems to me that a major omission makes the process incomplete. That omission speaks to some of the aspects of the administration of elections which the ECJ and the EOJ must of necessity be concerned about. I would suggest, Mr. Speaker that it is not too late for us as a Parliament to ensure that that error, that dilemma which is created by the current situation is corrected with the proposed amendments that is before the House.

One obvious way to correct the fault, Mr. Speaker, is if the ECJ was to publish its intention through the representatives of both major political parties on the commission, as to how through its own administration of its affairs, it will take steps not necessarily required by a legislative amendment, to ensure that the necessary safeguards against the unfair intrusion by money or influences in the process of electing the people's representatives, could immediately be corrected.

I have gone through this Bill, Mr. Speaker, and there is another aspect of our recent experience circa 2007 to 2011, which is not explicitly addressed in the amendment, and that is the requirement of the Constitution that only persons qualified to sit in the House of Representatives or in the Senate, should be admitted so to do. It seems to me, Mr. Speaker, that there too is an opportunity lost where the ECJ could have been as courageous in those directions as it has been in the areas that have been covered. In other words, Mr. Speaker, amendments or changes to the nominating form as well as to the form on which candidates declare their expenditure, can, should, and still must be during the current period of this debate considered and hopefully implemented.

In the end, Mr. Speaker, I don't think that any of the 63 Members now serving can reasonably have any objection to the amendments as presented, save and except for one aspect which is linked to the country's ability at this time to afford a particular proposal. I suggest that the time will come when those arrangements can be considered, as I also suggest with some amount of bravery of my own, that the time will also come when the ECJ will be funded by an independent source of funds as we have done successfully with the Caribbean Court of Justice and other similar institutions, so that if we ever arrive at a point when election dates are in fact fixed and terms are in fact defined as to the duration

of a term, then the Electoral Commission without depending on a Minister of Finance to make the necessary allocation in the budget of this or that fiscal year, can initiate and execute upon the process to successfully administer fair and transparent elections.

Mr. Speaker, those are my contributions to this debate, and I thank you for your indulgence.

(Applause by Government Members)

The SPEAKER: Mr. Vaz.

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

(Cross talk by Government Member)

Yes, I sought permission before. Mr. Speaker, I will be very short but spicy.

Mr. Speaker, some general comments on the Bill. Mr. Speaker, Clause 2. "The definition of campaign includes activities carried out by any individual or group acting in support of a registered political party." Mr. Speaker, that is almost impossible to define preclusively. Definition appears not to include any individual or group acting in support of a candidate as distinct from a party.

Mr. Speaker, I raise also the question, how does the definition treat with an individual or a group accepting in support, not of a registered party but rather of specific issues and policies that have been enunciated by the party? Example, radio ad campaign promoting a nondescript group supporting the CCJ, or the "no user fee" policy but which asserts that it is not supporting any particular political party.

In relation to Clause 52AN. How are Jamaican diaspora groups to be defined or determined? Yes. Formula for disbursement is open to manipulation. A candidate will be reimbursed up to a maximum of 40 per cent of $10 Million or 40 per cent of his actual expenditure as certified in his returns. Therefore, Mr. Speaker, there is an incentive for a candidate to inflate his returns which can easily be done since expenses under $10,000 do not have to be supported by receipts or invoices.

Mr. Speaker, 52BH. My interpretation is that each candidate has an expenditure limit of $10 Million which is separate from the political party that has expenditure limit of $630 Million. Mr. Speaker, my interpretation is that that disbursement from the source, or in addition to the disbursement under the National Election Fund stated in 52AR. In other words, both candidates and political parties could be reimbursed up to a maximum aggregated total of 80 per cent of reported expenditure.

Clause 10, Mr. Speaker. What does this mean? A public body should not be supporting, furthering or opposing the campaign of any registered political party, or candidate at any time, not just during campaign periods.

Mr. Speaker, my general observation. The new campaign finance rules were less powerful than they appear to be because they apply to contributions and expenditures during the campaign period. From the day of the announcement to the day before election day a smart candidate, Mr. Speaker, like me, or a political party can therefore thrive to get his contributions in and much of its expenditure undertaken before the announcement is made.

Dr. DAVIES: So you working?

Mr. Daryl VAZ: Right now.

Mr. SHAW: Working, working, working.

Mr. Daryl VAZ: Right now.

The ease of doing that will be even greater if election dates becomes fixed, Mr. Speaker, which I hope and support that it will be in short order. So, Mr. Speaker, a candidate who spends $10 Million prepaying -

(Inaudible comment by Dr. Davies)

Mr. Daryl VAZ: Listen to this, Omar, because you are a smart man. You are a very smart man so listen to this.

The ease of doing so will be even great - sorry. So a candidate who spends $10 Million prepaying his car rental, bus hiring bills, paying for his T-shirts, his armbands, *et cetera*, will still be able to legally spend another $10 Million during campaign period, and since July, Mr. Speaker, in actual fact when the Member on the other side from East Central put us on election alert...

Mr. SHAW: Unauthorized.

Mr. Daryl VAZ: Unauthorized election alert.

Dr. PHILLIPS: He had no authority to...

(Inaudible comment)

Mr. Daryl VAZ: I know for a fact that not only me but several people have bought their T-shirts, their armbands...

Mr. L. BUCHANAN: You not supposed to wear it in here.

Mr. Daryl VAZ: Their armbands, wrapped their vehicles, and done so much in preparation for election and those are very costly items, and therefore, I have another $10 Million to spend legally when this is passed.

Mr. SHAW: But that is for rich candidates.

Mr. Daryl VAZ: So the bottom line.

(Heckling)

Mr. L. BUCHANAN: So you have some illegal ones to spend?

An Opposition MEMBER: Yes.

(Heckling)

Mr. L. BUCHANAN: You have some illegal ones to spend?

Mr. Daryl VAZ: Illegal what? The only people - I spoke about them on Sunday and we not going back there, okay.

What I would say to you, Mr. Speaker. Mr. Speaker, as much as most of these pieces of ambitious legislation, the ultimate value and impact is in the enforceability. These brown paper bags will remain almost impossible to detect, or scandal bags, either in its coming in or going out. Money distributed in envelopes, as we say, to nice up an area, or by votes which has been confirmed in recent elections that it is actually something that is happening by no other than Members, including the General Secretary of a particular party. Yes? It speaks clearly, Mr. Speaker that people pay people to vote. There is no question about it.

And therefore, Mr. Speaker, I say to you that your ID card for Election Day to ensure that you don't vote, or vote for the opposing side is a reality, and these are cash transactions, no paper trail.

Mr. CHARLES: No cheque.

Mr. VAZ: And notice I looked over to the galley.

A MEMBER: What you said *bout* that?

Mr. VAZ: I said that in relation to the reality of what is happening, in relation to vote-buying and other methods to induce people to either not vote, or vote for the opposing side, I am saying to you that those are cash transactions, and therefore there are no receipts, nor any traceability.

So, Mr. Speaker, I say to you, in closing, someone putting on a campaign rally under the guise of a stage show or a gospel concert that is attended by large throngs, or green, or orange-shirted people, is again, another example. And all I am saying to you is that, while it is an ambitious piece of Legislation, I have pointed out to you in real terms - in the real sense, how easy it is to get around of all of this lovely document. And therefore, I close by saying that it needs revision, and it needs to be tightened.

Thank you very much.

(*Sotto voce* comments by Mr. Atkinson)

Mr. McKENZIE: (Inaudible) ...Once a Labourite, always a Labourite; you can't be a Comrade. That's why... (Inaudible) *Yuh caan* be a Comrade.

Dr. DAVIES: Desmond, the alternate Leader says you must keep quiet.

Mr. L. BUCHANAN: And it is not baby talking to you. It is not Pearnel baby talking to you.

Mr. SHAW: Mr. Speaker, let me...

Mr. VAZ: See the scandal man a come now... the man *wid* the bag.

Mr. SHAW: Let me just say that I support a review of the proposed limit for constituencies. But I have to present another side from what my colleague has just presented. I have to present the poor man side - the more modest side. And the truth is, Mr. Speaker, that some of us can't raise money until the elections are called - until God touches somebody - until God touches somebody, some of us...

A MEMBER: Or the poll.

Mr. SHAW: ...or the poll...

Mr. VAZ: Or the poll, too.

Mr. SHAW: Either God or the poll, touch somebody, then it is when the elections are actually called that some of us can raise some money.

Mr. VAZ: You *caan* wrap the vehicles before... (Inaudible)

Mr. SHAW: On both sides. There are many people who say, when election call, man, you call me when election call. So that I think is the basis on which this requires a review, with every due respect.

(*Sotto voce* comments)

Mr. SHAW: So, Mr. Speaker, the Member has spoken quite a bit, and I know that others have made various suggestions. That is the main one I would like to suggest, needs review, because I don't know exactly when that $10 Million came about, whether it was before a 40 per cent devaluation of the dollar, or after, I don't know. But anyway...

(*Sotto voce* comment/Laughter)

Mr. SHAW: Mr. Speaker, I would like - I would appreciate if the Minister who has responsibility for the Electoral Affairs could tell us how much money has been expended by the Electoral Commission to prepare for a December Election...

Mr. D. SMITH: Twenty-five Million.

Mr. SHAW: ...and what are the consequences of that, whether those funds are recoverable or not, or it's a matter, Mr. Speaker, that those monies have actually gone down the drain.

A MEMBER: Yes!

(HON. EDWARD RICHARD AZAN, (PNP), Clarendon, North Western, Minister of State in the Ministry of Transport and Works, entered and took his seat.)

(DR. THE HON. KENNETH WYKEHAM MCNEILL, CD, (PNP), Westmoreland, Western, Minister of Tourism and Entertainment, entered and took his seat.)

Mr. SHAW: And, you see, Mr. Speaker, why it is important, if it is $20 Million, $25 Million - I heard on a radio programme today that it could be somewhere between $20 Million and $60 Million.

Mr. CHARLES: What!

Mr. SHAW: Yes, I heard it could be as high as $60 Million.

Mr. D. SMITH: Somebody should pay that back.

Mr. SHAW: And I want to - you know, the Minister is getting advice over there, but I want to make - Mr. Speaker, what is of importance here, the statistical significance of this amount of money that is going down the drain - or has gone down the drain, because there will be no election in December - can be stashed against the unwillingness, Mr. Speaker, of the Minister of Finance to find $10 Million to complete the Report into the collapse of the financial sector - the FINSAC Report.

Mr. Speaker, that is what the FINSAC Report needs, $10 Million, and the Government refuses steadfastly to provide that money to complete a report that affected thousands of people's lives, closed 40,000 businesses, closed 40 financial institutions...

Dr. DAVIES: You just making up the numbers...

Mr. SHAW: ...closed 40 financial institutions, and mashed up the financial sector, mashed up the productive sectors of the economy, and that is why we cannot even grow by one per cent today.

Mr. CHARLES: And mek man commit suicide.

Mr. SHAW: And the Government will not find $10 Million for FINSAC...

Dr. DAVIES: How much they spend on it already?

Mr. SHAW: ...but we go and waste 20-25 - somewhere between $25 Million and $60 Million because election was coming, our Minister of Finance says election is coming...

Mr. McKENZIE: Down to the blind man *caan* see.

Mr. SHAW: Down to the blind man could see election was coming.

(*Sotto voce* comment by Mr. Charles)

Mr. SHAW: Your good self, Mr. Speaker - your good self also made announcements suggesting that elections were by Christmas. You - you are involved too.

(Laughs)

(*Sotto voce* comments)

Mr. SHAW: So, Mr. Speaker, when we get the exact figure of how much is being lost by the Electoral Commission, I would like to know when we can get a $10 Million to. finish the Financial Sector Collapse Report.

The second point I would like you to comment on before you close this Debate, and it is certainly...

Dr. DAVIES: Hope this is a serious one.

Mr. SHAW: It is certainly, Mr. Speaker, only a tangential point, but important nonetheless, because the Chairman of the Electoral Commission has graced us with her presence in the Houses of Parliament today. And I want to make reference to the fact that on this day... on this day, a new Voters' List has been published, and is being circulated to Candidates islandwide, Mr. Speaker.

We are told by the Electoral Commission that for the first time, the Voters' List is now over - well over 1.8 million people - 1.8 million people - over that figure now. You have the exact figure right here...

Mr. D. SMITH: ...one point eight two, (1.82)

Mr. SHAW: 1.82 million people are now on the Voters' List.

But Mr. Speaker, by the acknowledgment of the Electoral Commission, the Voters' List is not clean. The General Secretary of the People's National Party publicly on a radio programme has said that there are about 200,000 names that are on the List that should not be on the List. Better than that, the former General Secretary of the PNP, and a present Member of the Electoral Commission of Jamaica, publicly stated on a radio programme that between three and four hundred thousand names are on the List which should not be on the List. A *nuh mi seh suh;* it's the General Secretary and the former General Secretary of the People's National Party that has said so. What I have said, Mr. Speaker is that there could be as many as 500,000 names that are on List that should not be on the List.

Dr. DAVIES: You just add the two numbers them.

Mr. SHAW: Now, Mr. Speaker, I'll do a little bit of your math, I run with it.

Dr. DAVIES: You just add up the two numbers them.

Mr. SHAW: I run with it, and do a bit of your math.

Now, Mr. Speaker, the point I wish to make is this: This Government authorized an expenditure this year in the Budget, of $1.4 Billion to commence the process of re-verification - $1.4 Billion allocated in the Budget from April. And Mr. Speaker, now is the beginning of December, and there has been no money granted to the Electoral Commission out of that $1.4 Billion to commence the re-verification of names on the Voters' List. Why is that so, Mr. Speaker? Is this a deliberate, willful, calculation of the Government that they don't want to have a re-verified Voters' List before the next Election? It certainly - it most certainly gives the impression, Mr. Speaker that the Government is willfully locking down the reverification exercise to get a clean Voters' List.

And therefore, I am using this opportunity to ask the Minister, why is it that $1.4 Billion has been allocated to commence the re-

verification and they have not gotten any of the money, why? It is absolutely important that this country be aware that when names are on a Voters' List, no matter how you think that the system is so wonderful that there can't be corruption, there can be corruption, because people will come and try to impersonate a man who has been abroad for 10 years - migrated...

Mr. VAZ: Or dead for five years.

Mr. SHAW: People will try to come and impersonate somebody who has been dead for five years.

Mr. VAZ: Like Luther!

Mr. SHAW: And if people in the Polling Stations are complicit and corrupt, it will happen. So the thing to do is to clean up the Voters' List.

Prime Minister, you know what you should do, instruct your Minister of Finance, instruct your Minister with responsibility for Electoral Affairs, clean up the Voters' List before God call you to call the election.

Mr. CHARLES: And don't announce election...

(Inaudible)

Mr. L. BUCHANAN: Dr. Davies, him end like how *im* build the bridge - sudden.

Mr. SHAW: You wouldn't have time to come open my road.

Mr. Anthony HYLTON: Mr. Speaker, as we suspend this - that aspect of the Finance Debate on the Campaign Finance Reform...

(*Sotto voce* comments)

Mr. PAULWELL: Mr. Speaker, I want to thank the Members who have contributed to this Debate, and I am pleased that the tradition is going to hold, in relation to the recommendations from the ECJ.

In relation to the limit of ten million, it is clear to us - well, I should make the point that in 2011, this limit was imposed by law, and so it is not properly before us today, because it was already established by law. What is a shortcoming in the law is that it really should be subject to constant review by this Parliament. And what I am proposing is that the matter be referred back to the ECJ, and I have asked the Chairman, kindly, in 30 days, to reflect on the amount, and to report back to Parliament.

We have been able to get these things done very quickly in our Parliament, and also, to ensure that that proviso is there, so that from time to time, based on inflation and other things, we can in fact, do reasonable amendments to that figure.

Mr. Speaker, I want to go back to the point I'd made last week that let us not make perfection the enemy of the good. And yes, we are seeking to do some modest adjustments now and we should allow them to go through and then we will be constantly reviewing the provisions to make sure the ECJ, to make sure that we have an effective campaign finance law.

Mr. Speaker, the amount allocated for the elections is approximately $1.6 Billion of which $400,000 has been spent. We do not have any additional resources this year to conclude or to commence and to conclude the re-verification which we acknowledge is necessary and it's a commitment that will have to be put in next year's budget. We just

do not have the resources to make all the plans for elections and to conduct those elections.

(Cross talk)

In fact, the ECJ has been given $400 Million and they have not yet spent that amount, but we know that the bulk of the money is to be spent on the period...

Mr. SHAW: How much have they lost?

Mr. PAULWELL: I don't have that figure. I will certainly have a look at it and report back to you. But the fact is that elections are very expensive exercises and we do need to do them to preserve our democracy.

Mr. VAZ: What about the fixed election date?

Mr. PAULWELL: I have taken into account the views from the Member from North East St. Elizabeth and again, we will forward them to the ECJ for consideration.

On the matter of fixed election date, I think both parties will have to contemplate that and seek advice from the ECJ. It's a matter that I think ought not to separate us. I think we are fast approaching that realization.

Mr. Speaker, I don't intend to repeat the points that were made last week. We are very pleased that we will not today have any amendments and that the law as recommended by the ECJ will be concluded and promulgated as is, and we will await their further consideration in relation to the amount of money to be spent during campaign in relation to constituencies. So Mr. Speaker, I therefore move for the second reading of the Bill.

The SPEAKER: The question is that the Bill be read a second time.

Put to the House and agreed to.

Bill entitled:

"AN ACT to Amend the Representation of the People Act",

read a second time.

The SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

The CHAIRMAN: Clause 1 put to the Committee and agreed to.

Clause 2 put to the Committee and agreed to.

Clause 3 put to the Committee and agreed to.

Clause 4 put to the Committee and agreed to.

Clause 5 put to the Committee and agreed to.

Clause 6 put to the Committee and agreed to.

Clause 7 put to the Committee and agreed to.

Clause 8 put to the Committee and agreed to.

Clause 9 put to the Committee and agreed to.

Clause 10 put to the Committee and agreed to.

Clause 11 put to the Committee and agreed to.

The Title and Enacting Clause put to the Committee and agreed to.

The question is that I do report the Bill as having passed Committee Stage without amendment.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage without amendment.

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, I move for the reading of the Bill a third time.

The SPEAKER: The question is that the Bill be read a third time.

Put to the House and agreed to.

Bill entitled:

"AN ACT to Amend the Representation of the People Act",

read a third time and passed.

(Applause)

Mr. PAULWELL: Mr. Speaker, the Minister of Industry will now deal with the Special Economic Zone Act.

THE SPECIAL ECONOMIC ZONE BILL

The SPEAKER: Minister Hylton.

Mr. Anthony HYLTON: Mr. Speaker, I am very pleased to bring to this Honourable House the Special Economic Zone Bill which is the linchpin of the Logistics Hub Initiative and an important element of the Government's growth agenda. Essentially, Mr. Speaker, the Bill ensures that our efforts to build an internationally competitive business environment will have a modern framework to support it as envisioned in Vision 2030. Mr. Speaker, the first Free Zone in Jamaica was established in 1976, some 40 years ago under the Kingston Free Zone Act. This was later repealed, Mr. Speaker, and replaced by the Jamaica Export Free Zone Act of 1982. Both [pieces of] legislation laid the foundation for an export-centric regime that did not offer sustainable benefits to the local economy due to its restrictive nature. While we enjoyed many years of a vibrant garment industry in the Free Zone, our economy did not transition to provide competitive services and at the end of the Multi-Fiber Agreement the industry collapsed. It also was hastened by the onset of NAFTA, the North American Free Trade Agreement which had industry almost overnight leaving Jamaica and shifting to the NAFTA countries mainly in Mexico.

This industry, Mr. Speaker, was replaced by the Business Process Outsourcing Sector. Today, the sector continues to have great potential for growth which we expect to realize within the new SEZ regime. Mr. Speaker, the new SEZ regime will not only build on our past but will provide a more inclusive and sustainable framework and we envision that the zones will attract new economic activities, supported by the provisioning of new infrastructure. It will also allow domestic suppliers to sell to companies located in the SEZs and potentially to become part of the global supply chains. Incubators, Mr. Speaker, will be a key feature to ensure that our MSME sector has an opportunity to be part of this growth initiative. Mr. Speaker, this will support the development of human capital and much needed employment for Jamaicans.

While it is true, Mr. Speaker that the new SEZ legislation will ensure that Jamaica is in conformity with the WTO, the World Trade Organization Agreement on Subsidies and Countervailing Measures by the December 2015 deadline agreed between parties, particularly Jamaica and the WTO, the legislation before us is much more than a reaction to the WTO. I would argue, Mr. Speaker, it represents an opportunity.

Mr. Speaker, after extensive consultation and input from ministries, departments and agencies across Government, the private sector, academia, key stakeholders and the general public, along with local and international technical assistance, the following key areas were identified to replace our Free Zone Act and to develop a competitive Special Economic Zone regime. The main objectives identified were:

1. to attract new and diverse investments in the special economic zones;
2. to enhance the impact of SEZ investments on local investors and communities;
3. to expand the footprint of SEZs across the island;
4. to establish effective investor facilitation programmes; and
5. to establish an effective and efficient regulatory Authority.

Mr. Speaker, what we are seeking to build is a robust and modern regime that will be to the benefit of not just our international investors but the Jamaican economy as a whole. Already we are laying the foundation for the Logistics Hub and logistics-centred economy through a joined-up Government approach.

As you will recall, Mr. Speaker, the Ministry of Transport, Works and Housing and the Port Authority have entered into a concession agreement with CGM CMA to operate the Kingston Container Terminal. This investment will result in the expansion of trade volumes from 1.4 million TEUs, that's (24ft equivalent units) to 5 million TEUs by the end of their agreement. The intended investment, Mr. Speaker, to modernize infrastructure is valued at approximately US$600 million. Our own Kingston Wharves Limited, Mr. Speaker, is also expanding and expecting to grow their volumes to 1 million TEUs. Mr. Speaker, this is more than four times the volume we currently trade over our ports.

Mr. Daryl VAZ: I don't believe you believe what you say?

Mr. Anthony HYLTON: Mr. Speaker, this improved infrastructure will allow us to attract other maritime industries, such as the ship chandlering, wet and dry-dock services, and bunkering services, to include the proposed LNG Hub. We envision complimentary aviation industries, such as airport cargo zones, perishables and cold chain industries, among others. The SEZ regime seeks to facilitate the realization of these initiatives.

Mr. Speaker, the new Special Economic Zone regime will not be done in isolation...

Mrs. NEITA-HEADLEY: Hear, Hear!

Mr. Anthony HYLTON: ...but will be a critical element of the work across

Government. (Applause) The work, Mr. Speaker, of the Trade Facilitation Task Force, the capacity building of our MSMEs, the efforts to improve our business environment, the focus on building a national quality infrastructure, and the work to build a robust intellectual property regime are just a few of the areas that are collectively being targeted to improve Jamaica's business environment. But Mr. Speaker, I have always maintained that logistics performance is essential to a strong business environment, especially for a small Island Developing State, such as ours. This view, Mr. Speaker, is supported by the World Bank Logistics Performance Index, 2014, which stated, and I quote:

> Improving logistics performance is at the core of the Economic Growth and Competitiveness Agenda. Policy makers globally recognize the logistics sector as one of their key pillars for development.

Mr. Speaker, the World Bank also estimates that there are approximately 3,000 zones in 135 countries, accounting for over sixty-eight million direct jobs, and over US Five Hundred Billion Dollars (US$500B) of direct trade-related value addition within Special Economic Zones.

Mr. SHAW: Hold on. How much billion dollars?

Mr. Anthony HYLTON: It therefore...

Mr. SHAW: How much billion dollars?

Mr. Anthony HYLTON: US Five Hundred Billion Dollars (US$500B).

Mr. SHAW: Oh, I thought you said five billion dollars.

Mr. Anthony HYLTON: It therefore follows, Mr. Speaker that we are progressing in the right direction.

(Applause)

Mr. Speaker, it is on this premise that we present the *Special Economic Zone Bill.* The Bill seeks to implement a comprehensive regulatory framework for the operation of Special Economic Zones. It also provides for consequential amendments to be made to those Legislations which are affected by the implementation of this Bill.

Accordingly, the *Special Economic Zone Bill* seeks to repeal the *Jamaica Export Freezone Act*, and make provision for the following:

b) the establishment of a Special Economic Zone Authority;
c) the empowerment of the Special Economic Zone Authority to establish a fund to support the development of the Special Economic Zones;
d) the designation, promotion, development, operation and management of Special Economic Zones; and
e) the grant of benefits and other measures in order to attract domestic and foreign investments.

Mr. Speaker, let me address now the main parts of the Bill.

Part I, which is titled the Preliminary Parts of the Bill. In this Part it highlights certain key terms, such as sponsors, developers, occupants and zone users. These terms represent the key stakeholders in this new regime.

Sponsors, Mr. Speaker, are investors responsible for the establishment of a

company limited by shares, referred to as a developer, which will undertake businesses in a zone pursuant to a master concession or licensed agreement concluded with the Special Economic Zone Authority.

A developer may, therefore, conclude a sub-concession agreement with an occupant to conduct business operations within a zone, and apply for authorizations for zone users to establish facilities and to perform activities or services within the zone.

This Part further provides, Mr. Speaker, that the Act applies to Special Economic Zone established in Jamaica and shall be regarded as an enactment relating to the Customs for the purposes of the *Customs Act*.

Part II of the Bill, Mr. Speaker, addresses the Special Economic Zone's Authority. And here, Mr. Speaker, it provides for the establishment of a Special Economic Zone Authority as a body corporate which has the power to issue shares, subject to Ministerial directives. At all times, Mr. Speaker, the Government or a Government agency must hold 50.1 per cent or more of the shares in the Authority.

Among the responsibilities of the Authority, Mr. Speaker, are the following:

- the regulation and supervision of zones;
- the making of recommendations to the Minister, in relation to the location of zones;
- the management of the Special Economic Zone Fund;
- the negotiation and conclusion of Concession Agreements with developers;
- and taking on the role of landlord for zones vested in the Authority.

The Authority, Mr. Speaker, is expected to operate in accordance with business principles which serve to maximize its effectiveness and efficiency, and among other things, enhance the Jamaican economy by increasing levels of investments and job creation, as well as to promote measures, actions and investments aimed at improving the logistics chain of which the zones are a part.

Similarly, Mr. Speaker, to this current free zone, the Special Economic Zones are considered to be extra territorial. Accordingly, the Authority is not allowed to permit any movement or the establishment of existing businesses from the Customs territory, that is, Jamaica, into the zone during the zone establishment period. This period, Mr. Speaker, refers to the period of ten years from the day this Legislation comes into force, or such other date as may be prescribed by order, subject to affirmative resolution.

It is important to note, Mr. Speaker, that this provision is intended to preclude the erosion of Jamaica's tax base. I repeat, Mr. Speaker. It is important to note that this provision is intended to preclude the erosion of Jamaica's existing tax base.

The Bill, Mr. Speaker, also provides for the establishment of a Board of Directors which is responsible for overseeing the general administration of the Authority. The Board shall consist of members from both the public and private sectors, and shall act in accordance with any ministerial directives

received in relation to the policy to be followed by the Board in the performance of its functions. In relation to its internal management, the Authority shall be headed by a Chief Executive Officer.

Among the functions of the Authority, Mr. Speaker, are the negotiation and entering into master concessions or license agreements, and the approving of sub-concessions in accordance with the Act, the relevant eligibility criteria set out therein and any approval criteria that the Minister may prescribe by order.

Mr. Speaker, the eligibility criteria stipulates that proposed developers and occupants must first establish a company limited by shares. It also sets minimum limits to the paid-up share capital of the company which the investors, namely, developers, have to establish for the specific purpose of zone development, in the amount of Three Million US Dollars (US$3M).

The conditions to be applied for the admission of local firms into zones are moderate and flexible. Accordingly, a minimum level of paid-up share capital has been set at an amount of Twenty-five Thousand US Dollars (US$25,000) for occupants. This will allow minimum-sized local enterprises to enter into a zone. MSEs, Mr. Speaker, are also afforded the opportunity for growth in the international market as they are allowed to enter zones as occupants and enjoy fiscal benefits under the law.

Part III of the Bill, Mr. Speaker, addresses restrictions and operations of Special Economic Zones. In regard to restrictions, Mr. Speaker, and the operation of Special Economic Zones, it is an offense for a person to, among other things, hold himself out as providing, developing or constructing a zone.

The Bill further places a restriction on the proliferation of single-entity zones, but importantly, Mr. Speaker, does not preclude their establishment all together. In fact, it stipulates the criteria that are to be applied by the Minister in determining whether to allow the establishment of such zones in the public's interest.

Mr. Speaker, Part IV of the Bill addresses the designation of Special Economic Zones, Master Concessions, and Licenses Agreements. This Part, Mr. Speaker, provides for the designation of a geographical area as a Special Economic Zone, pursuant to the recommendation of the Authority to the Minister of Industry, and the said Minister having consulted the Minister of Finance.

The Bill contemplates two types of zones, (1), general zones, and (2), special zones. The latter is limited to specific economic activities such as maritime or aviation-related zones.

The Minister, Mr. Speaker, may also transfer property belonging to the Government to the Special Economic Zone's Authority, which it appears to him to be necessary or useful to the Authority in carrying out its functions under this Act. Such property, Mr. Speaker, shall be vested in the Authority.

In relation to the conclusion of a Master Concession or a License Agreement, it is the duty of the Authority to establish procedures for the marketing, initiating and conducting of negotiations in relation to the making of

applications by sponsors who are desirous of entering into a Master Concession or a License Agreement. To this end, Mr. Speaker, it is important to note that a Master Concession is concluded where the proposed developer will be operating on land vested in the Authority.

However, where the proposed developer has his own land, said developer will negotiate and conclude a licensed agreement with the Authority.

Mr. Speaker, the Authority may also carry out such investigations in relation to the applicants as it considers appropriate, in order to verify the accuracy of the information in the application, as well as to require further information and documents for the purpose of considering the application.

It is also incumbent on the Authority, Mr. Speaker, to exercise due diligence in order to ensure that sponsors and developers are not engaged in the following activities:

- money laundering and other financial crimes;
- terrorism financing; and
- the manufacturing or proliferation of weapons of mass destruction.

Further, Mr. Speaker, the Authority ought not to conclude any Master Concession or License Agreement without the prior approval of the Minister. However, once the requisite approval is obtained, it may conclude the relevant Concession Agreement and issue an operating certificate to the developer.

A concluded Master Concession or License Agreement shall be in effect for a maximum duration of 50 years, unless otherwise agreed. Thereafter, and in their business operations, the developers will be entitled to set and to revise the rents and service charges payable by occupants, zone users and other persons, as well as to enjoy all benefits granted to it under this Act and the revenue laws related to it.

However, Mr. Speaker, where the developer has signed a Master Concession, it must pay an annual license fee to the Authority and a fixed lease payment as rent for the Government land on which it is established. Conversely, a developer who is operating on his own land will only pay an annual license fee to the Authority.

In relation to employment within the zones, Mr. Speaker, this Part expressly states that the developer must first offer employment to CARICOM nationals before other nationals, subject to said persons meeting the requirements of the developer, including requirements regarding skills and competencies.

Also, Mr. Speaker a developer may conclude a sub-concession with occupants desirous of starting their businesses in a zone; the authority must, however, authorize the conclusion of same in order for the agreement to take effect. On the authorization of the sub-concession, the occupant will be entitled to the same tax and other benefits to which the developer is entitled.

In relation to zone users, Mr. Speaker, it is the duty of the developer to apply for an authorization for a zone user to carry out activities or services, or operate any facilities in the zone. This part also lists a number of

activities referred to as excluded activities, which a developer or occupant is not allowed to conduct in a zone. These activities include but are not limited to tourism services, telecommunication services, financial services regulated by the Bank of Jamaica, or the Financial Services Commission, and retail trade.

This part also, Mr. Speaker, stipulates that the authority shall enjoy benefits specified in the First Schedule of this Act, and that the developers and occupants will be entitled to certain benefits for the duration of their respective agreements. Such benefits include but are not limited to:

a) exemption from tax under the Assets Tax, Specified Bodies Act, in the case of occupants;
b) exemption from the customs duty under the Customs Act in relation to goods imported into the zone;
c) 12.5 per cent rate of tax chargeable income of the developer or occupant derived from the conduct of a trade, profession or vocation within the zone in accordance with the Income Tax Act; and
d) exemption from the payment of income tax on profits derived from rentals of property in the zone except for any rental where the landlord, whether the developer or an occupant, and tenants or connected persons within the meaning of the Income Tax Act.

I now turn to Part V - Part VI, Mr. Speaker, Special Customs Regime for Zones. This part stipulates that in order to facilitate the efficient operation of zones in Jamaica, the Jamaica Customs Agency shall make arrangements for matters such as:

a) the availability of customs services in zones on a continuous basis to meet the needs of the developers and occupants.
b) customs, procedures and systems that enable electronic transactions and payments, and pre-arrival clearance of goods; and
c) the facilitation of imports of capital goods and equipment destined to remain in a zone.

Part VII of the Bill addresses offences and penalties. This part, Mr. Speaker, specifies that it is an offence for a person to enter or remain in a zone without a valid pass issued by the authority or a reasonable excuse. It is also an offence to furnish false information. Both of these offences attract fines and terms of imprisonment.

Lastly, Mr. Speaker, a person who commits an offence under this Act or regulation for which no specific penalty is prescribed shall be liable to a fine of $1 Million or in default of such payment imprisonment not to exceed six months.

In Part VIII of the Act, Mr. Speaker, which is miscellaneous section, this provides - this includes a regulation-making power and provides that the Minister may amend or vary monetary penalties prescribed under this Act by order subject to affirmative resolution. Further, Mr. Speaker, the Jamaica Export Free Zones Act is repealed under this part.

Part 1X, Mr. Speaker, addresses the transitional provisions. Among other things, Mr. Speaker, this part stipulates that a free zone promoter of an existing free zone which desires to continue its activities as a developer under this Act shall enter into a master concession or a license agreement with the authority within a period of four years from the day this legislation comes into effect. Similarly, Mr. Speaker, an approved - Mr. Speaker, there is a part that is missing from the Bill. Mr. Speaker, with your permission, let me just consult with my officers there on a section of the Bill.

Mr. CHUCK: No man. Do it at the closing. Do it at the closing.

(*Sotto voce* by Opposition Members)

Mr. Daryl VAZ: You don't have to close today.

Mr. Anthony HYLTON: Yes, Mr. Speaker, I continue, Mr. Speaker.

Mr. CHUCK: Oh, no.

Mr. Anthony HYLTON: I had made the point, Mr. Speaker, that similarly an approved enterprise must conclude a sub-concession agreement with a developer within the four-year transitional period. For example, the Port Authority of Jamaica would be deemed a developer under this regime subject to entering into a license agreement. Mr. Speaker, it also states that current free zone promoters and approved enterprises shall continue to be entitled to the fiscal incentives to which said promoter and approved enterprise were entitled until the first day of December, 2019 unless they become a developer or occupant under this current regime which will result, Mr. Speaker, in their being entitled to the benefits under this Act.

Mr. Speaker, I now turn to the clause by clause discussion.

Mr. Speaker, Clause 1 cites - which is entitled - short title and commencement, cites the Act as the Special Economic Zone Act, and states that the Act will come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Clause 2, the interpretation section, provides the definition for certain key terms used throughout the Act. In so doing, Mr. Speaker, it highlights certain key terms such as sponsors, developers, occupants and zone users. These terms represent the key stakeholders in the SEZ regime. The sponsors are investors responsible for the establishment of a company liable by shares, which meets - limited by shares which meets the required eligibility criteria referred to as a developer which will undertake business in a zone pursuant to a master concession or license agreement, and this to be concluded with the Special Economic Zone Authority. A developer, Mr. Speaker, may thereafter conclude a sub-concession agreement with an occupant to conduct business operation within a zone and apply for authorization for zone users to perform activities or service in the zone.

Clause 3, Mr. Speaker, speaks to the application of the Act, and this Clause expressly states that the Act applies to special economic zones established in Jamaica.

Clause 4 addresses the Act to be regarded as a custom enactment, and this Clause states

that the Act shall be regarded as an enactment relating to the custom for the purposes of Customs Act.

Clause 5, Mr. Speaker, addresses the establishment of the zone of the Authority. In this Clause the Special Economic Zone Authority is established as a body corporate to which Section 28 of the Interpretation Act applies. This simply means, Mr. Speaker that it will, among other things, have the power to hold and acquire property as well as sue and be sued in its own name. It has also indicated that matters relating to the Constitution, administration and finances of the Authority are further outlined in Part I of the Third Schedule of this Act.

Albeit the Act seeks to establish the Authority as a statutory body which has certain prescribed rights under the Interpretation Act. This Act also gives the Authority the power to raise capital by issuing shares on such terms and conditions as the Minister may prescribe by order published in the *Gazette*, and the Government or an agency thereof shall at all times hold 50.1 per cent of shares issued by the Authority.

Clause 6, Mr. Speaker, addresses the function of the Authority, and the function of the Authority includes the following: To regulate and supervise zones, to acquire real property, and to act as a landlord in respect of real property that is vested in the Authority.

(c) is to advise the Minister on matters of general policy relating to the zones;

(d) to recommend to the Minister the zones, the location of zones;

(e) to issue guidelines and direction to developers, occupants, and zone users;

(f) to manage the SEZ Fund;

(g) to consider and determine application by prospective developers utilizing the relevant eligibility criteria specified in the Fourth Schedule as well as to negotiate and enter into master concession and license agreements, and

(h) to approve sub-concession on the basis of the relevant eligibility criteria specified in the Fourth Schedule, and any approved criteria that the Minister may prescribe by order published in the *Gazette.*

Clause 7, Mr. Speaker, addresses the operating principles of the Authority, and here, Mr. Speaker the Authority in the performance of his functions ought to operate on business principles that will maximize the effectiveness and efficiency with which it operates. In so doing the Authority must have regard to the desirability of having its operations, among other things, enhance the Jamaican economy by increasing levels of investment and creating job opportunities,

b) to promote measures, actions and investment aimed at improving logistic chain of which the zones are a part;

c) to foster development and expansion of the zones in collaboration with the Government, international organizations and the private sector,

d) to ensure that this environment is protected in the course of the development and operation of zones, and

e) to collaborate with universities and other educational institutions for the promotion of technical and operation of education and training in the fields of zone development, promotion, operation and management.

Similarly, Mr. Speaker, this is similar to the existing free zone. The special economic zones are considered to be extra-territorial. Accordingly the Authority is not allowed to permit any movement or establishment of an existing business from the Customs Authority into the zone during the zone establishment period. This period refers to the period of ten years from the day this legislation comes into force or such other date as may be prescribed by the Minister, by order, subject to affirmative resolution, as I had mentioned before.

It is important to note that this provision is intended to preclude the erosion of Jamaica's existing tax base, therefore, when determining whether to extend or limit the zone establishment period, the Minister must have regard to its protection as well as the level of development of zones in Jamaica.

Clause 8, Mr. Speaker. This Clause establishes the Board of Directors of the Authority as well as provides that Part II of the Third Schedule shall address the constitution of the Board and other matters in relation to same.

Clause 9 addresses - provides that the Board is responsible for overseeing the general administration of the Authority;

Clause 10 stipulates that the Minister may, after consultation with the chairman of the Board, give to the Board directions of a general character as to the policy to be pursued by the Board in the performance of its function, as appears to the Minister to be necessary in the public interest, following which the Board shall give effect to the directions.

Clause 11, Mr. Speaker, addresses the fact that the Authority has the power to delegate to any person the performance of such of its functions other than the power of delegation as it may from time to time consider necessary. However, any such delegation is revocable by the Authority and the delegation shall not preclude the performance of that function by the Authority.

Clause 12, Mr. Speaker, here addresses the fact that the Board is responsible for the appointment and employment of a competent and experienced person as the CEO of the Authority at such remuneration and at such terms and conditions as the Board thinks fit. It is important to note that an individual who would not be eligible to be an appointed member of the Board pursuant to paragraph 2 of Part II of the Third Schedule, is not eligible to be appointed as Chief Executive Officer.

Among other things, Mr. Speaker, this Clause stipulates that for the proper carrying out of the provisions of this Act the CEO may appoint and employ officers and employees to

the Authority at such remunerations and on such terms and conditions as he thinks fit.

However, Mr. Speaker, prior to the appointments, the Chief Executive Officer is obligated to consult with the Board in respect of the qualifications of the various offices, and advise the Board on all appointments to fill such offices. It is also worthy of note that salaries ought not to exceed the rate prescribed by the Minister responsible for the public service.

Clause 13, Mr. Speaker, addresses the pensions, gratuities, and other retiring benefits. And here, Mr. Speaker, the Authority may, with the approval of the Minister responsible for the Public Service, enter into arrangements respecting schemes, whether by way of insurance policies or otherwise, and make regulations for medical benefits, pensions, gratuities, and other retiring benefits, or disability, or death benefit relating to officers and employees of the Authority.

Such benefits, Mr. Speaker, may include provisions for the grant of benefits to dependents, and the legal personal representatives of such officers and employees.

Clause 14, Mr. Speaker, addresses the function of Chief Executive Officer. Here, Mr. Speaker, the Chief Executive Officer is responsible for the daily administration and management of the Authority. The said officer shall be responsible, Mr. Speaker, for planning, directing, supervising, and coordinating the activities of the Authority in the performance of their functions conferred upon the Authority by Clause 6, including certain specified matters.

The CEO, Mr. Speaker, shall also have regard to the advice and recommendation given to the CEO by the Board.

Clause 15 addresses the protection of persons exercising functions under this Act. And here the Act protects persons who discloses required information to the Authority or submits a report or other document to the Authority from illegal action where that person acted in good faith.

The Act also protects his officers, employees, or agents from legal actions for acts or omissions made in good faith, in the course of carrying out the provisions of this Act, or any regulations made thereunder.

Clause 16, Mr. Speaker: This Clause stipulates that a person shall not hold himself out as providing, developing, constructing, exploiting, managing or maintaining infrastructure, buildings, equipment, facilities or amenities in a zone, unless he is doing so in accordance with the provisions of this Act and its Regulations. Contravention of this Provision will result, on summary conviction, in a fine not exceeding $3 Million, or in default of payment thereof, imprisonment for a term not exceeding two years.

Clause 17, which addresses restriction on single-entity Zones: The Authority shall not allow the development of single-entity Zones, that is to say Zones with operations restricted to one business entity, operating under a master-concession or licensed-agreement, unless the Minister, in the interest of the public, directs otherwise.

In exercising his discretion, Mr. Speaker, to allow for the development of single-entity

Zones, in the public interest, the Minister shall have regard to the following:

a) the area is one that is identified as having growth potential in the Government's development plan;
b) the existence of require off-site infrastructure, including roads, telecommunication, ports, airports;
c) the proposed location and its surroundings have the capacity to absorb any necessary infrastructure improvements;
d) the availability of water and electric power supply for use in the zone;
e) the availability of vacant land nearby, for use as possible zone expansion;
f) and the availability of skilled, semi-skilled, and non-skilled labour force around the zones;
g) the area is strategically located;
h) the proposed zone will be situated in an area where controls can be established to prevent adverse environmental activities.

Clause 18, Mr. Speaker, directs that the Minister of Industry may, on the recommendation of the Authority, after consultation with the Minister responsible for Finance, designate a geographical area as a Special Economic Zone by order published in the *Gazette*.

Accordingly, the Authority may allow the establishment of general Zones or specialized Zones. Here, Mr. Speaker, specialized Zones refer to those Zones which are limited to specific economic activities such as maritime or aviation related Zones, which may include dry docks, bunkering facilities, aircraft maintenance and repair, or tank farms.

Clause 19, Mr. Speaker, addresses the transfer of property, and the Minister may by order published in the *Gazette*, transfer to the Authority, any property belonging to the Government, which appears him to be necessary or useful to the Authority in carrying out its function under this Act, and such property shall vest in the Authority by virtue of the order, and without further assurance.

This Clause further stipulates that an order made in accordance with this Clause may specify the amount of compensation, if any, payable to the Government, in relation to property so transferred, the manner in which such compensation shall be paid, and contain such incidental, consequential, or supplementary provisions as the Minister may think necessary, or expedient for the purposes of this order.

Lastly, Mr. Speaker, this Clause dictates that in accordance with the tax benefits provided for under this Act, all properties vested in the Authority, pursuant to this Act, shall be exempt from sewage rates and all rates imposed under the provisions of Part VII of the Kingston and St. Andrew Corporation Act, or the Parochial Rates and Finance Act.

(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.)

Clause 20, Mr. Speaker, addresses procedures for development, *et cetera,* of Zones.

Mr. Speaker, the Clause directs that the Authority shall establish procedures for the marketing, initiating, and conducting of negotiations in relation to the making of applications by sponsors for entry into master-concessions and licence-agreements.

The aforesaid procedures shall be commercially reasonable, and may include requirement for the payment of prescribed fees. This Clause, Mr. Speaker, also expressly states that the Authority may enter into master-concessions and licence-agreements.

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

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

Mr. SHAW: Ten minutes maximum.

(*Sotto voce* comments)

The SPEAKER: The question is that the Minister's time be extended sufficiently for him to complete his presentation.

Put to the House and agreed to.

Mr. SHAW: Divide.

The SPEAKER: Minister...

Mr. Anthony HYLTON: Thank you, Mr. Speaker, and let me thank my colleagues for their forbearance.

(*Sotto voce* comment)

Mr. Anthony HYLTON: Just hold tight; hold tight.

Clause 21, Mr. Speaker, in executing the aforesaid procedures for the development of Zones, the Authority may carry out investigations in relation to the applicant as it considers appropriate, in order to verify the accuracy of the information in the application, and request further information and documents from the applicant, for the purposes of considering the application.

The Clause further instructs that the Authority shall exercise due diligence in order to ensure that sponsors and developers are not engaged in money laundering, or other financial crimes, the financing of terrorism, or the manufacturing or proliferation of weapons of mass destruction.

Clause 22: The Minister's approval is required. Here, Mr. Speaker, in accordance with this provision, the Authority shall not enter into a master-concession, or a licence-agreement, unless it has obtained the Minister's approval by order published in the *Gazette*.

Clause 23, Mr. Speaker: Where the Authority enters into a master-concession or a licence-agreement, the said Authority shall issue an operating certificate on the prescribed form to the developer.

Clause 24 address the rights and obligations under master-concessions and license-agreements.

This Clause Mr. Speaker, indicates that the Fifth Schedule provides for certain rights and obligations of developers and the Authority. The said rights shall arise on the master-concession or licence-agreement where applicable.

The Clause further states that the rights and obligations being referred to are, in

addition to any other rights and obligations that may be agreed by the parties, to the master-concessions, or license-agreement, and that they are not inconsistent with the provisions of the Fifth Schedule.

Clause 25, Mr. Speaker. This Clause directs that in accordance with the master-concession and upon the effective date thereof, the Authority is to confirm the developer a vacant and exclusive possession, and quiet enjoyment of the relevant Zone, inclusive of sole and exclusive right to enter upon, occupy, possess and use the relevant Zone area. Further Mr. Speaker, the Zone area ought to be free and clear of any security interest, or other encumbrance, inconsistent with the rights and interest granted to the developer under the Master Concession.

This, Mr. Speaker, shall not preclude security interest granted by the developer, in accordance with the master-concession or licence-agreement, or security interest granted by the Authority which are subject and subordinated to the rights and interest of the developer under the master-concession or license-agreement.

Clause 26, Mr. Speaker. This Clause directs that the Authority shall, throughout the duration of the master-concession, use its best efforts to facilitate the supply of services and facilities, external to the zone area, such as road access, water, electricity, telecommunications, and waste water, as are reasonably required for the commercial operation of the Zone by the developer.

Clause 27 addresses the duration of master-concession and license-agreement. And here, Mr. Speaker, a master-concession and licence-agreement is to remain in force for a period not exceeding 50 years from the effective date thereof, as may be specified in the Agreement.

The term of the Agreement may be extended by the Authority, on such terms as the Authority may, in writing, determine.

Clause 28, Mr. Speaker. The Developer shall, during the term of the master-concession or licence-agreement, be entitled to set and to revise the rents and service charges payable by occupants, zone users, and other persons, in respect of the operation and management of the Zone by the developer, and enjoy all benefits granted under the Act.

Clause 29 - Payments by the developer. Mr. Speaker, a developer who is a party to a licence-agreement is obligated to pay an annual licence fee to the Authority, in accordance with the provisions of the said Agreement. However, in the case of the master-concession, the developer must pay both a fixed lease payment and an annual license fee to the Authority as consideration for the lease of the zone area to the developer.

Mr. Speaker, it is worthy of note that the developer who is a party to a licence-agreement, does not pay a fixed lease payment because he will be operating on his own privately held property. Therefore, there is no reason to lease property from the Authority.

Clause 30, Mr. Speaker, addresses the expiry and termination. Mr. Speaker, a master-concession may include provisions which stipulate that on the termination of this Agreement, the following may occur:

a) the assets of the developer necessary for the Zone's operation, including infrastructure, developer's equipment, facilities, records, computer systems, software licences, and other intellectual property used by the developer prior to the termination of the master-concession shall be transferred to the Authority.

b) the Authority may pay termination compensation based on a percentage of the written-down book value of the assets, subject to transfer in paragraph (a) that were constructed or brought into the Zone by the developer during the term of the master-concession, and remain in the Zone. This, Mr. Speaker, is after full completion of any zone-related works in accordance with the agreed construction programme, and subject to the relevant provisions of the Master Concession.

Clause 31 addresses the assignment. And pursuant to this Clause, Mr. Speaker, the developer ought not to assign, transfer or otherwise dispose of its rights or obligations under a master-concession or a licence-agreement without the prior written consent of the Authority.

Mr. Speaker, the developer shall, unless the Authority otherwise agrees in writing, retain responsibility for its obligations under this Act and the master-concession, notwithstanding the fact that an assignment or transfer had occurred. It should, however, be noted that he should retain responsibility until the obligations have been performed to the satisfaction of the Authority.

Clause 32, Mr. Speaker, this Clause stipulates that a developer is to manage and operate the zone on a common user basis. That is to say, Mr. Speaker, the Zone shall, in principle, be open to prospective occupants who satisfy the eligibility criteria established under this Act. This is, however, not applicable to restrictions on single-entity zones. Moreover, Mr. Speaker, the developer shall refrain from indulging in any unfair or discriminatory practice against any occupant or prospective occupant.

Clause 33, Mr. Speaker, this provision lists among the developer’s obligations the following:

a) to promptly commence operations on the construction of zone-related works, if any, upon the effective date of the master-concession or licence-agreement at the developer’s own cost and expense and develop, construct, manage, operate and market the Zone in accordance with any applicable law or standard prescribed by the Minister on the recommendation of the Authority;

b) to execute the agreed construction programme as updated from time to time for the construction of the zone-related works and maintain the infrastructure of the Zone in good working order and condition normal wear and tear excepted;

c) Mr. Speaker, to comply with applicable law in any guidelines and

the directions lawfully issued by any authority on licenses or permits granted to the developer and to make payments to the Authority in accordance with the provisions of this applicable agreement.

Clause 34 - in accordance with this Clause, Mr. Speaker, the developer is first obligated to offer employment to Jamaican nationals before other nationals. And here, Mr. Speaker, this was corrected to address the offer to CARICOM nationals before other nationals. This is an amendment that should be included in the Bill.

Mr. Speaker, this is subject to CARICOM nationals meeting the requirements of the developer including the required skills and competencies.

Clause 35, Mr. Speaker, addresses sub-concessions. Mr. Speaker, subject to the provisions of this Act, a developer of a Zone may choose to enter into sub-concession with occupants for the use of sites located in the Zone.

Clause 36, by virtue of this Clause, it is incumbent on the developer to ensure that at all times a sub-concession provides the following:

a) The term of said sub-concession does not exceed a master-concession or licensed agreement where applicable;
b) The occupant is prohibited from performing the activities on the excluded list;
c) The occupant must take adequate steps to control all forms of pollutions and solid waste and other waste originating or emitting from the zone area and to do so to the satisfaction of the Authority; and
d) All agreements between the Authority and the developer in respect of landscaping, zoning, designing and constructions standards shall be complied with.

Clause 37, Mr. Speaker, directs that a sub-concession does not come into effect unless the developer has applied for and obtained an authorization from the Authority in relation to same.

In this regard, Mr. Speaker, the Authority shall grant the authorization if it is satisfied that the matters highlighted in Clause 36 are complied with. Further, the Authority shall not issue an authorization involving goods to which Excise Duty Act applies without having consulted the Jamaica Customs Agency. The said organization shall comply with such logistical and security requirements as the Jamaica Customs Agency may determine.

Clause 38 - this Clause stipulates that in the event of any conflict between a master-concession or a licence-agreement and a sub-concession, the provisions of the master-concession or the licence-agreement, where applicable, will prevail.

Clause 39 dictates that in the event of the termination of a master-concession, prior to the date that it was contracted to terminate, the Authority shall assume responsibility as interim manager for the zone and make such arrangements in relation to same as it deems necessary. Also, the occupants will have the right to continue to operate within the zone in

accordance with their sub-concessions until a new master-concession comes into effect with respect to the Zone or the Zone is closed.

Clause 40: this Clause dictates that the Authority may, upon application being made to it in the prescribed form and manner by a developer and accompanied by the prescribed fee, issue an authorization to a zone user authorizing the zone user to carry out or operate any activity, service or facility within the zone. The clause also allows the Authority to require the occupant/developer to provide any further information that it considers necessary to determine the application. Where the Authority refuses an application, the clause expressly states that it is obligated to inform the applicant/developer in writing of the reasons for the refusal.

Additionally, Mr. Speaker, the Authority must first consult with the Jamaica Customs Agency prior to issuing an authorization for the operation of a retail trade within the zone and the authorization shall comply with such logistical and security arrangement as the Jamaican Customs Agency may determine.

Clause 41, Mr. Speaker, stipulates that the Authority ought to keep or caused to be kept a register of operating certificates and authorizations. The clause further stipulates the information that is to be included in the register, such information include name, address, occupation and description of person to whom certificate of authorization was issued, date issued, relevant zone and proposed activities to be conducted.

The register, Mr. Speaker, may be electronic and the Authority shall update same from time to time and correct clerical errors. The information on same may also be available for inspection by the public.

Clause 42 addresses the excluded activities. And here, Mr. Speaker, the clause stipulates that certain activities ought not to be carried out by developers and occupants whether directly or indirectly. Such activities include but are not limited to:

a) extracting industry with lawful extraction of water for private use;
b) tourism services;
c) telecommunications services, public utilities with the exception of generation of electricity for private use and finally financial services.

Further, Mr. Speaker, the Minister with responsibility for Finance may, after consultation with the Minister, amend the list. However, the amendment shall not prejudice a developer or occupant who is already conducting the activity that was not previously included on the list prior to such amendment.

Clause 43, Mr. Speaker, stipulates that the Authority shall enjoy the benefits specified in the First Schedule for the duration of the master concession, licence-agreement or sub-concession respectively, and that the provisions set out in the Schedule must be read in conjunction with the relevant revenue laws to which they apply. Such benefits include but are not limited to:

a) exemptions from tax under the Assets Tax (Specified Bodies) Act in the case of occupants;

b) exemption from the Customs Duty under the Customs Act in relation to zone;
c) 12.5% rate of tax chargeable income of the developer or occupant derived from the conduct of a trade, profession or vocation within the zone in accordance with the Income Tax Act;
d) exemption from the payment of income tax on profits derived from rentals of property in the zone except for any rental where the landlord, whether the developer or occupant and tenant are connected persons within the meaning of the Income Tax Act. Additionally, Mr. Speaker, a developer and an occupant must maintain books and records in accordance with any relevant revenue laws.

Clause 44 expressly indicated that in order to facilitate the efficient operation of zones in Jamaica, the Jamaica Customs Agency shall make arrangements for matters such as:

a) the availability of customs service in zones on a continuous basis to meet the needs of the developers and occupants;
b) Customs procedures and systems that enable electronical transactions and payments and preclearance of goods;
c) the facilitation of imports of capital goods and equipment destined to remain in a zone; and
d) the efficient transportation of goods and equipment destined for a zone from the point of entry under Customs control directly and without any unnecessary delay to its destination subject to compliance with such security and bonding arrangements as are acceptable to the Commissioner of Customs. Moreover, Mr. Speaker, goods entering the customs territory shall be deemed to be imported into the territory and the Customs Act shall therefore apply to same.

Clause 45 - this Clause precludes the agency from applying pre-shipment inspections for tariff classification and validation unless an inspection has been indicated by agency's risk-based system.

Clause 46 - this provision states that it is an offence for persons to enter or remain in a zone without a reasonable pass or valid pass issued by the Authority. Such persons shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding $500,000 or in default of payment thereof to imprisonment for a term not exceeding three months. The foregoing, however, Mr. Speaker, does not apply to an officer or an employee of the Government or a Government entity while acting in an official capacity.

Clause 47 - this provision expressly states that a person commits an offence if that person furnishes any information required of him under any notice under this Act which he knows to be false in any material particular. Such person shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding $3 Million or to imprisonment for a term not exceeding three years.

Clause 48 - in accordance with this provision, a person who commits an offence under this Act or regulations made under this Act for which no specific penalty is prescribed shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding $1 Million or in default of payment thereof to imprisonment for a term not exceeding six months.

Clause 49 - this provision dictates that any summons, notice or any documents required or authorized to be served upon the Authority under this Act or any other enactment may, unless there is expressed provision to the contrary, be served by the....

Mr. SHAW: Point of order, Mr. Speaker.

Mr. Anthony HYLTON: ...or secretary...

Mr. SHAW: Point of order.

Mr. Speaker, we don't have a quorum in the House at this time. So I suggest that maybe this long speech being delivered could be extended on another occasion. I am calling attention to the fact that there is no quorum in the House at this time.

Mr. PAULWELL: Mr. Speaker, the rule is that and the tradition is that once we have a quorum within the precincts then we will maintain the order and continue the business...

Mr. SHAW: In which case you might wish to send the Orderly to search the bathrooms and other precincts of the Parliament, and look for handbags and so.

The SPEAKER: The Marshal will check. Mr. Hylton you may resume.

Mr. Anthony HYLTON: Thank you, Mr. Speaker.

Mr. Speaker...

Mr. McKENZIE: Wrap up, man!

Mr. Anthony HYLTON: Shut yu mouth! 'bout wrap up. Your little terroristic activity...

Clause 50, Mr. Speaker.

Mr. McKENZIE: Why you don't tell him - you don't hear him tell me to shut mi mouth?

The SPEAKER: Mr. McKenzie, you have no authority to tell him to...

(*Sotto voce* comments)

Mr. Anthony HYLTON: Clause 50, Mr. Speaker...

Mr. SHAW: As a matter of fact he is out of order!

(*Sotto voce* comment from Mr. McKenzie)

Mr. Anthony HYLTON: Mr. Speaker, this Clause stipulates that the Minister may, after consultation with the Authority, make regulations generally for the better carrying out of a provision and purposes of this Act.

The SPEAKER: You don't hear me, you know. If you persist I will have to suspend you, you know.

(*Sotto voce* comments)

Mr. Anthony HYLTON: Such regulation, Mr. Speaker, may provide in respect of a breach...

(*Sotto voce* comments)

The SPEAKER: That is out of order!

Mr. Anthony HYLTON: ...of any provision thereof, or on summary conviction in a Resident Magistrate Court, for a fine not exceeding One Million Dollars ($1M).

Also, Mr. Speaker, the Minister may, by order, subject to affirmative resolution, make such amendment to any law as appears to him to be necessary or expedient to ensure consistency with the provisions of this Act.

Clause 51, Mr. Speaker; this Clause stipulates that the Minister may, by order, subject to affirmative resolution, amend or vary any monetary penalties prescribed by or under this Act, or amend any of the Schedules other than the First Schedule.

It also allows for the Minister responsible for Finance to amend the First Schedule by order published in the *Gazette*, after consultation with the Minister of Industry, subject to affirmative resolution. However, Mr. Speaker, the amendment shall not reduce or eliminate any of the benefits enjoyed by an existing developer or existing occupant during the remainder of the term of the Master-Concession Licence-Agreement or Sub-Concession to which he is a party.

Clause 52 simply states that this Act provides for the repeal of the *Jamaica Export Free Zones Act.*

Clause 53 - this provision defines certain key concepts which are utilized in this Part.

Clause 54 addresses the tax incentive applicable to former Free Zones. Here, Mr. Speaker, the clause provides that any Free Zone promoter of an existing Free Zone which desires to continue its activities as a developer under this Act, shall enter into a Master-Concession or Licence-Agreement with the Authority within a period of four years from the appointed day, and in doing so shall be deemed to be a developer for the purposes of this Act.

In respect of Approved Enterprises Mr. Speaker, such Enterprise shall enter into a Sub-Concession with a developer within a period of four years from the appointed day, in order to become an occupant for the purposes of this Act.

Additionally, Mr. Speaker, the Minister may, by notice published in the *Gazette*, extend the above-mentioned period of four years for an additional period of up to six months.

Clause 55 directs that notwithstanding the repeal of the *Jamaica Export Free Zone Act*, all Licenses, Agreements, Instruments, other Documents granted, made or given under the provision of the said Act, shall continue in force for a period of four years from the day this Act comes into force, so long as the provisions of those Licences, Agreements, Instruments or Documents are not inconsistent with the provisions of this Act.

Clause 56, Mr. Speaker, speaks to the provision which dictates that notwithstanding the repeal of the *Jamaica Export Free Zones Act*, and subject to the provisions of this section, a person entitled to the benefits under that Act, referred to as a continuing beneficiary herein, shall continue to be entitled to the fiscal incentives to which he was entitled under the aforesaid Act, until the 31st day of December, 2019, or such early date as he becomes entitled to benefit under this Act.

Clause 57 states that, where immediately before the first day of January 2020, by virtue of the fiscal incentives available under the *Jamaica Export Free Zones Act*, no initial allowance or annual allowance was made to a continuing beneficiary in respect of capital expenditure incurred by the continuing beneficiary before the first year of January

2020. The continuing beneficiary shall, where permitted, be entitled to an initial allowance and an annual allowance in respect of that capital expenditure.

Mr. Speaker, I now turn to the Schedule, the First Schedule which addresses benefits.

Paragraph 1, Mr. Speaker, of this provision defines certain key concepts which are utilized in this Schedule.

Paragraph 2 specifically expressed that an occupant is exempt from tax under the *Assets Tax Act.*

Paragraph 3, Mr. Speaker, here goods imported into the Zone by a developer or an occupant will be exempted from customs duties under the *Customs Act...*

Mr. SHAW: You have to do every paragraph of the Schedule?

Mr. Anthony HYLTON: Well, if you want to - under the *Customs Act*, in accordance with this paragraph.

However, Mr. Speaker, where (A) importer imported goods into the customs territory on which duties are levied, said goods should be deemed to have been exported from the customs territory if (a) sells the goods to (b), a developer or occupant into a Zone. Accordingly, the provision of the *Customs Act* in relation to obtaining a refund of customs duty upon the exportation of goods, will apply.

Paragraph 4, Mr. Speaker, the developers and occupants are entitled to relief from the *Income Tax Act.* However, in order to prevent commingling of funds and to mitigate tax evasion or double non-taxation, a developer must establish a separate company where the developer is carrying on activities in the Zone which are outside of its rental earning activities. This is to allow the developer to pay 12.5 per cent tax on income earned from those activities, and to also benefit from the promotional and employment tax credits.

Similar to the treatment of the developer, where the occupant is involved in earning rental income in the Zone in order for him to enjoy the exemption from income tax on rental income, the occupant shall establish a separate company to receive that rental income.

(*Sotto voce* comment from Mr. Shaw)

Mr. Anthony HYLTON: Further, Mr. Speaker, the reliefs are stated as follows:

a) Notwithstanding Section 31(b) of the said Act - 30 subsection (l)(b) of the said Act, which stipulates that there shall be levied and paid tax upon the chargeable income of the categories of body corporate subject to income tax twenty-five cents, thirty cents or thirty-three and a third cents, where applicable in every dollar of the income of such companies, this paragraph provides a special carve-out which dictates that the section shall apply as if they were a 12.5 per cent of tax on the chargeable income of the developer or occupant derived from the conduct of a trade, profession or vocation within the Zone.

b) The developer or occupant will be exempt from income tax on profits derived from renting properties in the Zone, with the exception of where the landlord and tenant are perceived as

connected persons within the meaning of Section 2 subsection (2) of the Income Tax Act.

In addition to the foregoing, Mr. Speaker, this provision stipulates that the landlord and the tenant may be connected.

However, in order for the exemption of income tax to apply, the transaction must be at arm's-length in accordance with Section 17 of the *Income Tax Act* or the new Transfer Pricing provision.

c) Mr. Speaker, notwithstanding Section 3 subparagraph (3) (b)(ii) of the Act, which provides that the income tax payable on dividend shall be levied and paid at the rate cents in the dollar for companies listed on the Jamaica Stock Exchange, this provision states that the rule shall apply as if it were a zero per cent rate of tax dividend income derived from shares held by the developer or occupant.

This paragraph also makes provision for rental income derived from developer or occupant, promotional tax credit, deductions from payment to non-residents, deduction of tax from distribution by way of dividends paid out of profits derived from the conduct of trade, as well as stipulates when a free zone promoter or an approved enterprise who enters into a Master-Concession, Licence-Agreement or Sub-Concession, respectively, becomes entitled to a benefit under this paragraph. In relation to the years 2016 to 2019, the promoters of approved enterprises become entitled to the 1st of January of the relevant year.

However, Mr. Speaker, if the Minister extends the transitional period of four years for an additional period of six months, then the promoters and enterprises will become entitled to the benefits under this Section as on January 1, 2020.

Paragraph 5. This paragraph seeks to substitute references to the *Jamaica Free Zone Act* with the *Special Economic Zone Act*, and approved enterprise and Free Zone promoter with occupant and developer, respectively.

In preserving the *status quo*, Mr. Speaker, which currently exists under the Free Zone regime, it stipulates that for the purpose of Group 15(a), Part II of the First Schedule, which now addresses goods and services purchased in Jamaica for use in Special Economic Zones, tax rate worth zero per cent and supplied from the customs territory into the Zone, and on imports from outside of the customs territory into the Zone, as well as telephone or telecommunication service in the Zone.

The Schedule, Mr. Speaker, also provides that the foregoing apply to Free Zone promoters and approved enterprises which subsequently fall within the SEZ regime from the first day of the taxable period following the date upon which he becomes a part of the new regime by virtue of a Master-Concession or Licence-Agreement, or Sub-concession, respectively.

Paragraph 6, Mr. Speaker. In accordance with this paragraph the Authority shall be exempt from property tax on all lands vested in the Authority for the location of a Zone.

Paragraph 7, Stamp Duty Relief. The following instruments are exempt from Stamp Duty to the extent prescribed below.

(a) Instruments related to purchase, lease or the acquisition of land for use by developers as the Zone to a 50 per cent duty;
(b) Instruments for sale or lease of land by a developer to occupants or Zone users, 100 per cent duty;
(c) Items imported by the developer or the occupants into the Zone, 100 per cent exemption; and
(d) Instruments related to transactions involving land for use in relation to the promotion, development or construction of a Zone, 100 per cent exemption.

Paragraph 8, the Transfer Tax Relief. Exemption from Transfer Tax, Mr. Speaker, is applicable in the following instances.

a. The developer is exempt on the sale of land for the purpose of use in the development or operation of a Zone.
b. The Authority is exempt where the transfer relates to land for use in relation to the promotion, development and construction of a Zone.

Paragraph 9, Mr. Speaker, stipulates that a developer or an occupant is not eligible for relief under the following enactments:

- The Bauxite Alumina Industries Encouragement Act
- Income Tax Relief (Large Scale Projects and Pioneer Industries) Act
- Petroleum Refining Industry Encouragement Act, and the
- Urban Renewal Tax Relief Act.

Other benefits are detailed in the Act, Mr. Speaker.

The Second Schedule addresses the role for the MSMEs. This Schedule seeks to provide a definition for MSMEs in respect of the number of employees or annual turnover figures stated in US currency. It provides that Micro-Enterprise comprises up to three employees and an annual turn-over of less than US Ten Thousand Dollars (US$10,000).

Small Enterprise comprises four to ten employees and an annual turnover which ranges from Ten Thousand (US$10,000) and US Forty Thousand Dollars (US$40,000).

Medium-sized Enterprise comprise eleven to fifty employees or an annual turnover of between US Forty Thousand (US$40,000) and a Hundred and Fifty Thousand Dollars (US$150,000).

The Third Schedule, Mr. Speaker, Part I of the Schedule establishes the financial provisions of the Authority, as well as the requirement to keep proper accounts and proper Annual Reports.

It also seeks to establish a Special Economic Zone Fund, which shall be established by the Authority in accordance with any regulation or standards put forth by the Authority.

Prior to establishing procedures and practices in respect of the expediency of the Fund, the Board of the Authority is obligated to consult with the Accountant General.

Further, the Fund is to be exempted from income tax under the *Income Tax Act.*

In respect of the monies constituting Fund, the Authority shall set aside 65 per cent of its annual net profits to be credited to the Fund. The Authority may also deduct from the Fund an amount as it may think appropriate, to be used for supporting scientific research, market research, public relations and vocational training.

Part II, Mr. Speaker, stipulates that the Board shall consist of five members to be appointed by the Minister. Said individuals must appear to the Minister to be appropriate for appointment and shall constitute the following:

- Senior public officer in the Ministry of Industry is nominated by the Permanent Secretary of the said Ministry;
- A representative of the Ministry responsible for Finance;
- The Commissioner General of Tax Administration Jamaica or his nominee;
- The Commissioner of Customs or his nominee;
- Three representatives of the Private Sector recommended by a body or group of bodies which represent private sector's interest and is recognized by the Government and an attorney-at-law.

This Part further provides that the members shall be appointed from among persons who have exhibited true professional or academic expertise in shipping, transport logistics, economic development, commercial or engineering activities, and administration of Human Resource Management.

The Fourth Schedule, Mr. Speaker, provides that the eligibility criteria shall be applied by the Authority in determining whether to conclude a Master-Concession or Licence-Agreement, or approve a Sub-Concession.

(a) A developer and an occupant shall be a company limited by shares registered by the Companies Act;

(b) the amount of issued and paid-up share capital of a developer shall not be less than One point Five Million Dollars US (USS1.5M);

(c) investments by a developer in a General Zone must be able to accommodate at least three occupants. The amount of issued and paid-up share capital of an occupant shall not be less than US Twenty-five Thousand Dollars (US$25,000).

(d) the investments by an occupant in zones-related buildings, machines, equipments, facilities and other necessary assets during the first year of occupant's sub-concession shall not be less than Fifty Thousand Dollars US$50,000.

In relation to MSMEs, Mr. Speaker, said entities may be occupants. Accordingly, they are required to have a company limited by shares and investments in zone related buildings, machines, equipments, facilities and other necessary assets during the first year of his subconcession not being less than US$25,000 as well as sufficient development

potential as shown in his business plans.

The Fifth Schedule, Mr. Speaker, addresses - stipulates the general rights and obligations of developers and the rights and obligations of developers on their master-concession and a licence-agreement respectively.

In relation to the format, the developer must take steps to control all forms of pollution. To this extent the Authority shall not be liable for the cleaning up of pollution. The developer is obligated to set up systems for wastewater and solid management, and treatment in the Zone as well as be responsible for the perimeter fencing around the zone area and for its own security arrangements. However, it must abide by any instruction issued by any Component Authority which is geared towards enhancing the security measures within and around the zone area.

With respect to the general and financial issues of developers that are party to a master-concession, this part stipulates that the master-concession may include conditions precedence such as the financing of the developer, financial close and the granting of applicable permits to which the developer must comply.

In addition, Mr. Speaker, the developer must enter into a site lease agreement with the Authority for the area of land that it will utilize for its development. The terms of such lease must be consistent with that of the master-concession, and the developer shall not cede, delegate, assign or transfer its rights or obligation under the master-concession without the prior written consent of the Authority.

Mr. SHAW: How long him talking for? This is getting ridiculous.

Mr. Anthony HYLTON: On the other hand, Mr. Speaker, developers who are party to a licence-agreement are to exercise due diligence and the highest standard of care…

Mr. SHAW: How long has he been speaking? House Leader, find out?

Mr. Anthony HYLTON: …to ensure that developers' financial affairs are administered in accordance with any applicable law as standard prescribed by the Minister, on the recommendation of the Authority. Further, Mr. Speaker, the developer shall undertake zone-related works by developing, financing, constructing and commissioning of main infrastructure in accordance with any applicable law or standard prescribed by the Minister on the recommendation of the Authority. It is also, incumbent, Mr. Speaker, on the developer to provide suitable accommodation for Jamaica Customs Agency and other relevant Government agencies.

Finally, Mr. Speaker, the Memorandum…

Mr. SHAW: Finally.

Mr. Anthony HYLTON: ….the Memorandum of Objects and Reasons. Here the Memorandum stipulates that the key objective of the Act is to implement a comprehensive regulatory framework for the operation of special economic zones and provides for consequential amendments to be made to those legislation which are affected by the implementation of this Act.

Mr. Speaker, I now invite comments on the Bill that is before us.

I thank you.

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: Thank you, Mr. Speaker.

Mr. ATKINSON: How long you going to take?

Mr. SAMUDA: About five minutes.

Mr. SHAW: He is going to be as long as the previous speaker. Okay? Enjoy the ride.

Mr. SAMUDA: Mr. Speaker, I listened attentively to the Member in his presentation and I must say right from the very outset that this particular area of governance is one that I'm very attracted to, having had the great privilege and pleasure of visiting Shenzhen in China when it was in its formative years. I visited there in 1992 - '93. So I warm to the idea of getting to the stage where we can effectively develop and manage Special Economic Zones.

Mr. Speaker, let me start right from the outset and express my thanks for the reconsideration on a few of the items of the matters relating to this bit of legislation.

Number one. The refund of duties for goods that were previously - where duty was paid, that were shipped into the Free Zone for use coming from the customs areas. The fact that that was amended to make it possible for the refund of those duties is a welcomed amendment.

In addition, the grandfathering clause, which instead of two years plus six months, now to be four years, is also -

Mr. Anthony HYLTON: Six months, four years.

Mr. SAMUDA: Four years plus six months, four and a half years. Is also a welcomed amendment. I'm disappointed, however, that the income tax on profits of 12½ per cent remains, because I believe it is a direct disincentive for new players into the economic zone, especially as it affects the BPO sector, and I think that that is sending a signal that is not necessary, because there is no regulation under WTO rules that says that you have to charge a minimum of 12½ per cent.

It is a matter of a decision taken by the Ministry of Finance based on their income requirement, budget requirement, and it's to a great extent somewhat of a compromise of the spirit and intent of the legislation by not making a special provision, and quite frankly, I don't believe that the duty on that should be any more than a maximum of 8 per cent which would constitute some form of compromise coming from zero tax on profits to 8 per cent maximum, but 12½, quite frankly, is very - very, very discouraging and I think it is not going to redound to the benefit that should accrue to the whole exercise.

But Mr. Speaker, the objective of this piece of legislation everybody understands. What I don't understand is that, after being here for 35 years and participating in scores of legislation in this House, I must tell you that this - the framing of this piece of legislation is the worse I've seen. It is the worse I've seen. For instance, it has for openers, several pages of description and quite frankly I cannot for the life of me understand why we need four and a half pages of definitions, which I feel is excessive. The definitions themselves, Mr. Speaker, lack precision and causes confusion

when reading other sections of the Statute. I will give you an example.

"Approved entities means any enterprise approved under the repealed enactment". It should stop right there. You don't need to go any further. Why go on with, "to carry out an approved activity within the meaning of the repealed enactment"? Totally convoluted, unnecessary and almost designed to confuse. And quite frankly, Mr. Speaker, legislation crafted like this leaves itself open for lawsuits down the road when it comes to interpretation.

When it comes to interpretation, I have here the Public Procurement Act which is laid out in a manner that is reader friendly. One does not have to be a lawyer to read legislation and to participate in. Indeed, this is the House of Commons. It wasn't designed for a pile of lawyers to interpret what is laid on the Table. In this case, however, if you are not a lawyer you can't get pass anywhere. When you look at this format coming out of Chief Parliamentary Counsel that is legislation. When you look at this it should be sent back, Mr. Speaker. It should be sent back from whence it came. Mr. Minister, I think you have to be careful. I think you have to be careful when you commit yourself to statements like that. This document, I understand, I could be wrong, was crafted by a consultant hired for the purpose.

Mr. SHAW: I wonder how much it cost. Find out. Find out what it cost.

Mr. SAMUDA: It was not drafted by the Chief Parliamentary Counsel. So let's get it clear. In a sense I'm like a lawyer myself because I don't ask the question I don't know the answer to.

Mr. SHAW: Find out what it cost, the consultant.

Mr. SAMUDA: So Minister, the question I have to ask is as my colleague points out. Why in a matter of this magnitude and importance we had to hire a consultant to draft it? As it turns out it's the worse draft brought before the House.

Mr. SHAW: Lord have mercy.

Mr. McKENZIE: And it takes me two and a half hours to go through it.

Mr. SAMUDA: And should be sent back.

Mr. SHAW: Yes.

Mr. SAMUDA: It should be sent back and it's a pity that the Minister didn't get the time…

Mr. SHAW: Send it to CPC.

Mr. SAMUDA:…to bring it early enough so we could present it to a committee to study it and to come up with a good presentation.

Mr. SHAW: What? It never go to committee?

Mr. SAMUDA: What indeed we have been treated to, unfortunately for the Minister, is a House that lost track of it a half an hour after he started. We have not had the benefit of going into all aspects of this very critical piece of legislation that the economic development of our country may well rest on the success of what's in this Legislation. Both the Minister and the Minister of State are attorneys at law, and should never have permitted this type of draft to come to this Honourable House in its present state.

Mr. SHAW: Untidy form.

Mr. SAMUDA: It's untidy.

(*Sotto voce* comment by Mr. Shaw)

Mr. SAMUDA: You take for instance in the case of confusion with interpretation, definition, developer. "Developer means a company limited by shares that is incorporated under the Companies Act." Full stop. That's what it is. Full stop. But no, the Attorney General is here, I'm glad he is here. Why go on to say "...and is established by a sponsor for the purpose of entering into a master-concession or a licence-agreement." "A developer means a company limited by shares that is incorporated under the Companies Act." That's a company.

Mr. Anthony HYLTON: More than that.

Mr. SAMUDA: It is no more than that.

Mr. Anthony HYLTON: It's more than that for purposes of this Act.

Mr. SAMUDA: For purposes of this Act? I have a company that could cause me to make airplanes. It incorporates everything. There is nobody who know about company, the registration of a company. You put in anything in the company, you want to be in there, but it is simply a company limited by shares that is incorporated under the Companies Act. Full stop.

Mr. Anthony HYLTON: That's not what we intended. That's not what we intended.

Mr. SAMUDA: I wish you had because what you have intended have served to confuse us.

Mr. SHAW: Don't sound like you even know what you intended.

(Laughter by Mr. McKenzie)

Mr. SAMUDA: Any company. Any company, Mr. Speaker, incorporated, any company properly incorporated is entitled to enter the zone. Any company, and that is where you are going to end up with lawsuits. This is the point I'm making. The draft has opened up the gateway to lawsuits later on because of misinterpretation. You hear already the Minister telling me, "not what we intend." It's not in your right to talk about what you intend, is what is under law a provision. You can't stop a company from going into the Free Zone under application. Document...

Mr. SHAW: But did you look at this... you looked at the law here?

Mr. SAMUDA: Hold on... the document... document... hold on one minute, hold on... hold on one minute...

(*Sotto voce* comment by Mr. Atkinson)

Mr. SAMUDA: He doesn't need help, you know, he is...

Mr. SHAW: Somehow you are just as culpable in all of this.

Mr. SAMUDA: Hold on, Audley. Gentlemen, please, please, please, I don't want to spend the rest of the night here. I mean, the Minister has taken up most of the night. He doesn't need any help, you know, he's an attorney.

(*Sotto voce* comments)

Mr. SAMUDA: Document...

(*Sotto voce* comments)

Mr. SAMUDA: Come *nuh*, man, let us get through this thing *nuh.* It's hard enough as it is. *Document means, in addition to a document in writing, anything in which information of any description is recorded.* Is

there another kind of document? Is a blank sheet of paper a document? I just want you to know. Any child above the age of three knows what a document is. It has something written on it. If it's a blank sheet of paper, it is not a document.

(*Sotto voce* comment/Laugher)

Mr. SAMUDA: But, you know, Mr. Speaker, I was drawn to the Minister's Statement when he was enunciating clause by clause. And there is something that came before this House not long ago, and I assumed, Minister, that all the provisions - or most of the provisions that now exist in the Export Free Zone Act have been included.

But I am drawn - my attention is drawn to page 23(k)(2): *Goods entering the Customs territory from the Zone shall thereupon be deemed to be imported into the Customs territory and provisions of the Customs Act shall apply thereto accordingly.*

Now I want this Honourable House to understand something, that when I spoke recently about items coming into the Free Zone - the existing economic export Free Zone without the requirement - without the provision of import licences where import licences are required, without which you are subject to a fine of three times the value of the product being imported, under the Companies Act - under the Customs Act... and I tell you better, Companies Act revised 1914-2014 - which says that any shipment leaving a destination, or leaving the port from which the product is shipped must advise before the goods arrived, exactly what is contained on the ship, and what goods if it is going into a Free Zone, which of the items are destined for re-export or transshipment - must be. And if it is by air, the receiving country or location must be so advised within 15 minutes of the departure of the aircraft, as to what is on the Manifest, and what portion of it is destined for transshipment because it is an export Free Zone; it is not a resting place for goods without required import licences to remain, and later on applications made to clear it into the Customs area by way of a licence being given retroactively.

Let me make it clear, Mr. Speaker, this Administration - this Opposition of which I am a part - is looking at that with Geiger counters. We are watching that transaction that provide - where we have now, some 200 vehicles sitting on the Wharf, where 200 vehicles - and I have written under the Info Act - Freedom of the Information Act, requesting all documentations pertaining to these shipments, and licences applied for, and by the original exporter to Jamaica, and licences, since the goods arrived being applied for in order to transfer the goods from the Free Zone into the Customs area.

And let me tell you something further, if any licence is given under those circumstances, and any Customs agent Head of Customs, or Minister of Finance dares to give a waiver on the penalties that attend this kind of transaction, it would be hell and powder house in this country.

Mr. McKENZIE: Talk *yuh* talk *sah*...

Mr. HYLTON: Stop the noise - foolishness. Stop acting!

Mr. SAMUDA: Acting, well you give

a licence and see. You give them an import licence and *mek* them try and clear it, and see.

Mr. SHAW: How you mean, stop acting?

Mr. Anthony HYLTON: He's a performer. Yes, he is a performer!

(*Sotto voce* comments)

Mr. SAMUDA: I am asking you a simple question. I am just making a statement, I am making a statement. If you grant a licence under these circumstances, let me repeat, there is going to be hell and powder house in this place.

(*Sotto voce* comments)

Mr. SAMUDA: And any attempt made...

Mr. SHAW: No Bandooloism!

Mr. SAMUDA: ...to reduce the penalty for that act of disregarding the laws of Jamaica...

Mr. SHAW: Bandooloism!

Mr. SAMUDA: ...there will be hell and powder house to pay, remember that.

Mr. SHAW: Bandooloism...

(Inaudible)

Mr. SAMUDA: You want me to come back? It is part of the Debate. It is part of a clause in the Bill, or have you forgotten that?

(*Sotto voce* comment by Mr. Hylton)

Mr. SAMUDA: It's in the Bill. Have you forgotten that it is in a clause in the Bill?

Mr. Anthony HYLTON: Come back to the Debate on the Bill.

Mr. SAMUDA: You won't get away from that Tony, you won't get away from that Tony.

Mr. Anthony HYLTON: Get away from that, you are wasting your time.

Mr. D. SMITH: He wasn't interrupting you when you were talking.

Mr. SHAW: Precisely. Look how much time 'im waste telling us *'bout* five million... (Inaudible) Look how much time you waste.

(*Sotto voce* comment by Mr. Hylton)

Mr. SHAW: You should have been censured for it, and you have not apologized for it yet.

Mr. Anthony HYLTON: Move the Motion.

Mr. SAMUDA: Mr. Speaker, I am not quarreling with my friend here today. I am just making him know what he is up against.

Mr. SHAW: He should apologize.

Mr. SAMUDA: I am not quarreling with anybody. I am just putting him on notice.

Mr. Anthony HYLTON: Do what you have to do.

Mr. SAMUDA: Very calmly - just very calmly. You will hear what we have to do. You try that, you try that. You try to condone that type of action on the part of some person trying to beat the system.

(*Sotto voce* comments)

Mr. SAMUDA: This whole draft lacks symmetry...

Mr. SHAW: Trafigura II - another Trafigura...

Mr. SAMUDA: ...and is entangled with the Statute - very clumsily written.

Mr. SHAW: Trafigura II.

Mr. SAMUDA: Mr. Speaker, the predecessor to this - or the precursor Bill to this, which is the Export Free Zone Act, does not make provision, as I recall - and I may be wrong - does not make provision for there to be an authority over which a Board presides. A Board...

(*Sotto voce* comment by Mr. Hylton)

Mr. SAMUDA: Minister, we not *gwine* get along if you are going to be rude, and you are trying to seek to rebut in your seat. You sat there and had 3 hours of babble, and I said nothing.

Mr. D. SMITH: More than that.

Mr. SHAW: Yes!

Mr. SAMUDA: Please... have the courtesy to listen, and then reply.

In this Act, Part II, Schedule IV, sets out the establishment of a Special Economic Zone Authority, and outlines its function of management, and market promotion, and all the rest. Section 7(2) - sorry, that is Section 2 - it goes on further to establish a Board that has the authority over - that is Section 8(1) - establishes a Board of Directors - of the Authority, and Section 9 outlines the responsibilities for overseeing the general administration of the Authority.

Now, I'm not sure I understand this here. I am not sure. You have an Authority vested with authority, and then you have a Board that is presiding over the Authority. Why not just have one? Why not just have a Board? Leader of Government Business, am I making any sense, or what? Why not have just one, either an Authority or a Board?

In Section 10, we see where the Minister, with the Chairman - he and the Chairman of the Board can give directions to be followed by the Board in performance of its functions.

(*Sotto voce* comments by Mr. Atkinson)

Mr. SAMUDA: Hold on, *nuh,* I am not speaking to you, although you must listen to what I am saying.

(*Sotto voce* comments by Mr. Atkinson)

Mr. SHAW: You can't speak... shut up!

Mr. SAMUDA: I don't wish your comments, Mr. Attorney General. Learn discipline.

(*Sotto voce* comment by Mr. Atkinson)

Mr. SAMUDA: You could not do that in a Court of law.

Mr. ATKINSON: If you leave out parts of the sentence, it corrupts the meaning.

Mr. SHAW: You want to rise on a point of order.

Mr. ATKINSON: If you leave out parts of the sentence, it corrupts the meaning.

Mr. SAMUDA: That is not for you.

Mr. ATKINSON: It says...

(Inaudible)

(*Sotto voce* comment by Mr. Shaw)

Mr. SAMUDA: That is not for your comment.

(*Sotto voce* comment by Mr. Atkinson)

Mr. SAMUDA: Please, I don't wish your guidance.

(*Sotto voce* comment by Mr. Shaw)

Mr. SAMUDA: Please... I do not wish your guidance.

Mr. SHAW: You ought to rise on a point of order.

(The Speaker gavels)

Mr. SAMUDA: If I want guidance, I'll take it from somebody over here.

Mr. SHAW: You are harassing the Speaker.

(The Speaker gavels)

Mr. SHAW: Rise on a point of order then *nuh.* Why don't you? Do the thing properly. You *nenge-nenge, nenge-nenge* going on like

that. If you have a big point, rise on a point of order, Mr. Attorney General.

Mr. SAMUDA: So Mr. Speaker... Mr. Speaker...

(*Sotto voce* comment)

Mr. SAMUDA: ...the Minister and the Chairman of the Board can give directions to be followed by the Board in the performance of its functions.

Mr. ATKINSON: On a point of order, Mr. Speaker. The Member...

Mr. SHAW: He has to recognize you.

Mr. ATKINSON: Would you... I am on my feet. Since you want to follow the rules...

Mr. SAMUDA: What is your point of order?

Mr. ATKINSON: You are not the Speaker.

Mr. SAMUDA: I haven't heard the Speaker.

Mr. ATKINSON: I rise on a point of order, and I would like...

Mr. D. SMITH: State your point of order.

Mr. SAMUDA: I don't respond to you, you know, I respond to the Speaker.

A MEMBER: Please take your seat.

Mr. ATKINSON: The Member is misleading the House in the sense that he's misreading the section. The section says: *the Minister may, after consultation with the Chairman of the Board, give the Board directions of a general character as to the policy to be followed.* That is a phrase that you find in almost every piece of Legislation where a Minister has a Board under his direction. That Minister may give policy of a general order.

And those two words are critical to the meaning of Section 10, and when he leaves them out, it gives the impression that the Minister may just go in and *willy-nilly* give general direction, and micro manage a Board. And what the law is saying is that he may only do so of a general character. And those words are absolutely critical.

The SPEAKER: Thank you, Mr. Atkinson.

Mr. SAMUDA: You know, I can...

(*Sotto voce* comments)

Mr. ARSCOTT: I just thank the Member for that correction.

Mr. SAMUDA: I can see your anxiety and willingness to interpret, but I never asked for an interpretation, and your interpretation was not necessary, because I wasn't going there at all. I had no intention of imputing anything other than reading what was on the paper.

So, of a general nature is well known to everybody, as such it is as well known as saying a document has words on it.

Mr. ATKINSON: Don't leave out the critical part.

Mr. SHAW: How come the Speaker doesn't rule on the foolishness that you come up with because it is nonsense?

Mr. SAMUDA: Mr. Speaker, I appeal to you, sir, to protect me as a person serving in here for 35 consecutive years against someone who couldn't even serve for one term, couldn't even serve for one term and is coming to lecture me. I am asking you to insist that he shut up.

The SPEAKER: No, that is out of order. That is out of order.

Mr. SHAW: That's the ruling.

Mr. SAMUDA: And if you think I am out of order go and check May's. Shut up!

Mr. SHAW: That's the ruling we want. We need that ruling from you.

The SPEAKER: You taking this thing for a joke now, *yuh nuh.*

Mr. SHAW: ...let him stop interrupt the one speaking.

The SPEAKER: The man makes a valid point of order.

Mr. SHAW: It was not.

Mr. SAMUDA: Anyway, Mr. Speaker, I am not quarrelling with my friend anymore because I know he is under stress.

(*Sotto voce* remarks by a Mr. Atkinson)

Mr. SAMUDA: The fact of the matter, Mr. Speaker, is that in a situation like this it is confusing to a potential investor. It is not clear. It is not clear. It is not good law the way it is written and it is going to end up in trouble later on. You pass this Bill here with your majority today and Jamaica is going to bear the consequences of this rushed legislation in its poor, poorly written form.

Mr. SHAW: Rubbish like the US$5 Million investment.

Mr. Anthony HYLTON: That stale dated, more coming for you.

Mr. SAMUDA: But in addition, Mr. Speaker, Section 12(1) empowers the Board to appoint the CEO of the Authority who in turn under Section 12(3) is empowered to employ anyone to any post within the Authority as he thinks fit. See if you need to understand, the Chairman, the CEO of the Authority has the power to employ anyone as he sees fit, as he sees fit.

Mr. Anthony HYLTON: Mr. Speaker, on a point of order.

The Member in his usual manner and style continues to attempt to mislead this House. The Board - if he reads on it is very clear, the criteria is spelt out in the legislation as to the types of individuals that can be required, the skills and competencies of the persons to be appointed to the Board, and given the nature of this particular Board which I will address when I come back, it is absolutely necessary. And so he is attempting reading as he does parts of the legislation and not the legislation as a whole.

Mr. SHAW: No, you answer it when you get up. That is no point of order.

Mr. SAMUDA: Let me tell you the truth of the matter. Of course, I am assuming that whoever is chosen as the CEO wouldn't last long if we went and hired for instance a handyman to be an assistant to the Chairman. So he would have to appoint someone with relevant skills. But I am saying he is given the responsible authority to employ any such person he deems appropriate as he sees fit, not as the Board sees fit.

Mr. SHAW: That's what you get when you have sloppy... that's sloppy!

Mr. SAMUDA: Not as the Board sees fit, not that we have a group here and we see it fit and we interview and we come to the Board and we make a collective decision; the CEO as opportunity to employ as he sees fit.

Mr. Anthony HYLTON: Okay, Mr.

Speaker, may I rise again on a point of order to have the Member desist from this point...

Mr. SAMUDA: Mr. Speaker, I ask you to rule me out of order and I will leave the Chamber. I will not yield to him. Sit down! (Referring to Mr. Anthony Hylton)

Mr. SHAW: Don't yield to him.

Mr. SAMUDA: Sit down! I will not yield to you.

The SPEAKER: Mr. Samuda, the Minister is rising on a point of order.

Mr. SAMUDA: He is not rising on a point of order. He is not. He is rebutting and if he wants to rebut he waits his turn.

Mr. Anthony HYLTON: I rise a point of order.

Mr. SAMUDA: If you rule me out of order I will terminate my presentation right now.

(*Sotto voce* remarks by Mr. Shaw)

Mr. Anthony HYLTON: You are a little Gordon House bully!

Mr. SAMUDA: You make the decision. I won't continue if you rule me out of order.

The SPEAKER: Minister Hylton is on a point of order. Let me hear the point of order, and if he is correct, he is correct.

Mr. Anthony HYLTON: Mr. Speaker, the provision, and I will read it in its entirety, again he continues to read it in piecemeal and in parts.

Mr. SAMUDA: That's the point of order?

The SPEAKER: Yes, Mr. Samuda.

Mr. Anthony HYLTON: The Chief Executive Officer may...

Mr. SAMUDA: I read it in part therefore I am out of order?

Mr. Anthony HYLTON: ...may appoint...

Mr. SAMUDA: Where you ever hear that?

Mr. Anthony HYLTON: ...and employ to any office with the authority officers and employees at such remuneration and on such terms and conditions as he thinks fit and you continue, and it addresses subsection (4) what are the specific prescribed areas. And again, Mr. Speaker, the Member should desist from speaking and interpreting the provision improperly and in the way that he chooses and ignores the provision in its fullest extent.

The SPEAKER: Thank you, Mr. Hylton.

Mr. SHAW: Get a highlighter, the yellow one and then talk about it, waste time.

Mr. SAMUDA: Thank you, Mr. Speaker. I appreciate you treating it with the contempt it deserves.

Mr. Speaker, it is interesting to note that the composition of the Board includes several Ministers or their representatives from various Ministries...

(*Sotto voce* remarks by Mr. Anthony Hylton)

Mr. SAMUDA: Ministers or their representatives, you are not listening well. You so anxious to get up and chat that you are not listening to what I am saying. But even more convoluted is the inclusion of three representatives from the private sector, three representatives from the private sector recognized by the Government.

Now I ask you, Mr. Speaker, in this day and age you are going to tell me that you want three members of the private sector and what

is the private sector? The private sector is the man who sells jelly on the corner; he is a member of the private sector. If the Board or in the wisdom of the Minister chooses to include him on the Board, then that is the prerogative of the Minister. Why does he mandate that it has to be a member of the private sector recognized by the Government? What gives the Government the right to determine that because you are not recognized by them you haven't got the right to serve from the private sector on the Board? To further confound matters, Mr. Speaker, the Board must also include an attorney at law.

Now, Mr. Speaker, I have appointed many Boards, I have sat on many Boards, but this business of appointing - if you say you have to appoint and it's a highly skilled surgical, on which surgical experts sit and you say you need a neurosurgeon to advise on technical matters on the Board, you may do include that, but you are going to say it must include a lawyer, it almost implies that somebody has been identified as a Board member already who is a lawyer. I don't know, probably the same lawyer that drafted this. I don't know.

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 sufficient to allow him to complete his presentation.

The SPEAKER: The question is that the Member's time be extended sufficient for him to complete his presentation.

Put to the House and agreed to.

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: So you see, Mr. Speaker, that's an unnecessary provision in our opinion, totally unnecessary provision. Instead of asking the Board as a collective entity...

(*Sotto voce* remarks by Mr. Hylton)

Mr. SHAW: Tell me something, you think you are perfect? Nobody is. You too arrogant and feisty, man.

Mr. SAMUDA: This is an absolute absurdity. Instead of the Board as a collective entity appointing an attorney as they see fit, it's mandated in the statute totally, absolutely unnecessary.

Mr. Anthony HYLTON: According to you.

Mr. SAMUDA: Section 17 restricts single entity free zones, and I take note of your comments that it will be reviewed at a later day or as the occasion arises, that at least opens the gate of possibility for that to take place, because there can be very important industries that ought to be given single entity free zone status. So I welcome that and I hope that you will move with alacrity to concretize that as the occasion arises. And I expect that you will give your commitment to doing so.

Section 19 vests in the Minister the power to transfer any public property to the authority that he sees fit for establishment of a zone. I welcome this. I welcome this, because...

(*Sotto voce* remarks by Mr. Atkinson)

Mr. SAMUDA: I welcome a lot of things. You weren't here, you were outside having cookies. You must go look another reason why you get bad fire truck, but anyway let's move on.

(*Sotto voce* remark by Mr. Atkinson)

Mr. SAMUDA: I don't suffer fools gladly.

Mr. Speaker, this transfer of public property is well placed, because the Minister of Industry, and I know my colleague Opposition Spokesman on Finance and former Finance Minister, it is the Minister of Industry, Investment and Commerce that creates wealth in the country. He is the wealth creator in the Cabinet. It is to him that the development of the country depends. So if you have someone with that kind of responsibility he must have the authority to go along with it, and that is why I am going to urge him to take the appropriate steps to put into action the development of the Caymanas Enterprise Zone, because he owns that land now. So he needs to build out immediately at least 200,000 square feet of BPO facilities there and at Naggo Head where he owns it, him own 200 acres of Caymanas through Factories Corporation, and he owns the land at Naggo Head, and he can build that out if he gets the funding. Push for it, but I support this measure. So if he sees an attractive destination for a free zone, special enterprise zone, go to it with the authority. But it needs to be fleshed out and I hope you would bring that back to the House.

Section 34 was amended, but I don't quite understand and I hope when you speak you will explain what is meant by "Jamaica nationals getting a priority". Because I suppose what they are saying is that you can't discriminate within the region. I don't know what, but I can tell you, when I read it first without the amendment I welcomed it.

Mr. SHAW: Yes! Yes!

Mr. SAMUDA: I said, boy, that is moving in the right direction.

Mr. SHAW: Jamaica nationals.

Mr. SAMUDA: Jamaica nationals.

Mr. SHAW: Now we gone to CARICOM!

Mr. SAMUDA: Now I see him gone to widen it now...

Mr. SHAW: To CARICOM!

Mr. SAMUDA: ...priority will be to CARICOM. Next thing I will hear that priority is to CARICOM and Canada.

Mr. SHAW: And thirteen per cent unemployment rate here, right!

Mr. SAMUDA: So revisit that, revisit that! We are not short of talent. We will be short of technology, short of money, short of foreign exchange and all that, but we are not short of talent. There is no need to broaden it in this respect, no need.

Mr. SHAW: So the whole a CARICOM is on the same level as we?

Mr. SAMUDA: Same level as Jamaica in priority.

Mr. SHAW: What about jobs, jobs, jobs, for Jamaica, eh? What kind of hypocrisy is this?

Mr. Anthony HYLTON: Foolishness! (Inaudible) You are campaigning!

Mr. SAMUDA: (Laughs) Whoever say I can trace? You want anybody trace more than Tony Hylton?

Section 44 enables capital goods and equipment for permanent use in the free zone to be brought in duty free. I assume that

among those capital goods - Dwayne, I see you looking at me. You are going to be here one day talking - not here, but wherever, okay.

Section 44 enables capital goods. Now, I take it that when we talk about the celebrated case of a particular wharf where cranes were acquired and installed on a permanent basis, that this is the kind of duty-free concession that is offered. Which is good, but you must now monitor it to ensure that there is no movement of that equipment where there are no fences, no boundaries. When you have an "open-sesame" free zone and these cranes are in there, or whatever other equipment, monitor it carefully to ensure that if it steps out of the free zone area you attach duty to it. Same thing like the vehicles I am talking about.

Clauses 55 and 56 speak to the grandfathering - and I mentioned that before, because it's very, very important that that provision be in there. And I welcome the extension of time, I welcome that.

So in actual fact you must explain what that means. It means that all the operations that now exist will continue for four years in the first instance and with an extension of six months after that. So there is not an immediate panic. What is the panic which struck the Minister is that him have to do it before this year is finished, he has to enact this Legislation. And that is a pity that it took him so long. Probably if he had gone to the Chief Parliamentary Counsel it would have taken him less time. But it has taken him an inordinately long time, put his back against the wall, he has to come here and speak for three hours and try to convince us that it's important to stay here and listen to him so that he can pass this in time to meet WTO obligations. And he is a lawyer that loves to meet international obligation. I just want him meet more Jamaican obligations and Jamaican...

Mr. SHAW: And is CARICOM obligations them waan meet now, not Jamaican obligations. (Inaudible)

Mr. SAMUDA: And CARICOM, right.

Mr. SHAW: You see what Trinidad do people when they go there to work, eh, and Barbados?

Mr. SAMUDA: The exemption from Asset Tax is a very well thought out provision as well. I hear that you were contemplating offering as an incentive something that we had incentivized many years ago, which is the accelerated depreciation provision. Well, quite frankly Minister, it might shock you to know that in an earlier life - as the Minister of Mining and Energy will confirm - I was the Chairman of the Facilitation Board at JAMPRO - and I see a former Chief Executive Officer of JAMPRO here - and we discussed the Accelerated Depreciation Law for many years, but it could not get through so eventually, the Administration of the 2007 to 2011...

(Applause)

...the Accelerated Depreciation Provision, not four years, not two years but one year. So that really wouldn't be an incentive unless you are going to make sure that there is no tax, or that they can have some particular laws. So that really wouldn't constitute any kind of incentive. And I am glad you didn't try to

include it, because I was kind of waiting for you to include it so I could have something to talk about in that way.

Mr. Anthony HYLTON: You have nothing now.

Mr. SAMUDA: Mr. Speaker, I think it is fair to say that the intent is appropriate. The method of actualizing it has been gone about very clumsily. Poor Legislation architectural presentation - the architectural presentation was very poor, and I hope that we are not treated to anything as poor as this because quite frankly, if it wasn't that his back was against the wall - and he is my friend, you know, it's not that - we argue and cuss, but if it wasn't that his back was against the wall, we would say the dam thing should be sent back and done properly, because this ain't done properly.

But let us hope and pray to God that some time down the road some Administration is not confronted with lawsuits, as a result of not being able to properly interpret what has been presented here today.

Thank you very much, Mr. Speaker.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, just a brief intervention.

The Member from North Central St. Andrew has already raised the question but I would like to emphasize the need for a proper explanation in the Minister's response as to precisely - when he mentioned the amendment to Clause 34 - the proposed amendment to Clause 34, in which he proposes to substitute wherever Jamaican nationals is listed, in terms of priority for work, he proposes that the term *CARICOM nationals* will substitute the words *Jamaican nationals.*

I would like for the Minister to give a comprehensive and detailed explanation as to the rationale for such an amendment. We are in Jamaica, we are promulgating a *Free Zone Act* or whatever we are calling it, the *Special Economic Zones,* in order to promote economic development and to provide jobs, jobs, jobs for Jamaicans, priority jobs for Jamaicans. And I want to know what is the rationale for this. Is this some kind of an agreement that the Minister has entered into that obliges him to substitute a regional approach rather than first of all, number one priority?

Mr. SAMUDA: Where it's not even reciprocated.

Mr. SHAW: Jamaicans - I don't know that this is reciprocated - as the Member has mentioned - by other territories in the Caribbean.

The unemployment rate is now 13.1 per cent, and among young people the unemployment rate is in excess of 30 per cent. People need jobs! Jobs! Jobs! Jobs!

Mr. SAMUDA: I am disappointed.

Mr. SHAW: And I am respectfully going to suggest that this amendment should not be accepted by the Honourable House; should not be accepted.

The Member also mentioned, Mr. Speaker, the plan to tax the Business Process Outsourcing by 12½ per cent, the Corporate Tax. It's something that is going to lock down the business before it starts. Just when we are about to get some action in BPO, the

Government now wants to go and kill the goose that lays the golden egg. And the reason, Mr. Speaker, why it will damage that industry is that what is typically BPO, they don't even own the buildings, Mr. Speaker, they rent the buildings. Jamaicans build the buildings and rent them to foreigners who come out, they bring computers, they set them up in a room, they train some people, and it means that they are highly mobile. You mess with them and introduce a 12½ per cent Corporate Tax that was not on the cards before, and what is going to happen, they get a trailer, scrape up all them computers and gone back where they come from.

So that is an inherent danger there, Minister, I can tell you. Be careful about that one because that one, you could lock it down before you even start.

But on this one about Jamaicans, this one, Clause 34 is, I can guarantee you, a contentious issue for the Opposition, a contentious issue. It must - that amendment must not stand, absolutely not. Jamaicans must get top priority to jobs in their country. And that is my position. Foolishness!

(*Sotto voce* comments from Mr. L. Buchanan)

The SPEAKER: Mr. Henry.

Mr. HENRY: Mr. Minister, Mr. Speaker, I have to endorse all that have been said just recently, in respect of Jamaica nationals.

This Legislation however is far outreaching. I am disappointed that the Minister of Transport and Works isn't here because all of this leads to the connectivity that would relate to the development of the hub and the logistic development that is required.

My intervention therefore relates to some concerns I have which I think the Minister needs to clarify for me as I think it will restrict the speed at which Jamaica is developed as a hub.

In Clause 18 you say *specialized zones*, that is to say, zones limited to a specific economic activity, such as maritime or aviation-related zones, which may include... So are you coming up with a developmental zone that relates specifically to bunkering, dry docks, aircraft maintenance, *et cetera*? Are you separating them which they can be located on one place, near the one airport? So are you restricting that within a special economic zone? Because indeed, what you have to recognize, while you are putting small things together, it's the big picture that you have to see, especially if you are developing Jamaica as a hub. So I find that a little bit in need of clarification.

I also require your explanation on property vested in the Authority, which relates to exemption for something that doesn't exist in many areas, which is proper sewage rates and proper sewage facilities, and yet you are exempting that in the Developmental Plan when it may be very well needed by the developer because it doesn't exist in the area in which you are going to locate the Zone, unless you are restricting that to specifically developed areas. And if so, you're defeating the purpose of the fast movement of goods and services across the world. But then I go on to look at it and ask in 42:

A developer or an occupant shall not carry out any of the following activities directly or indirectly in a zone.

And I come back to the airport development and/or the bunkering. You say they must have no tourism services. Are you suggesting that someone who came to develop Vernamfield, for instance, would not be allowed to be put into an economic zone which may relate to the development of hotel services which must be close enough to the linkage for the multimodal movement of goods and services? And therefore, what is tourism services? It needs a lot of explanation for me because it needs to be more specific, especially when you go on down.

Now, where is catering services? That is logical to the development of any transport zone. So I find this area a little bit contradictory and needs some clarification. And are you saying in these zones retail trade? Does this mean that your logistics centres, like the one that should have been developed by now at Tinson Pen, that that would not include the selling of goods and services from that economic zone? I find that it doesn't really clarify for me how you intend to move goods and services, how you mean to integrate it and develop it. And are you leaving out of all of this, in terms of economic zone services that would travel by rail? So I see no development of linking the economic zones to the movement of goods and services by road, rail, sea and air independently and together, in terms of arriving at how you move the goods through the customs services, *et cetera*.

So for me, I would love the clarification of whether this is restricting it, the development of airports, ports and other areas that link it. For instance, on your highway that is being built across Mt. Rosser, land is left there for developmental purposes. Is that going to be limited to no tourism services? Or is it going to be limited to goods that can be manufactured there, assembled there, moved and connected and transported out of the country? And are these economic zones then already identified in the developmental plan that we are referring to? Other than Caymanas, is there any other zone that you have already identified that could be implemented, and where would that put airports that would need their own economic zones for development?

The SPEAKER: Minister.

Mr. Anthony HYLTON: Thank you, Mr. Speaker.

Mr. Speaker, let me thank the speakers for their contribution. Nothing else, Mr. Speaker, I hope that we can have some greater clarity about not only the objective of this Legislation but the content of this critical piece of legislation.

Mr. Speaker, before closing, in responding let me say firstly that, I want to commend the officers, many officers who have spent long hours working on this piece of legislation to ensure that we are at a place where this Legislation in succeeding the previous Export Free Zones Act, is now framed in a way that we on this side, on this Government side are satisfied that this Legislation is now mature

and ready to make a meaningful contribution to development of this country.

And I want to particularly, Mr. Speaker, if you will allow me, to recognize the particular role played by Ms. Patricia Francis, one of our outstanding civil servants, someone who work in the civil service. Well, worked in the Government agency namely JAMPRO a promotional agency of Jamaica, and distinguished herself there and went on to represent herself and Jamaica in the critical institution in Geneva, representing the trade and the business community globally in Geneva and did so at a very high and distinguished level, and with distinction.

Mr. Speaker, the other officers that worked on this Bill tirelessly, I want to thank them for their efforts.

Let me say, Mr. Speaker, firstly, that this exercise has been a tremendous effort collaboratively of public sector, private sector, academia, and generally civil society. I'll remind this Honourable House that this exercise went through a Green Paper process, a White Paper process before it comes now to this House in this form to be debated and to be passed, and in this process, Mr. Speaker, a number of these issues have been ventilated, consulted on time and time again and even in the last minute we had discussion with various stakeholders, in particular the Business Process Outsourcing sector where we met up to last week going through the specific provisions of this Bill as it affects, or potentially affects the particular stakeholder community.

Mr. Speaker, no piece of legislation of this wide range in nature is without its challenges. None. I have seen none, know of none. This is a process of compromise. This is a process of negotiation and a process of possibilities having regard to the country's situation and circumstance at a particular moment of time. And so, Mr. Speaker, I'm not here to suggest that and particularly as it relates to the fiscal measures, that this is, I believe that, personally speaking for the Ministry of Industry, that we would not have liked to have seen more done, but this is the judgment of the Ministry of Finance, the Cabinet as to what can be done at this particular moment of time.

And in that regard, let me speak specifically to the 12.5 per cent income tax rate, headline income tax rate. And I say that, Mr. Speaker, because this is what it is. It's the headline rate of 12.5 per cent, however, the effective rate is somewhere in the region of 7.25 per cent. And why? Because after tax credits, Mr. Speaker, deductions and allowances such as employment tax credit, the promotional tax credit, other deductions and allowances such as capital allowances, you really have an effective rate of 7.25 per cent. This has been the specific calculation, modeling and calculation done by the Ministry of Finance and for the benefit of the discussions that took place as late as last week in discussion with the sector.

Mr. Speaker, the Members opposite have said they think something in the region of 8 per cent might be reasonable. I think 7.25 compares favourable, favourably with respect to the BPO sector, and so, Mr. Speaker, I do not think that if the Opposition point of view

was a 8 per cent, I believe the Government has responded and responded well to the needs of that sector.

Of course, some would have liked something lower, but, Mr. Speaker, having regard to our fiscal situation and condition, and having regard to the benefits that have been provided for in this regulation, and particularly in a way that would allow for businesses to be attracted, start-up and sustained, in the sector, I believe that this is something that even the BPO sector after these negotiations believe we can live with.

And so, Mr. Speaker, I say to the Members, I believe if 8 per cent is your effective rate, we have matched that and surpassed that, and I believe the sector believes that and is prepared to proceed on that basis.

Mr. Speaker, I would say to you that on the issue of - I can speak very fulsomely on the issue of why the amendment was made to the Jamaican nationals. I do not believe having regard to what the Members here know, and I know they know, that it is really impatient of this explanation that is sought, but I will give it because it is obvious to all of us that as members of the Treaty of Chaguaramas, as members of the Treaty of Chaguaramas, until that membership is excluded, you cannot in a piece of legislation of this nature simply say that this is - that Jamaican nationals, that there is any discrimination against, in the employment of our nationals against CARICOM nationals. It cannot be done on this basis and when you then say that, look at what happens elsewhere, Mr. Speaker, it gives us a right under the Treaty to sue them. Which we have done in the case of Shanique Myrie and other cases, and that's what you do. If you have a right -

Mr. SHAW: That was not about jobs.

Mr. Anthony HYLTON: If a right in here is in you -

Mr. SHAW: That was not about jobs, that was illegal search at the airport.

Mr. Anthony HYLTON: No, no! No, but, please, please, you do not understand.

Mr. SHAW: Don't mix up the issue. A bad search at the airport.

Mr. Anthony HYLTON: No. I brought that case; I know what it's about and what the ruling has been.

Mr. SHAW: It wasn't about jobs.

Mr. Anthony HYLTON: You can't tell me what it's about.

Mr. SHAW: So it wasn't about jobs?

Mr. Anthony HYLTON: You cannot tell me what it's about, I brought it.

Mr. SHAW: It was about her search - don't mislead the House.

Mr. Anthony HYLTON: Please. If you don't know ask. If you don't know ask. The simple fact is it talks about the minimum treatment of CARICOM nationals as they move throughout the region. That's what the case was about. That is what the case was about, and that's what the ruling was about, and on that I'm not asking any questions, I'm telling you that's what the case was about.

Mr. SHAW: Is all right, I will deal with you on the political platform, because Jamaicans must get the first priority. I will deal with you.

Mr. Anthony HYLTON: Gwaan with you jingoism.

Mr. SHAW: I will deal with you. I will know what to do.

Mr. Anthony HYLTON: This is not the C.C.J. revisited.

Mr. SHAW: I will fix your business on the political platform.

Mr. Anthony HYLTON: This is not the C.C.J. revisited. This is not the C.C.J. and the Jamaican people will deal with you. They know you for what you are.

Mr. SHAW: (Inaudible comment) ...I gwaan fix you business.

Mr. Anthony HYLTON: They know you for what you are, which is a jingoist. Ridiculous.

Mr. SHAW: Mek it stay, man. Mek it stay.

Mr. Anthony HYLTON: You go on the platform.

(The Speaker gavels)

This is not the C.C.J. revisited.

Mr. Speaker, Mr. Speaker -

Mr. SHAW: And I going research it more. Him a talk foolishness.

Mr. Anthony HYLTON: Oh, do not stop chatting. Rude. Go and do your research. That's what you should do.

Mr. SHAW: Jamaicans should get first, then CARICOM get second, then third country, other places third.

Mr. Anthony HYLTON: Mr. Speaker.

Mr. SHAW: One, two, three.

Mr. Anthony HYLTON: Mr. Speaker.

Mr. SHAW: Order of priority.

Mr. Anthony HYLTON: Let me say, let me say to the Members that with respect to the Member spend some time talking about the Boards and the Authority, the body that has been put in place as the central body to invigilate and to implement these regulations. Let me point to the Member.

This Member sat where I am now. This Member sat where I am now sitting. The Member sat where I am now sitting, and let me say to you, let me say to you that the legislation, the Export Free Zones Act which you invigilated at that time and now is being transitioned from, contained with it the appointment of a Free Zone Council, a Free Zone Council which was never operationalized until I came to the Ministry. Never operationalized until I came. A free zone council -

Mr. SAMUDA: It was misplaced anyway. What you should…

Mr. Anthony HYLTON: Well, I'm telling you, a Free Zone Council provision was there and was never operationalized and would play the similar role as the Authority under that arrangement, and we operationalized it and it is working to the credit of the thing. So, on that score let me say, I don't think you are the person -

Mr. SAMUDA: You shifting.

Mr. Anthony HYLTON: You are not the person to be speaking. Let me say something. You then went on to talk about a Board, an Authority and a Board. The Port Authority has a Board. Should I remind you? The Port Authority has a Chairman and has a Board. So

what is different? So the term "authority" is what is different in your consideration? That a Board is not necessary? Please. I think -

Mr. SAMUDA: That's why they can't even put a shovel of sand -

Mr. Anthony HYLTON: Well, well. Well, well, I say to you -

(Inaudible comment by Mr. Samuda)

Mr. Anthony HYLTON: No, that's a different argument.

Mr. SAMUDA: That's why you -

Mr. Anthony HYLTON: That's a side show.

(Inaudible comment by Mr. Samuda)

Mr. Anthony HYLTON: That's a side show.

Mr. SAMUDA: That don't mean you must make the same mistake twice, or three times.

Mr. Anthony HYLTON: No, it's not a mistake. Please, we submit on this side that the proper administration, the proper administration of the regulation calls for an authority properly constituted and your attempt to ascribe powers to the Ministers that the Act does not was a failed attempt because it was again the manner in which you attempt to mislead this House time and time again.

(Heckling by Mr. Samuda)

Mr. Speaker, the issue of a Board and a proper regulation, a proper authority, a proper constitution of the Authority, we on this side are confident that that is necessary in the circumstance of this legislation.

Mr. Speaker, let me address the concern raised by the Member from Clarendon.

Mr. HENRY: Clarendon Central.

Mr. Anthony HYLTON: It's not Central? Clarendon Central.

Mr. Speaker, in the proper interpretation, these services - what the Act attempts to do, it is not that these services cannot be part of the Free Zone. The Act, for example, speaks of tourism service because, as the Act explains elsewhere in the Schedule, these are regulated - the benefits for the tourism sector is contained in a separate piece of legislation, and therefore we would not want to confer another set of benefits in it.

Mr. HENRY: If you'll just give me a minute. That is precisely the thinking I am trying to get out of. By isolating the word '*tourism'* firstly, you are catering to only a specific segment of travellers. And therefore, we need to integrate that into the Developmental Plan, and not exclude it. And therefore, travellers in transit who are not here as tourists are going to be in greater numbers in this kind of development than what we have at present.

Mr. Anthony HYLTON: What we are saying, Member, is not that the activity cannot be operated within an airport zone, for example, but it is that it cannot, as it were double dip by having getting a benefit under a specialized Act for the sector, and receiving a separate benefit - another benefit under this Act.

Mr. HENRY: So you are designated a separate... (Inaudible)

Mr. Anthony HYLTON: No, no, what I am saying, it is for purposes of a fiscal measure in this Act that the distinction is being drawn. It is not...

Mr. HENRY: The fiscal.

Mr. Anthony HYLTON: The fiscal. It is not for the operational aspects of the activity - tourism...

(*Sotto voce* comment by Mr. Henry)

Mr. Anthony HYLTON: Well, the Regulations which will come can make it clear. We can look at that, and to make that clearer in the Regulations which are even now being prepared. But let me say to you... and that applies to retail trade and other activities. Those activities can be undertaken within the Zone; they just will not be given the fiscal measures and the incentives within the Zone, and, if it needs to be pellucidly clear, we will endeavour to do that. But, that is the intent of the Regulation- of the Legislation.

And let me say - on the other matters, it is - you pointed to the matter of special economic zones, and it is not an attempt to isolate. In fact, the proper reading of it is that we are saying that a special zone can be developed for those specific activities: for bunkering, for dry docking, because they lend themselves by their nature to be in isolated and separate activities. So we are not demanding or requiring that they are in one zone; they may or may not.

And so the activities of bunkering the special ones are - and this in the context where we speak separately to discourage Single-Entity Zone. That is the general thrust of the Act that we discourage Single-Entity Zone, but we are making an exception for these specialized activities, and say these can be. So, it is the general zone, specialized zone; these can be the subject of special zones. So it is not being inhibited or restricted in its development. In fact, in this sense of the word it's being encouraged - in this sense of the word. So I want to address those particular concerns.

Mr. Speaker, I would say...

(*Sotto voce* comment)

Mr. Anthony HYLTON: I would say, Mr. Speaker, lastly, that in terms of the Act itself, and the usage of the Act, the proof of the pudding is in the eating.

Mr. SAMUDA: That's right.

Mr. Anthony HYLTON: And I can tell you, already - and the staff is there; they can tell you, in a discussion we had with an investor this week - late last week - the investor indicated to us that this piece of Legislation is welcomed; it is an improvement on what existed before, and they endorsed this piece of Regulation. And it is on that basis that I am confident - and my staff is here, they can bear me out, and I can tell you that...

(*Sotto voce* comments by Mr. Samuda)

Mr. Anthony HYLTON: I am talking about the structured legislation which was the brunt of your assault... that it was the structured Regulation that he was specifically commenting on. And so, I say to you, on that basis, I am confident that investors will see this as an improvement, as an incentive, as an attraction, and I believe it will redound to the benefit of the Jamaican people.

Mr. Speaker, I move for second reading of the Bill.

(Applause)

The SPEAKER: The question is that the Bill be read a second time.

Put to the House and agreed to.

Bill entitled:

"AN ACT to Repeal the Jamaica Export Free Zones Act, and to make provisions in respect of the development, regulation, construction, supervision, management, and control of Special Economic Zones in Jamaica, and for connected matters",

read a second time.

The SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the Bill clause by clause.

COMMITTEE STAGE

The CHAIRMAN: I am going to take it in parts, and then break it down where they have amendments.

I put Part I, Clauses 1, 2, 3, and 4. Put to the Committee and agreed to.

The CHAIRMAN: Part II, Clause 6 - Part II, Clause 5.

Put to the Committee and agreed to.

The CHAIRMAN: Clause 6...

Put to the Committee and agreed to.

The CHAIRMAN: I put the amendment to Clause 6.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 6 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: Clause 7… I put the amendment to Clause 7.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 7 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put Part II, Clause 5 to 15.

Put to the Committee and agreed to.

The CHAIRMAN: Part III, I put Clause 16.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 17 – There is a new Clause 17, delete Clause 17 and replace it with the new Clause 17. I put the new Clause 17.

Put to the Committee and agreed to.

The CHAIRMAN: Part IV, I put Clause 18 to 32.

Put to the Committee and agreed to.

The CHAIRMAN: Clause 33… I put the amendment to Clause 33.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 33 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put the amendment to Clause 34.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 34 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 35.

Put to the Committee and agreed to.

The CHAIRMAN: Clause 36… I put the amendment to Clause 36.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 36 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: Clause 37… I put the amendment to Clause 37.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 37 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 38.

Put the Committee and agreed to.

The CHAIRMAN: I put the amendment to Clause 39.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 39 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: Clause 40 - I put the amendment to Clause 40.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 40 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 41.

Put to the Committee and agreed to.

The CHAIRMAN: Clause 42 - there are two amendments to Clause 42. I put the amendments to Clause 42.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 42 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 43.

Put to the Committee and agreed to.

The CHAIRMAN: I put the amendment to Clause 44. There are three amendments to Clause 44; I put the three amendments.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 44 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: Clause 45 - I put the amendment to Clause 45.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 45 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put Part A, Clauses 46, 47 and 48.

Put to the Committee and agreed to.

The CHAIRMAN: I put Part IX, Clauses 49 to 52.

Put to the Committee and agreed to.

The CHAIRMAN: Clause 53...

Put to the Committee and agreed to.

The CHAIRMAN: Clause 54... I put the amendment to Clause 54.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 54 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: Clause 55... I put the amendment to Clause 55.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 55 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: Clause 56...

Put to the Committee and agreed to.

The CHAIRMAN: I put the amendment to Clause 57.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 57 as amended.

Put to the Committee and agreed to.

Mr. PAULWELL: Mr. Chairman, may we re-commit Clause 39?

The CHAIRMAN: Clause 39...

Mr. PAULWELL: We are removing the amendment, sir.

The CHAIRMAN: So we are not amending Clause 39 then?

(*Sotto voce* comment)

The CHAIRMAN: So, I put the amendment to the amendment which brings us back to the original.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 39 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put the First, Second, Third, and Fourth and Fifth... I put the First Schedule.

Put to the Committee and agreed to.

The CHAIRMAN: I put the four amendments to the First Schedule.

Put to the Committee and agreed to.

The CHAIRMAN: I put the First Schedule as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put the Second Schedule.

Put to the Committee and agreed to.

The CHAIRMAN: The Third Schedule - one amendment. I put the Amendment 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: Fourth Schedule - I put the two amendments.

Put to the Committee and agreed to.

The CHAIRMAN: I put the Fourth Schedule as amended.

Put to the Committee and agreed to.

The CHAIRMAN: Fifth Schedule with one amendment. I put the amendment to the Fifth Schedule.

Put to the Committee and agreed to.

The CHAIRMAN: I put the Fifth Schedule as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put the Title and Enacting Clause.

Put to the Committee and agreed to.

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage with twenty-five (25) amendments.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage with twenty-five (25) amendments.

The SPEAKER: The question is that the Bill be read a third time.

Bill entitled:

"AN ACT To Repeal the Jamaica Export Free Zones Act, and to make provisions in respect of the development, regulation, construction, supervision, management and control of special economic zones in Jamaica, and for connected matters",

read a third time and passed.

(Applause)

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker, it is not intended for us to do any further business, so, I move for the adjournment of the House until next Tuesday, December 8th at 2:00 p.m.

The SPEAKER: The question is that the House do adjourn until Tuesday, 8th December, at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: (Gavels) The House stands adjourned.

The Honourable House accordingly adjourned at 7:02 p.m.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2015 – 2016

TUESDAY, December 8, 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.

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

MEMBERS OF THE CABINET

THE HONOURABLES:

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

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

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

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

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. 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 and Works

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. 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. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern
MRS. MARISA COLLEEN DALRYMPLE-PHILIBERT, (JLP), Trelawny, Southern
MR. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central
MR. WILLIAM JAMES CHARLES HUTCHINSON, CD, (JLP), St. Elizabeth, North Western
MR. ANDRÉ MARIO HYLTON, (PNP), St. Andrew, Eastern
MR. DESMOND ANTHONY AUGUSTUS MCKENZIE, (JLP), Kingston, Western
MR. RICHARD ANTONIO PARCHMENT, (PNP), St. Elizabeth, South Eastern
MR. RAYMOND FRANKLYN PRYCE, (PNP), St. Elizabeth, North Eastern
MR. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central
MR. AUDLEY FITZ ALBERT SHAW, CD, (JLP), Manchester, North Eastern
MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary, Western
MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western
MR. DARYL WESLEY PHILLIP VAZ, (PNP), Portland, Western
MR. DWAYNE FRANCOIS ST. MICHAEL VAZ, (PNP), Westmoreland, Central

PRAYERS

Prayers were offered by Mr. Hugh Buchanan.

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

STATEMENTS BY MINISTERS

Mr. PAULWELL: Mr. Speaker, the Minister with responsibility for Culture and Youth will be making a statement.

The SPEAKER: Miss Hanna.

THE REMOVAL OF CHILDREN FROM THE SUNSHINE CHILD CARE FACILITY

Miss HANNA: Mr. Speaker, my statement today to the Parliament and to the people of this country is made arising from the report tabled by the Children's Advocate which was received in my Ministry on November 23, 2015.

The report from the Children's Advocate Diahann Gordon Harrison outlined a number of breaches that occurred during the removal of 34 children from the Sunshine Child Care

Facility and made recommendations which I accept.

Mr. Speaker, having thoroughly read the report, I was extremely disappointed and concerned by the apparent violation of the principles that are expected and required to guide how we treat our children in the care of the State. The report cites violation such as the disruption in the children's education resulting from the removal, insensitivity of the officers to the cries of children who were visibly traumatized, and the callous and chaotic removal process.

Mr. Speaker, from what I have seen in the report, it is inexplicable and unacceptable that officers of the Child Development Agency could have acted in such a callous manner especially towards wards of the State. I am particularly aggrieved that given our repeated instructions that every child in State care should be treated as our own, it is unforgiveable that an officer of the CDA could have reportedly said, in front of the children who were crying that they, the caregivers should not get too attached to these children because they are in and out.

Mr. Speaker, we have established guidelines and protocols for the standards of care to deal with the care and protection of our children in residential care which all officers should and must adhere to in executing any action, taking into consideration what is in the best interest of the child or children.

Upon receipt of the report, I immediately invited the Children's Advocate to a meeting to discuss the report and indicated my concern about the findings and my acceptance of and commitment to the implementation of the recommendations.

Mr. Speaker, even as due process must take place and the Child Development Agency has been given time to respond to the Children's Advocate, having read the report, I took it as my responsibility to meet with and apologize to Ms Vivlyn Morgan, the manager and by extension the children of the Sunshine Childcare Facility for the distress caused by the reported actions and conducts of the CDA officers. I have also assured her that I will do all that was necessary to afford her the opportunity to continue caring for the children entrusted to her care as wards of the State.

To this end, I gave instructions for a team from the Ministry of Youth and Culture to visit her new premises to ascertain the suitability of the facility; Mr. Speaker that was done. I also instructed the CDA to immediately take steps to complete the review of her licence application for a decision to be taken so that, if at all possible, the children that were in her care can be relocated to the new location in time for their usual Christmas celebration with her.

Mr. Speaker, in the midst of this unfortunate situation, I want to commend Ms. Vivlyn Morgan for her devotion to the care of children over 30 years. Mr. Speaker, we need more people like her in our child protection system.

(Applause)

(MR. PEARNEL PATROE CHARLES, CD, Clarendon, North Central, entered and took his seat.)

Mr. Speaker, the matter of the reported conduct of the officer is being addressed forthwith. We have met with the CEO of the CDA Mrs. Rosaliee Gage-Gray and have given her certain instructions to act within the agency's framework agreement which speaks to disciplinary procedures with a view to applying the necessary sanctions.

Further to my instructions to the CEO, she has convened the required independent disciplinary panel which includes a retired judge which will begin their hearings on December 22, 2015.

Mr. Speaker, what has happened is outrageous and it goes against all that this Administration stands for as it relates to children and their care and protection.

I have confirmed from the OCA report that the information flowing to me as Minister and the issue from the CDA had fundamental and serious inaccuracies from the beginning.

Mr. Speaker, I received a letter of concern from Gilgal Holiness Christian Church on March 6, 2015, and I immediately called the Ministry's Children Affairs Division to get the information from the CDA on this matter and report to me.

On March 25, 2015, the information provided to us from the CDA in writing was that Miss Morgan went to Court for an extension on February 16, 2015, and was denied. The CDA's advice to me was that Miss Morgan was being evicted from the property by Court Order and the CDA had to act quickly to ensure the safety and security of the children.

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

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

However, Mr. Speaker, the fact was that there was no urgency as the lady had received another Court Order extending her time to May 5, 2015, and this was a consent order between the plaintiff and Miss Morgan.

Mr. Speaker, while we were seeking further information from the CDA as things were not clear, the Children's Advocate had started investigating this matter and the Ministry took the decision to await the independent findings of the advocate which were presented in November to us and laid on the Table today.

Mr. Speaker, as I said, the Ministry has acted immediately upon receipt of this Report. The report highlights that certain individuals in the CDA failed to follow the established procedures and policies application such as the failure to adequately prepare the children for their removal to other locations. Mr. Speaker, in relation to addressing this, I have convened a taskforce of three persons to rigorously interrogate the systems that govern the monitoring, protocols and reporting structures as well as the placement and removal of children in the Child Protection Sector. I have asked them to make the necessary recommendation, so that our systems and procedures are improved to

reinforce the appropriate culture necessary for child protection. The taskforce is chaired by Mrs. Sharon Lake, former chairman of the Women's Leadership Initiative and a part of the XEROX Cooperate Management and herself a foster parent. And I should have this Report by the end of February 2016**.**

Mr. Speaker, I have also forwarded the OCA Report to the Public Services Commission and the Attorney General for their advice, and for any further action that can be taken, given the circumstance. The Parliament will be duly updated during the process.

Mr. Speaker, it is people who make up organizations and we can provide systems and regulations but in the end it is people who have to implement them. The conduct of a few individuals in this instance ran contrary to the spirit and intent of the Child Care and Protection Act and the policy of this Government.

Mr. Speaker, it is the welfare of our children that must take precedence at all times and it must supersede personal rancor, preferences and biases; they are not only our present but they are our future.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Smith.

Mr. D. SMITH: Mr. Speaker, as you're fully aware, sir, the protocol that currently exists would be for the Opposition to be given previous advice regarding a Ministerial Statement. In this case this was not done and we…

Dr. PHILLIPS: Check your [files].

Mr. D. SMITH: And our Spokesperson is on her way here.

Dr. DAVIES: You come back here with that same line.

(Cross talk)

Mr. D. SMITH: So the request, Mr. Speaker is if we could ask that the response from Opposition be deferred until sometime later in the afternoon.

(Cross talk)

The SPEAKER: Okay.

Mr. PAULWELL: Mr. Speaker, the Member - firstly, Mr. Speaker, you know that the custom now is for us to circulate the agenda from Monday afternoon and, in fact, it was circulated yesterday afternoon. I did try to reach the Leader of Opposition Business about three times [they] kept on missing when this matter was decided on some time after 4:00 pm. yesterday. But it was, in fact, circulated by the usual route of e-mail, but I almost certain I saw the Member in the House earlier.

A MEMBER: Yes, she was here.

(Cross talk)

Mr. PAULWELL: I gather she is not feeling well? Okay, all right. We are not too sure. But Mr. Speaker, this is not a matter that should - this is our final sitting before we take the Christmas break. So it will, therefore, have to await our resumption in January.

(Cross talk)

Mr. D. SMITH: Mr. Speaker, Just for the records, the House Leader - I saw some missed calls from the House Leader and he will appreciate that I also returned some calls from him but we just didn't get together, but I am now hearing that the...

(Cross talk)

The SPEAKER: We understand, we understand.

Mr. D. SMITH: ...I am now hearing that the Spokesperson is not feeling well and as such we have nothing further to say at this time.

(Cross talk)

The SPEAKER: Okay.

ANNOUNCEMENTS

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

- **Ministry Paper No. 142/15**
  Annual Report of the Southern Regional Health Authority for the financial year April 2012 to March 2013
- Annual Report and Financial Statements for the financial year April 2014/2015 National Housing Trust Government of Jamaica Communication Policy 2015
- Auditor General's Department Activity Based Audit Report Universal Services Fund Collections of Universal Service Levy and Projects
- Auditor General's Department Financial Statements Assessment of Public Bodies Petrojam Limited
- Auditor General's Department Performance Audit Report for the Development Bank of Jamaica Limited
- Auditor General's Department Financial Statements Assessment of Public Bodies for the Development Bank of Jamaica
- Report on Investigations into the Conduct of the Child Development Agency Concerning Wards of the State Sunshine Child Care Facility

(DR. ANDREW O'BRIEN WHEATLEY, (JLP), St. Catherine, South Central, entered and took his seat.)

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

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. PAULWELL: Mr. Speaker, the Member from North East St. Catherine had asked a question for some time now. He has not been around regularly, so I'm going to table the answer. It's very straightforward. That is the Member from North East St. Catherine.

(Cross talk/The Speaker gavels)

So...

The SPEAKER: We'll recommit Notices of Motions Given Orally.

Mr. PAULWELL: No, I'm coming back to that. I'm just dealing with the question by the Member from North East St. Catherine.

The SPEAKER: You're tabling them?

Mr. PAULWELL: I'm tabling those.

Question:

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

Answer:

A Cabinet submission is being prepared by the Office of the Prime Minister for Cabinet to issue drafting instructions for the amendment to the Access to Information Act. The Office of the Prime Minister aims to have the Bill amending the Access to Information Act tabled in Parliament by the first quarter of 2016

So, Mr. Speaker, I move 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: Prime Minister.

The PRIME MINISTER: Mr. Speaker, I beg to give notice that at next meeting of the House I will move to introduce and have read a first time a Bill shortly entitled "The Sexual Harassment 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 enable me to introduce the Bill, have it read a first time and give notice for second reading.

Thank you.

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

Whereas subsection (l)(g)(i) of Section 41 of the Constitution of Jamaica requires a Member of this Honourable House to vacate seat if any firm in which he is a partner or any company in which he is a Director or Manager becomes a party to any contract with the Government of Jamaica for and on behalf of public service, or if he becomes a partner in a firm or Director or Manager of a company which is a party to any such contract;

And Whereas the Member of Parliament for St. Andrew, North Eastern is a Director for DHC Investment which may, from time to time, be engaged to provide services for the Government of Jamaica and its agencies for or on account of the public service;

And Whereas the Member has disclosed his interest in the company as a Director;

Be it Resolved that this Motion be referred to the Ethics Committee for consideration and report.

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

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. SAMUDA: Mr. Speaker.

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: Mr. Speaker, I wish to indicate that at the end of twenty-one days, I shall ask the Minister of Industry, Investment and Commerce the following questions:

Question 1:

Is the Minister aware of any import licences granted by the Trade Board over the past six months to any importer of motor vehicles in circumstances where such vehicles arrived in Jamaica prior to the importer having previously obtained the required import licences?

Question 2:

If the answer is in the affirmative, will the Minister confirm or deny whether this constitutes a breach of the rules governing the importation of motor vehicles and would he further explain the basis on which this licence/s was issued?

Question 3:

Will the Minister further provide this Honourable House with a list of such licences indicating the name/s of importer/s, quantities and prices of the vehicles, dates of arrival into Jamaica and dates of issuance by the Trade Board of all such licences?

And if I may while I'm on my feet…

The SPEAKER: No, no!

Mr. SAMUDA: Oh, I have to sit down first?

The SPEAKER: You don't have to read it.

Mr. SAMUDA: Oh, I have another one.

The SPEAKER: You can continue.

Mr. SAMUDA: Yes, I thought so. I would ask also the Minister of Finance the following questions:

Question 1:

Is the Minister aware of any waiver(s) on fines resulting from the importation of motor vehicles over the past six months, which landed in Jamaica prior to the importer obtaining a required import licence from the Trade Board?

Question 2:

If the answer is in the affirmative, will the Minister indicate the value of such waiver(s) and the basis on which he granted such waivers?

Thank you, Mr. Speaker.

(HON. HORACE WASHINGTON DALLEY, CD, (PNP), Clarendon, North, Minister of Health, entered and took his seat.)

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

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

The PRIME MINISTER: Mr. Speaker, I now move for the suspension of the Standing Orders to enable me to introduce the Bill shortly entitled, "The Sexual Harassment Act, 2015", have it read a first time and give notice of second reading.

The SPEAKER: The question is for the suspension of the Standing Orders to allow the Prime Minister to take the Bill as outlined.

Put to the House and agreed to.

The SPEAKER: Prime Minister.

The PRIME MINISTER: Mr. Speaker, I move to introduce and have read a first time a Bill shortly entitled, "The Sexual Harassment Act, 2015".

Bill shortly entitled:

"The Sexual Harassment Act, 2015",

read a first time.

Mr. Speaker, I now give notice of second reading of the Bill.

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, the Minister of Finance will commence with two Orders and Resolutions dealing with the Transfer Pricing Agreement Rules and the Transfer Pricing Documentation Regulations. Thereafter, the Minister for National Security will debate the Firearms Act after which we will have Private Members' Motion from the Member from South West St. Catherine, in that order this afternoon.

The SPEAKER: Minister Phillips.

(Cross talk)

Mr. Shaw, could we have your attention.

Mr. SHAW: Sure.

THE INCOME TAX (TRANSFER PRICING AGREEMENT) RULES RESOLUTION AND THE INCOME TAX (TRANSFER PRICING DOCUMENTATION) REGULATIONS, 2015

Dr. PHILLIPS: Mr. Speaker, the two resolutions are before us standing at Item 7 on the Order Paper and Item 8: Income Tax (Transfer Pricing Agreement) Rules Resolution and the Income Tax (Transfer Pricing Documentation) Regulations, 2015, Resolution. With your approval and the concurrence of the House, Mr. Speaker, I propose we treat them separately for the purposes of debate together.

The SPEAKER: You may proceed.

Dr. PHILLIPS: Mr. Speaker both Resolutions arise from the provision in Section 17D of the Income Act which allows the Minister to make regulations in respect of the transfer pricing regime. It should be noted, first of all, Mr. Speaker that transfer pricing provisions are not new. They are not introduced by this amendment to the legislation. In fact, they have been of longstanding. What the legislation does is to establish a standard and a principle of arm's-length transactions which will guide the assessment of taxes of the tax liabilities of taxpayers and that it represents a set of rules that are - and standards that are increasingly global in scope in that more and more countries are applying these particular standards. So it has the effect of bringing Jamaica - the legislation, which has been passed both by this House and by the Senate, brings Jamaican standards in this regard and principles within the ambit of a global regime.

The documentation - the Resolutions here speak to the - come here in furtherance of a commitment that was given during the debate, Mr. Speaker, first of all, that the legislation would not come into effect and it has not until the House had an opportunity to receive and consider the regulations which would underlay

the application of the rules. The two bits of - two resolutions, Mr. Speaker, the first speaks to documentation to be provided and maintained - to be maintained and provided by the taxpayer which is listed at Item 8, and the second really speaks to the rules.

In relation to documentation, what is required is that taxpayers should make reasonable efforts at the time of their transactions to determine whether the transfer pricing is in accordance with arm's-length principle. Tax Administration Jamaica would have the right to obtain the documentation prepared or referred to as a means of verifying compliance to the arm's-length principle. The taxpayer should approach documentation in the same way that they would approach any prudent business process or decision of a similar level of complexity and importance and should be forthcoming with adequate information in their possession.

The obligation placed on the taxpayer must be balanced and in ensuring that there is no undue burden of administrative cost on the taxpayer. As such the required documentation is placed on taxpayers - and I think it is important for us to emphasize this point here again - that the requirement for documentation is placed on taxpayers with a gross annual revenue of $500 Million or more, that is to say, half a billion Jamaican dollars is the threshold for companies who would be internationally operating companies operating in one or more jurisdictions or two or more jurisdictions who would be required to report on intra-company transactions for these purposes. And that is what this law seeks to capture to ensure that revenues or income earned in Jamaica due to the - liable for taxation is, in fact, paid in Jamaica rather than siphoned off to other jurisdictions as a means of tax avoidance or tax evasion. That's the whole purpose to ensure that the – and I think it should be clear, Mr. Speaker, given some of what I have seen written in some commentaries elsewhere.

It should be clear that in the absence of us, that is to say the Jamaican Consolidated Fund receiving revenues that are due to Jamaica, then what would transpire otherwise is that other taxpayers would have to make up the gap. The overburdened PAYE worker, or the consumer of goods and services that attract G.C.T., and we all know that our overall purpose, Mr. Speaker, is to be able to reduce the rates of taxation in the country by ensuring that all those who are liable to pay taxes, pay taxes, improve our compliance so we can reduce the rates. These regulations, and indeed the parent amendment which give rise to these is intended to accomplish that ultimate purpose, ensuring that taxes due to the Consolidated Fund of Jamaica, arising from earnings made in Jamaica, are paid in Jamaica.

Mr. Speaker, but as I said, this really involves only companies that are operating as multinational companies, and companies that are of such a size that the provision and the collection of this data is not to be considered onerous.

The transfer pricing rules, which is the second resolution, permits an arrangement being arrived at between the Commissioner General of Tax Administration and the

taxpayer, to arrive at a transfer pricing agreement, or also known as an advanced pricing agreement. That is an arrangement which determines in advance of controlled transactions and sets appropriate criteria for the determination of the transfer pricing of those transactions over a fixed period of time.

Put another way, Mr. Speaker, what this allows is for a taxpayer which operates in an industry which has unique features, film industry for example, or some other industry which has particular unique features, or a firm which has a particularly unique set of arrangements, to make an agreement with Tax Administration Authorities to define their own rules acceptable to the Tax Authorities which would enable them to report on that basis. That agreement would have to be initiated by the taxpayer and requires negotiations between the taxpayer, the associated or connected enterprises and the Tax Authority, or one or more tax authorities in accordance with the guidelines of the Organization of Economic Co-operation and Development on transfer pricing.

Transfer pricing agreements are intended to supplement traditional administrative, judicial and treaty mechanisms and will allow taxpayers and the Tax Administration of Jamaica to engage in a non-adversarial manner. Advanced pricing agreements may be unilateral, bilateral or multilateral, depending on the complexity of the taxpayer's business. Most companies prefer bilateral or multilateral advanced pricing agreements because they provide a level of certainty across jurisdictions. One key feature of advanced pricing agreement is its specificity with regard to the taxpayer's transactions and the application of the transfer pricing regime to those transactions. That is to say, it speaks as I mentioned earlier to the specific nature of a particular industry, or firm. Additionally, the Tax Authority would be required to monitor the compliance of the taxpayer with this agreement. This is to be done on an annual basis and will include the completion by the taxpayer of an annual compliance report.

The main advantages of these agreements are that they eliminate uncertainty by enhancing the predictability of tax treatment in international transactions. They prevent costly and time-consuming examination and litigation of major transfer pricing issues, and allow for an insight by the Tax Authority into the business model of the taxpayer, and assist with the Tax Authority's understanding of the peculiarities of the taxpayer's business.

Remember at all points, Mr. Speaker, that it is the taxpayer who initiates the request for an advanced pricing agreement, and that leads to another point which I think is of importance, which is that our whole approach to the implementation of these rules is based upon a collaborative model. That is to say, the intention is not to waylay or bushwhack, or ambush any corporation operating as a multinational entity in Jamaica. The intention is, first of all, to allow common standards that are applied in close to 100 countries, to apply in the Jamaican jurisdiction.

Secondly, to permit a transitional period working out in collaboration with the Tax Authorities for all firms that may be involved.

We have had considerable assistance from the Organization of Economic Co-operation and Development. They have provided not only technical advice in the drafting of the legislation which was passed earlier in this House, but have assisted much with the training of our staff in Tax Administration Jamaica in order to implement this system.

Even so, even so, we recognize that there will need to be a transitional period, that there will be teething pains to be worked out, there will be understandings, briefing, mentoring of taxpayers to be undertaken. And so, Mr. Speaker, in response to concerns raised by the Opposition Spokesman, and others, we have specifically amended the legislation, original amendment, to ensure that there will be no prosecutions under this Act until 2017, but, Mr. Speaker, we need to start. We need to start. One of the things that we keep doing is postponing modernization of our tax arrangements and then complain that we are burdening the same set of taxpayers. As is said on the street, nutten caan go soh. It can't work that way.

So, Mr. Speaker, the year covered for which reporting will have to begin is the 2015 year of assessment. It is not retroactive application of taxation as was incorrectly described in some sections of the media. There is nothing retroactive about it. All the reports, all the reports of assessments for 2015 are due not later than March 2016. This, no less. This, no less. What is the difference here is that we are giving the assurance that in this transitional period, no, no - while reports are to be received, no prosecutions will be undertaken, and that is to emphasize the collaborative approach that is being taken, to work with taxpayers who may have problems. Which I dare say would be very, very few because, because the vast majority of the multinational firms operating in Jamaica, the Spanish in the hotel industry, for example, who are from an OECD jurisdiction, the other multinationals doing the infrastructural sector, who are also from OECD countries or operating in countries with OECD rules that are applied, the banks who may be multinational in scope, who operate from OECD jurisdictions and in OECD jurisdictions, all of them within their enterprises already operate under these rules, and have expressly stated that there is no difficulty.

What it will mean, practically, is that we will be able to implement the system gradually without difficulty, and indeed it may result in us securing revenues to the benefit of the Jamaican taxpayer and the Jamaican Consolidated Fund. It is these resources that fix roads and provide water systems, school rooms, and all the things we need and which so many complained about correctly, that we don't have enough of but it can't go two ways, we have to borrow less and therefore we have to ensure that those who earn in our jurisdictions pay the taxes from the earnings made in our jurisdiction.

Mr. PARCHMENT: You hear, Audley?

Dr. PHILLIPS: Mr. Speaker, to go to the specific regulations in relation, first of all, to the documentation regulations, the regulations are made.

In Section 1 regulations are named as the Transfer Pricing Documentation Regulations.

Section 2 provides that persons with gross annual revenue of half a billion Jamaican dollars, J$500 Million will be required to keep documentation and provide this documentation to the Commissioner General upon request.

Section 3. Documentation includes:

(a) overview of persons, business operations, transfer pricing documentation, it makes provision, should include an overview of the persons, business operations and an organizational chart;

(b) a description of the co-operate organizational structure of a group and a groups operation structure;

(c) details of the connected party and a description of connected transactions;

(d) an explanation of why the transfer pricing method was chosen as specified in paragraphs 4, 5 and 9 of the Eighth Schedule of the Act, and where relevant the selection of the tested party and the financial indicators;

(e) a description of the process taken to identify comparable independent transactions, bearing in mind that this operates at an arm's-length principle, that is to say that the price of services given within a company by different branches, sections, subsidiaries of the company, needs to be comparable to the price that would be given if the services were supplied by an independent company offering the same services, and so the regulations require a testing of that principle.

It requires also, that documentation should include details of any industry analysis, economic analysis, budgets, or projections relied on, details of agreement which relate to the transactions in other countries and conclusion and consistency of connected transactions with arm's-length principle.

Provided also, in Sections I and J, any other information that may have a material impact on the determination of a person's compliance with the arm's-length principle.

It requires in subsection (3) that the documentation must be in English, and a transfer pricing documentation for a relevant year of assessment is considered to be contemporaneous where it is in place at the statutory tax returns filing date.

That transfer pricing documentation is to be provided within 30 days of the request of the Commissioner General. And there is a provision in subsection (6) that obligation - that notwithstanding these Regulations, the Commissioner General is at liberty to request additional regulations.

(MR. JOYLAN CRAIG IAN SILVERA, (PNP), St. Mary Western, arrived and took his seat.)

With respect to the Transfer Pricing Rules Agreement, again the Short Title of the Rules of the Regulations are provided for. The Rules shall be deemed to come into effect on a date of operation to be specified. It sets out, in

accordance with Section 17A of the Income Tax Act that a person may request the Commissioner General to enter into a transfer pricing agreement. That is to say, any taxpayer can request the Commissioner General of Tax Administration to enter into an advance pricing agreement.

Subsection (3) defines a transfer pricing agreement. A transfer pricing agreement is an agreement between a person and the Commissioner General in advance of connected transactions which sets out the criteria for determining the elements of the arm's-length principle for specific time period, and is referred to as an advance pricing agreement. And it sets out the types of agreements in subsection (2)(a), a unilateral agreement whereby agreement is entered into between a person and the Commissioner General; in (b), a bilateral transfer pricing agreement where a person requested Jamaica's Competent Authority to enter into agreement with the Competent Authority of a relevant double tax agreement contracting State.

And this is important here, Mr. Speaker, because it is intended to facilitate persons operating in jurisdictions which have a bilateral tax treaty or double taxation treaty with Jamaica, to ensure that the rules and the reporting rules, and the payment of taxes does not put the taxpayer under duress to meet the obligations of both jurisdictions, so that it enables the advanced pricing agreement to be covered under a double taxation Treaty which may itself set out the rules and regulations that would apply, in relation to a transfer pricing regime.

The third type of agreement which is just a variation on this, relates to multilateral transfer pricing agreements which involves Jamaica and several other States.

Subsection (3) sets out that where there is a bilateral or multilateral transfer pricing agreement, the relevant legal framework to be used is the multilateral agreement procedure article in the relevant treaty.

Subsection (4) places a requirement that there should be a specific time period which applies to any such agreement.

Subsection (5) says that - defines how requests for such an agreement must be made; must be in writing and accompanied by specific documentation as set out in the other subsections (2)(a)(b) and (c).

And also, Mr. Speaker, it sets out provisions of the language to be used in such an application, namely English and sets out the powers of the Commissioner General in subsection (6) to take - to agree or reject to such a request, and under what conditions.

Subsection (7) sets out the content of a concluded transfer pricing agreements. A concluded agreement shall contain the following information: names and addresses of the parties to the transfer pricing agreement; the connected parties covered; the period and years of assessment covered by the transfer pricing agreement; the agreed transfer pricing methodology and its application. And it is all set out there in subsections (6) and (7).

Subsection (8) sets out where the Commissioner General approves, and makes a provision for modifications to such an agreement, and subsection (9) provides for the

possible termination of agreement whereby the Commissioner General may revoke the advance pricing agreement on certain grounds such as: misrepresentation by the person, omission attributable to willful neglect or similar means.

Subsection (10) provides for the provision of a compliance report, and subsection II provides for the confidentiality and the use of information. And what is set out in subsection 12 is a fee structure for the Act to accompany an application. And the Schedule sets out the forms and the - that are to be utilized in making such an application.

Mr. Speaker, as I said, this - the presentation of this Resolution and these Rules is in compliance, not only with the Rules of the House and the Legislation, but also with specific commitments given that the legislation would not come into effect until the House has had an opportunity to consider the basic Rules that are here. Those Rules are here, Mr. Speaker, and I move that the House adopt the Resolutions.

Mr. SHAW: Mr. Speaker, as we all know, and as the Minister has reminded us, the substantive legislation was passed in the House a few weeks ago, and these Regulations which the Minister has spoken of, were promised for about this time, and they have been tabled in the House of Parliament.

Now, in his preamble, before getting into the details of the Agreement, the Minister, quite correctly, sought to, if not in perhaps just a perfunctory way, examine an issue that has become even more prominent than when I first raised the issue in the House of Parliament, Mr. Speaker, during the Debate on the Bill.

And during that Debate, I specifically referred, Mr. Speaker, to the fact that, no matter how the Minister wants to explain it - explain it away, to describe it to suggest that it is not retroactive legislation, I humbly submit to you, Mr. Speaker, and to this Honourable House, that the Minister has a real difficulty to convince his constituents.

No matter how relatively few they might be or no matter how large the minimum requirements might be, I think that in terms of international standards, in terms of best practices, the Prime Minister - the Minister has a difficulty in proving to this Parliament that, going back as early as January 1, 2015 - whether it is January 1, 2015 or it is April 1, 2015, I humbly submit, Mr. Speaker, that the Minister has a problem in seeking to convince the constituents out there that this is not, in fact, retroactive legislation.

And so, Mr. Speaker, I wish to take a few minutes to refer specifically to the Statement by the Private Sector Organization of Jamaica which, in a newspaper story, the Jamaica Observer of the 7th ...

(*Sotto voce* comment)

Mr. SHAW: No, it's okay... of the 6th December - I read upside down too - in which they are concerned that this policy, if implemented in the way that the Minister seeks to implement it, that it will - it has the potential to affect investments - has the potential to affect investments, and that it has the potential of affecting investor confidence.

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

It goes on in his letter to the Director General of - the Commissioner General of Tax Administration:

The PSOJ pointed out that while it was supportive of the need for the amendments, transfer pricing rules must be clearly –

I am reading from the story now:

- defined to not only allow for smooth implementation, but also to encourage business investment and economic growth.

And we all know that this is the bottom-line of what we are talking about, including, of course, tax collections. It goes on - and this is a quotation:

"The Transfer Pricing Amendment should not be implemented until the advance transfer pricing agreement framework is established, including the details and the necessary staff and training which are essential for the proper understanding of each business sector, and related markets, the umbrella organization argued".

It goes on:

"Retroactive taxation ultimately results in tax disputes which is disruptive and costly for all concerned, and not in the best interest of anyone".

Now, let me pause there, Mr. Speaker, because this was one of the points that I sought to make in the Debate on the Bill. And the issue is, the Minister made several references to, of course, the Transfer Pricing Regulation; it is all about the advance transfer pricing agreement. And let's examine the word, "*advance".* Why is it called an advance agreement?

Advanced means you have the Agreement before you implement, that is why it's called Advanced Agreement, an Advanced Transfer Pricing Agreement. It happened before; it is implicit in the word. And therefore, one can easily understand the concerns of the Private Sector Organization of Jamaica that here we are almost at the end of the calendar year period in which would be the year of assessment if the year of assessment is the calendar year of assessment, we are debating the regulations a few weeks before the end - three weeks before the end of the period, yet we want to see the Report and the Agreements that have not yet been implemented, we are just signing off on the regulations today. And we are saying that these Agreements that are to be promulgated - these Transfer Pricing Agreements which are to be promulgated over the next few weeks or few months, that they must apply retroactively or retrospectively - or whichever way you want to describe it - back to January 1, 2015.

(MR. KEITH ANTHONY WALFORD, (PNP), St. Ann, South Western, entered and took his seat.)

One has to be sympathetic, Mr. Speaker to the point that is being raised by the Private Sector Organization of Jamaica. And at this

juncture I want to suggest to the Minister and ask him to comment on the *Income Tax Transfer Pricing Agreement Rules,* page 3, under the subsection Maximum Covered Period, and I read from Section 4 subsection (1):

> *A Transfer Pricing Agreement shall have effect with respect to the connected transactions specified therein that are carried out subsequent to the date on which it is approved.*

Can I repeat that? Section 4 subsection (1) says:

> *"A Transfer Pricing Agreement..."*

That is what we are talking about, the Advanced Transfer Pricing Agreement, and this now, this wording is consistent with that word "advanced". It says:

> *A Transfer Pricing Agreement shall have effect with respect to the connected transactions specified therein, that are carried out subsequent to...*

Not before but subsequent, after -

> *...subsequent to the date on which it is approved, and shall be valid during the tax periods indicated in the Agreement.*

So what are we saying here, that we are going to have an Advanced Transfer Pricing Agreement that is going to put in there a retroactive set of dates dating back to the 1st of January 2015? That is most certainly inconsistent with this Clause because this Clause is saying it's going forward, it's going beyond the date of the Transfer Pricing Agreement. So that first point of the Private Sector Organization, I have to take sympathy with that point.

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

The PSOJ - going back to the Statement now, Mr. Speaker, the PSOJ said that while it accepted that the regime is needed in order to create certainty around how the country treats with transfer pricing, retroactivity is ill-advised, as the implementation date must be guided by readiness of stakeholders. It goes on:

> *We are therefore proposing an education and sensitization period, and therefore do not see where it would be practical to have the implementation and assessment for transfer pricing before March 2017.*

And the implication there, obviously, is that the first year of assessment would be 2016 rather than 2015.

The Organization said - pointing out that the private sector was only recently sensitized to the implementation of the amendment. The Organization said it was critical that following enactment of the Legislation, time be made available to Jamaican businesses for them to prepare applications for Advanced Transfer Pricing Agreements to be carefully considered by the Tax Authorities. That cannot be, Mr. Speaker, in any sense of the way an unreasonable request by the PSOJ.

They also argued that -

> *Time should be invested in developing a standardized Advanced Pricing Agreement Framework with standard pricing methods for particular industries.*

Another reasonable proposal.

It is designed to help taxpayers voluntarily resolve actual or potential transfer pricing disputes in a proactive corporative manner as an alternative to the traditional examination process.

It goes on:

Pointing to the administrative burden that the Legislation will place on businesses, the PSOJ also proposed that a general agreement on a transfer pricing framework be reached in order to reduce disagreements and costly litigation.

Just a little extension from the previous points they have made.

Transfer Pricing...

The Organization said -

...is not an exact science, so it should be introduced in such a way that is flexible to take into consideration the different transfer pricing methodologies, in addition to the named methods that may not be suitable to some of our existing industries.

Late last week one private sector business operator who has been keeping a close watch on the debate said that:

The imposition of retroactive tax obligation is frowned upon by investors worldwide, frowned upon by investors worldwide.

She went on to point out that:

In the May 3, 2015 online edition of the Wall Street Journal examining the imposition of a retroactive minimum alternative tax on companies operating in India, Narendra Modi, won elections as India's Prime Minister last year on an investment-friendly platform that included abolition of retroactive taxation. He even calls the previous Government's policy of suddenly demanding back taxes from companies, as "tax terrorism".

Mr. Derrick SMITH: What?

Mr. SHAW: Tax terrorism.

(*Sotto voce* remarks)

Mr. WARMINGTON: You are not a terrorist.

Mr. SHAW: Now, in the case of...

(*Sotto voce* remarks)

(Inaudible comment from Dr. Phillips)

Mr. SHAW: Now, we wouldn't want our Minister to be...

Mr. Daryl VAZ: Labelled.

Mr. SHAW: ...so labelled and described.

Dr. DAVIES: That's why you introduced it.

Mr. SHAW: Mr. Speaker, what is clear here is that already, in looking at what they have said, and in looking at what the regulations are saying, there is more than ample room for disagreement, and it really begs for a re-examination by the Honorable Minister.

Mr. Speaker, a further point needs to be made in this respect, that - if I am wrong I want the Minister to correct me - but that in previous speeches in respect of filing tax return in March of next year, 2016, the understanding that I have developed is that taxpayers would not have to file documentation in support of the return, until March 2017. If I am wrong I need to be corrected. But obviously, the proposed Bills as

laid out - and regulations, would require - in fact could require the taxpayer to actually produce documentation before that time, as if the TAJ decides to request this from a taxpayer, the taxpayer must provide them within thirty days of being requested in writing.

So the TAJ could effectively ask a taxpayer for such documentation from the effective date of passing the Bill. And it would be interesting and necessary for the Minister to clarify this particular point. Is he saying that if the 2015 filing stands for March 2016, would it only require stating the connected party transactions or would it require also the documentation support? It would be important that that be clarified. Not that that necessarily removes the controversy surrounding the retroactivity in the Legislation.

Mr. Speaker, quite frankly, I think that the Minister could solve this matter quite simply. We are now three weeks away from the filing period for 2016, three weeks away.

Dr. PHILLIPS: But you have till March.

Mr. SHAW: You have to March, yes, but we are three weeks away, depending on whether it starts January 1 or it starts April 1, depending on their fiscal year, but three weeks away to 2016. And I think that the Minister should give this very careful and diligent consideration to moving it retroactively - from the retroactive of whether January or April in 2015, simply to move it to 2016. Remove that spot of bother, you don't need it. And it's not you alone, the Government don't need it, the country does not need it. We need the taxes but we don't need the botheration.

And not to over-burden the point but the Transfer Pricing Agreement Mr. Speaker, is - in context and in reality the Transfer Pricing Agreement is being put in place in order to provide a predictable environment that is transparent, that over time is mutually acceptable between the companies and the Tax Authorities. And so some experts refer to the Advanced Transfer Pricing Agreement, Minister, as a safe harbour to avoid complications and mix-up and misunderstandings and legal disputes. So if you are going to put in a safe harbour, you can't put in a safe harbour retroactively, and that is why the thing name an Advanced Pricing Agreement. And your own law, your own amendment says:

> *A Transfer Pricing Agreement shall have effect...*

Shall have effect - this is the regulation -

> *...with respect to the connected transaction specified therein, that are carried out subsequent to the date on which it is approved, and shall be valid during the tax periods indicated in the Agreement.*

There can be no other interpretation of this Clause than to say that the retroactivity to 2015 cannot work, it is inconsistent with what is in this regulation.

Mr. VAZ: Omar, say something.

Dr. PHILLIPS: You were going reasonably well until you got... (Inaudible)

(Cross talk)

Mr. VAZ: Omar! Omar! Omar agrees!

Mr. SHAW: It is inconsistent. And I think -

Mr. Speaker, it is not meant to be contentious here.

(Laughter/Heckling)

But I can state without any fear of contradiction on this side, that in a future Jamaica Labour Party Government...

Mr. CHUCK: The next one.

Mr. SHAW: We would reverse this decision, because it is anti-business and it is hostile to business, and we can categorically state that this evening that we would reverse that whenever God calls somebody to do the thing.

(*Sotto voce* comments)

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

(Applause)

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: Mr. Speaker, just a few brief comments on this, because you know it is more comfortable and easier.

(*Sotto voce* remarks by Dr. Davies)

Mr. SAMUDA: I have outworn pose now.

Dr. DAVIES: Outgrown.

Mr. SAMUDA: Outgrown and outworn.

Mr. Speaker, you know, this matter was tabled in the House on the 24th of November 2015. The point made by the Opposition Spokesman on Finance in respect to the retroactive nature of this piece of legislation or this regulation is undeniable because you are bringing into effect and exposing it to the business community nearly at the end of the financial year. It is almost akin - I don't know why the term Nicodemus comes to mind, but it has been thrust on the business community when indeed most of the transactions that will be looked at have already taken place. So you are entrapping the business community by not, at least, giving them an opportunity on review to determine the extent to which they properly comply with these new conditions. It is grossly unreasonable on the basis of timing and it is inappropriate.

You see, Mr. Speaker, I come from a school that says the objective of business is to make profit and plenty profit, and whenever you introduce into that equation an obstacle, a costly obstacle, an obstacle that not only is an additional layer of bureaucracy but a costly layer of bureaucracy. Once you introduce that into it you disrupt the flow of business and it runs the risk of impeding business. So if you are going to introduce an unpopular measure, it's best you introduce it early and give the players on whom you depend the time to study it carefully, because still in your study and your discussions are, as far as I am concerned, inadequate because there are certain specialized areas of business that require in-depth analysis. You take for argument sake the tourism sector which I know you are familiar with.

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

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

Mr. SAMUDA: Now, we are seeing in Jamaica today a large number of multinational corporations coming to do business in Jamaica, many of whom own most of the factors of production, to coin a word in the tourism sector. Their inputs, required inputs are owned by these foreign companies. That is an intricate piece of discussion that has to take place as to the relationship between the local players and international players, many of the local players who earn over $500 Million *per annum*. So therefore, you need in-depth analysis and study of the peculiarities...

(*Sotto voce* remarks by Dr. Davies)

Mr. SAMUDA: ….both the foreign and the local to determine whether or not it is conducive to the encouragement of more foreign companies coming in and the expansion of local companies that are operating here with overseas offices and operations.

Now, the next thing is, Mr. Speaker, the question of relationships that exist between two corporations under the same umbrella. Now, Minister, I want you to respond to this because it is something that occurred to me while you were speaking. If I own company A which operates in the United States and I have company B that operates in Jamaica, they are two independent units but they are owned jointly by one umbrella company; it is the right I expect and the obligation of each to maximize their profit to contribute to the overall umbrella company. If company A operates in the United States gets a good trade deal through their own efforts, they get a deal that is beneficial to them and to the company that they are going to trade with, that is company B that operates in Jamaica, why can't company A place a margin on that acquisition and pass it to company B? That's perfectly good business. Why is it that under the regulations, as enunciated, the suggestion is being made that the arm's-length transactions mean that if you get a thing for a dollar in America and you send it to Jamaica you must send it at a dollar, or just transport cost.

Dr. PHILLIPS: That's what it might mean to you.

Mr. SAMUDA: I want you to explain it. The fact is that there is nothing wrong in passing on the benefit accruing to the company A in America and charging it to the company B in Jamaica; nothing wrong with that. But I know that what is likely to happen is that the Commissioner is going to investigate that transaction and is going to infer that it is a non-arm's-length transaction because it is a higher charge than is the normal charge outside of the deal that this company A was able to get. It's a very simple and straightforward business transaction and there is nothing that should prevent a company from using its creativity to maximize its profit position, only by earning profit can you get any money. Poor companies can't help you. So it is good that you are targeting your regulations to companies of a certain size but, at the same time, you must facilitate these companies. Because the whole idea is that you can't get what they don't earn. So the greater you facilitate them is the more you are likely to get. They are the only ones who can help

poor people. Poor people can't enrich poor people; rich people, successful businesses enhance the poor.

So this thing needs a lot more consideration. I don't like it to begin with. I don't like the legislation at all. I think it's an unnecessary cumbersome, challenging piece of legislation that is going to impede, as the Opposition Spokesman on Finance has said, impede investments, so you have a problem, Tony, because people are going to get turned off. You are going to have a man in your backyard questioning your business transactions, take up your time of your company, have you forced to make reports and at the end of the day finds nothing, but all you have lost is the time you have spent and the money that the Government is spending to set up this bureaucracy to examine what is going to prove negligibly in the final analysis. It is a figment of somebody's imagination that this is going to reap you a great degree of revenue. It's nonsense, but it is an IMF requirement and that is why you have to do it now. Why you don't just tell it now, it is a requirement under the Fund that demands that he does it right now. You must obey. And this is why from the very start I said to you, Minister, nothing wrong with the agreement you struck with...

Dr. PHILLIPS: You are winding it down.

Mr. SAMUDA: You know, you are going to get yourself in trouble with your mouth, that is what - and I can see every night I watch TV you are getting yourself more and more in trouble.

(*Sotto voce* remarks by Dr. Phillips)

Mr. SAMUDA: Hush yourself and be quiet, Peter. Hush yourself and be quiet. Contain yourself!

(*Sotto voce* remarks by Dr. Phillips)

Mr. SAMUDA: I say contain yourself. Am I offending you? Am I offending you? No, am I offending you?

(The Speaker gavels)

Dr. PHILLIPS: He is talking nonsense. We need to pass this Legislation, your Cabinet agreed. You either sleeping or…

Mr. SAMUDA: Am I offending you, Mr. Minister of Finance?

(The Speaker gavels)

Mr. SAMUDA: Why are you becoming so contentious?

The SPEAKER: (Gavels) Mr. Samuda.

Mr. SAMUDA: Why are you becoming so obstreperous? Why are you so obstreperous?

Dr. PHILLIPS: You were in Cabinet. Audley take you to Cabinet.

Mr. SAMUDA: Hush yourself and listen because there is nothing else you can do about it but listen.

Mr. SHAW: Not protracted.

Mr. SAMUDA: Well walk out; that's what I want, walk out if you can walk out. Hold on, Peter, I think you believe people are afraid of you.

The SPEAKER: Mr. Samuda, could you address the Speaker.

Mr. SAMUDA: Now, Mr. Speaker, the Minister said that he is quite happy to proceed in the financial year 2015, because he does not expect - you hear what he said, Mr. Speaker, he does not expect to find anything untoward. He does not expect, that's if he remembers

what he said, he does not expect to find anything untoward, very much, not much. So if you don't expect to find anything you don't expect to earn any money. So if you don't expect to earn much money, why are you rushing and not allowing the private sector an opportunity to properly review the matter? Why are you doing that?

The question, Mr. Speaker, is that this piece of legislation is going to end in a lot of lawsuits, take it from me as I speak today. You are going to be wound up; you are going to find yourself involved in a lot of legislative action by a number of businesses because they are going to make wrong decisions in interpretation. They are going to make it because they are prone to making it, because in their zest, the zeal with which they go towards collecting tax, they don't earn anything, you know.

Dr. DAVIES: You speaking from your mouth?

Mr. SAMUDA: You see, Mr. Speaker, the Minister of Finance does not know what it is to earn money. He knows what it is to charge taxes and collect money. The people who are the engines of development and growth are the ones that are going to be affected by this, Peter.

Mr. PICKERSGILL: You said him don't know to earn money.

Mr. SAMUDA: The Minister of Finance is charged to collect money on taxes that he imposed. What is personal about that?

(*Sotto voce* remarks by Mr. Pickersgill)

Mr. SAMUDA: Is that true, is he responsible for earning money? He collects taxes, he doesn't earn money. The Financial community of this country, the private sector - as Minister, he does not earn money. That's the problem with you; you mix up earnings with tax collection.

Mr. PICKERSGILL: All right, Professor.

Mr. SAMUDA: You mix up earnings with tax collection.

Mr. Daryl VAZ: Fenton says I am not the brightest one over here and you are not the brightest one over there.

Mr. PICKERSGILL: You and I have nothing in common. You and I have nothing in common.

Mr. SAMUDA: Mr. Speaker, I simply advise that if this is carried through, as is determined by them to do, it's going to end up in confusion, discouraging investors and it's going to end up in the courts of Jamaica and the United States, costing the people money that we can least afford, and at the end of it the amount he expects to collect is going to be negligible. I want you to come back here and report to this House on the amount of revenues that flow from this piece of legislation that you have produced.

Thank you.

Mr. HOLNESS: Minister, I am sure that you would have picked up from our presentations that we are not opposed to the transfer pricing agreement.

Dr. PHILLIPS: That's not what he said. (Referring to Mr. Samuda)

Mr. HOLNESS: I think it must be stated for the record.

(Cross talk)

Mr. HOLNESS: Yes, and as you have said, the legislation started with us.

It is important that that be said, because it is necessary to regulate the intercompany transactions which can be used in ways that could, if not properly administered, militate against tax collection. So I want that point to be stated clearly.

Dr. DAVIES: No, what you are saying is that he was speaking without authority?

Mr. SHAW: No, we don't need that clarification from you, thank you very much.

Mr. HOLNESS: Your days in the Ministry of Finance are long over, long over.

(The Speaker gavels)

(*Sotto voce* comments by Dr. Davies)

Mr. HOLNESS: Mr. Speaker, if you will allow me, Mr. Speaker, to continue without the interruption of the Member. Thank you Member, thank you very much. Minister...

(*Sotto voce* comments by Members)

Dr. DAVIES: Three per cent growth the next year, you want to challenge that?

Mr. Daryl VAZ: Yes.

Mr. HOLNESS: I don't know which dreamland you are coming from.

Mr. Speaker, from a legal perspective, the view is that retroactive taxation is possible, from a legal perspective, we have seen where various rulings have been given in this jurisdiction, and in other jurisdictions where Government has the ability...

(*Sotto voce* comments by a Member)

Mr. HOLNESS: But it doesn't, Mr. Speaker, mean that Government should utilize that principle. It doesn't mean that Government should seek to put in place retroactive taxation because it can. The danger that the Government faces and the Opposition Spokesman on Finance raised the experience of India where the previous Government before applied retroactive taxation and what it did was to send a chilling effect through business in India. And I would recommend strongly to the Minister to think about it carefully. If the business sector in Jamaica has come out in unison against the application of retroactive taxes...

(*Sotto voce* comments by a Member)

Mr. HOLNESS: Well from my readings, Mr. Speaker, I have seen more than just the PSOJ objective. And so...

(*Sotto voce* comments by Members)

Mr. HOLNESS: It makes good sense; it makes eminent sense Minister for you to review the decision because even in the legislation, there is a section that I was reading here which seems to be...

(*Sotto voce* comments by a Member)

Mr. HOLNESS: Okay, but I read it and it seems...

(*Sotto voce* comments by a Member)

Mr. HOLNESS: This one not that one, this one. There is a section there that seems to be in contradiction. So I think Minister I think you - the arguments presented by the private sector which says listen, we need a little bit more time and I think you also Minister would do well with a little bit more time to clean this up. And I think, Mr. Speaker, we are not going to lose any great deal of taxes *versus* being tied up in legislation. So I think it is better for everyone. I think the private sector, business people, everybody agrees that the transfer

pricing arrangement makes sense, but to enter into the zone of retroactivity creates a problem, we encourage the Minister to reconsider.

Dr. PHILLIPS: Mr. Speaker, what I would say is that, what I would say, and I think it is a very revelatory statement is that the Leader of the Opposition has sounded, of all the contributions this afternoon, has sounded shall we say the least thrilled of all.

Now let me - there are many terms that are being used...

Mr. PICKERSGILL: Loosely.

Dr. PHILLIPS: Loosely and incorrectly, Mr. Speaker, and this talk about retroactivity is misleading but it is also inaccurate. Now let me explain, first of all, what is the case.

Since the Member for North Central St. Andrew started to say that this is an IMF requirement. He said, he doesn't like it, he doesn't know about it. I am glad that you, Leader of the Opposition and Opposition Spokesman acknowledged. I don't know whether he was at the Cabinet meeting, whether he was present but inattentive, whether he was present but did not understand, whether we knew not what he was doing, but the approval of the Cabinet of the Government of Jamaica for transfer pricing regulations was done in 2011, under an administration in which the Member from North East Manchester was...

(*Sotto voce* comments by a Member)

Dr. PHILLIPS: Why don't you rest, don't 'bay' all at once, just hold down, hold down, I am going to deal with the retroactive misleading term later. But let's get the fact of where the whole regime started. He tried to suggest that he was not in favour of it, he never said so in 2011.

(*Sotto voce* comments by Members)

Dr. PHILLIPS: He was not in Cabinet, if he felt as strongly, he should have resigned and come out. And he never read no minutes, he was there.

A MEMBER: He was fired.

Dr. PHILLIPS: Oh, he has been fired. Oh my apologies, I had not realized that he had been fired then.

(*Sotto voce* comments by Members)

(The Speaker gavels)

Dr. PHILLIPS: My apologies I had not realized that he had not been then.

(Heckling by Members)

Mr. SAMUDA: Mr. Speaker, on a point of order.

(*Sotto voce* comments by a Member)

(The Speaker gavels)

Mr. SAMUDA: The Member, the Minister of Finance has suggested...

Did he say that I was fired?

(*Sotto voce* comments by a Member)

Mr. SAMUDA: ...has suggested that I was fired from the Cabinet.

Mr. Speaker, I took action that he would not have the guts to take, I refused a Cabinet position on principle. He would not have that courage, so when he comes here and try to suggest, right, that I was fired from Cabinet, it bespeaks the level to which he would sink to make a point.

(Heckling by Members)

The SPEAKER: (Gavels) I don't recall you saying that.

Dr. PHILLIPS: Mr. Speaker, I have never said he was fired.

The SPEAKER: I never recall that, no he never said that.

Dr. PHILLIPS: But somebody said he was no longer a Member of the Cabinet, I had forgotten that he in fact...

Mr. PICKERSGILL: Was in the Cabinet.

Dr. PHILLIPS: ...if he had not been - he had resigned on principle or was not appointed, I don't know which one.

(Heckling by Members)

Mr. SAMUDA: You are a small little worm, you.

Dr. PHILLIPS: Ohhh, down boy, get down your worm. (Laughter)

Mr. Speaker...

(Heckling by Members)

Mr. Speaker…

The SPEAKER: Let's get back on track Minister.

Dr. PHILLIPS: But what, Mr. Speaker, if the Member is of the view that I said he was fired I withdraw it. It is said he was not in the Cabinet at the time for reasons which I don't recollect now, why he was not there. But suffice it to say the administration...

(*Sotto voce* comments by Mr. Samuda)

Dr. PHILLIPS: …I don't know I don't follow your history that closely. I don't follow your history that closely. The only thing I remember about your history is when you come at the Arena and described the people them as wimps, lackeys and yes-men, that is what I remember. That is not a lie, no, I remember that.

(Heckling by Members)

Dr. PHILLIPS: *Ex post facto, ex ante*.

Mr. Speaker, not only was it approved then, but in 2012, the Private Sector Working Group on Tax Reform proposed in their submission, that the - to the Tax Committee of Parliament, that:

> "The Government undertake the review of international best practice concerning transfer pricing rules and methodologies, and assess how these would be best applied in a Jamaican context to preserve and protect the tax base".

In 2014, the bipartisan Committee of Parliament on Tax Reform approved the introduction of the capitalization and transfer pricing rules to limit leakage occasioned by tax planning initiatives. So Mr. Speaker, there has been long provenance and everyone agrees that it is desirable.

The next point that has been raised that I want to address is that there is - was the question of so-called retroactivity...

Mr. Daryl VAZ: Now you are getting to the point.

Dr. PHILLIPS: You don't understand, you know, so you leave this.

Mr. Speaker, let me be clear on one fundamental thing which everyone seeks to avoid, and I think you need to hear it from me, which is simply that the legislation was amended here, in the House, to indicate that there would be no - there would be no action brought in any Court until 2017, right, so that we can have an effective collaborative approach to the implementation of these rules which have been underway now since for five years in effect.

Now, what that means in effect is that since it is now the case that the Income Tax Act makes provision now, even before those amendments were passed for transfer pricing rules and for the arm's-length principle...

(*Sotto voce* comments by a Member)

(Inaudible comment by Mr. Shaw)

Dr PHILLIPS: Hold on, hold on. A coming to that. Don't…

A coming to that and I'm - yeah, what it does - reason has resumed all seats - what it means is that these rules here and the application, which is provided for in the amendment, sets the way in which this principle is verified - the arm's-length principle is to be verified, is to be documented. In the circumstance that I have described, where there is no prosecution, all taxpayers liable - in other words, that their transfer pricing arrangements, they operate in one or more jurisdictions and have subsidiaries in one or more they make a report.

They file their returns, in other words, and they make a report and they can have dialogue with the tax authorities and remember, remember it is the whole regime is fundamentally rooted on the principle of self-assessment of the taxpayer. The taxpayer determines, in accordance with the rules, what is it that you think you are liable for in accordance with these rules. In circumstances where the Commissioner General can - and you can't do it for all. It's not possible - can take issue with that self-assessment.

In the year 2016, no such issue can be taken with that self-assessment in accordance with the legislation that was moved and passed in this House. But what we do have and where - and as was said by the Private Sector Organization, they wanted to be assured that there was detailed staff and training – and there have been discussions between them and their persons and the Commissioner General and I have had discussions with their leadership, that the staff has been trained and training of the staff of companies that are interested and guidance is provided - all the while in the course of every tax year whether it is relation to GCT rules, customs arrangements, environmental tax and how it is going to be calculated, practice notes are given throughout the year determining the rules to be applied in determining the level of taxation.

The level of taxation is not - and the format of taxation is not in the image that is being presented here: a battle and jousting between the tax authorities' intent on overwhelming the taxpayer and joining him in litigation. For the most part it is a much more collaborative and interactive process. What we have said is that we have to begin this process that has been underway for five years it has to have a start point, and that it has to have also a transitional period and that to ensure that nobody is put to duress it will have this particular transitional arrangement.

Now, much was made of the question of advance pricing agreement. Now, an advance pricing agreement does not apply to all persons liable for transfer pricing tax payments corporate income tax based upon transfer pricing rules. Indeed, it is most likely

going to be a minority of the taxpayers that have an advanced transfer pricing agreement. What the transfer pricing agreement does is, in effect, make provision that a taxpayer who has a specific type of business or operates in a sector with peculiarities is able to apply to the Commissioner General and say, here is how I intend, by virtue of the specifics of my business: I operate in jurisdictions A and B and there are specific rules there and there is a tax treaty which make provisions that affects me in a particular way, or whatever may be the reason. What applies is that in such an instance they make an application and say, we are going to calculate our returns in this way and demonstrate the arm's-length principle in a specific way in relation to our business and our business model and that would enable the Commissioner General, after dialogue, to agree or disagree or recommend adjustments as the case may be.

Whenever it starts there cannot be an advanced agreement. And in the course of this year anyone can make an application and they cannot be brought before the courts by virtue of the provisions of the legislation for lack of that agreement in the year 2016. But in any event it is the interest of the Commissioner General to ensure that those who want to enter such agreements can enter them. In relation to the others what will be the case is that they will file returns as they are now required to do, but in accordance with the rules set out.

Mr. Speaker, contrary to what has been suggested, not only is it not retroactive, but it is not cumbersome or onerous in any particular way. This operates in more than 100 of the 180 plus countries represented at the United Nations and form part of the international jurisdiction. Companies operating in Jamaica for the most part that are multinational companies - and I have had direct discussions with some - have no problem. The assurance that we give, Mr. Speaker, is that we are proceeding not to bulldoze or compel or coerce, but really to introduce a set of rules which makes it transparent and eases the burden to both the taxpayer most of all, in fact, and the Commission General of Tax Administration and tax...

Mr. HOLNESS: Just for clarity and I am following your explanation very closely...

Dr. PHILLIPS: Yes.

Mr. HOLNESS: ...but just for clarity, Minister. If a business were to apply for the advanced... what's it called?

Dr. PHILLIPS: The advanced tax transfer pricing agreement.

Mr. HOLNESS: The advanced transfer pricing agreement and they apply. Let's say the law was passed today, they apply tomorrow. For what period would that application cover?

Dr. PHILLIPS: It would apply for a period of one year or more as agreed to between themselves and the Commissioner General.

Mr. HOLNESS: But would it cover the year and the cost?

Dr. PHILLIPS: No, it couldn't cover the year past. It couldn’t cover the year past, right. It couldn’t cover the year past. They may report that in - it couldn't. In fact, what the

legislation, in fact, does is to allow for that to become a reality for businesses because otherwise up to now there is no provision for an advanced transfer pricing agreement. Every company, whatever the specificities of its own operations now does not have an opportunity, does not have an opportunity, Leader of Opposition, to have those specificities to be taken into account. What these rules do for the first time at last in a celebrated phrase, allows companies with specific provisions, specific business model issues, specific sectoral issues to be able to deal with that, otherwise it was just a broad brush.

There is another point. It has been said that there is not much revenue to collect. I don't know the exact amount that may be collected in the interim transitional period, but what I do know is that many of our tax treaties makes specific reference to these transfer pricing rules as practiced in the international community and where we, the Jamaican jurisdiction because we don't have the rules in place, are unable to collect under those treaties. Once we have implemented them, those companies which can avail themselves and are prepared to avail themselves of the provisions are in a position then to take an account of the provisions of the treaty and make payment to Jamaica Consolidated Fund.

Mr. Speaker, when we talk about advanced transfer pricing agreements, the advance we're talking is the advance of the transactions. In other words, transactions are taking place with the firm so it has a transaction. Let's say it is paying fees to a subsidiary what it is then able to do is to come to the subsidiary, is to come to the tax authorities and say, these are the payments I intend to make, here is the basis of this payment and why it represents the arm's-length principle. And therefore, despite the fact that it may not satisfy in relation to another sector another firm, it can with the agreement of the tax authorities come to an understanding that says that, well, before this transaction is made, these are the liabilities and we accept the proposition.

It is in protection of taxpayer that allows them to enter into agreement and allows them to request such an agreement. They cannot make such request. So Mr. Speaker, I understand the concerns. I can only give the assurance that we have codified in the law that there will be no prosecutions. In effect the year 2015 is the first year of assessment in what is a transitional process.

In effect, the people have the opportunity to work out the documentation which will be needed, to define and work closely with the tax authorities, iron out the kinks. But in effect, the real year of implementation and for which no prosecution can be made will come into effect in 2017. Prior to that, no prosecutions can be made whatever under this Act for documentation, for lack thereof or anything, it is an honour system that we are operating in this period, totally, but ultimately the system as a whole depends on a measure of honour. And in the same way like you use the green line and the red line at Customs, you go into the green line; it is basically predicated on honour until you are found out and that is what is the principle. That in effect is applying

here, but what we will need to do is not to delay the further implementation because whenever you start it is going to require years of resolution.

Mr. Speaker, I move that the resolutions be taken and approved.

The SPEAKER: Those in favour of the Motion.

A divide having been called, the House of Representatives voted as follows:

Ayes

Mr. Atkinson
Mr. Azan
Dr. Bloomfield
Mr. Brown
Mr. Hugh Buchanan
Mr. Luther Buchanan
Mr. Paul Buchanan
Mr. Bunting
Dr. Campbell
Mr. Dalley
Dr. Davies
Mrs. Ffolkes-Abrahams
Dr. Guy
Mr. Andre Hylton
Mr. Kellier
Mr. Parchment
Mr. Paulwell
Dr. Phillips
Mr. Pickersgill
Mr. L.B. Smith
Mr. Dwayne Vaz

Noes

Dr. Chang
Mr. Charles
Mr. Chuck
Mrs. Dalrymple-Philibert
Mr. Henry
Mr. Holness
Mr. McKenzie
Mrs. Robinson
Mr. Samuda
Mr. Shaw
Mr. Derrick Smith
Mr. Daryl Vaz
Mr. Warmington
Dr. Wheatley

Absent

Mr. Arscott
Mr. Bartlett
Dr. Baugh
Mr. Crawford
Miss Daley
Dr. Duncan
Mr. Fagan
Dr. Ferguson
Miss Grange
Dr. Green
Miss Hanna
Mr. Hayles
Mr. Hutchinson
Mr. Anthony Hylton
Mr. Jackson
Mr. Mair
Dr. McNeill
Mrs. Neita-Headley
Mr. Phillips
Mr. Pryce
Mr. Robertson
Mr. Robinson
Mr. Silvera
Mrs. Simpson Miller

Mr. Spencer
Rev. Thwaites
Mr. Walford

The SPEAKER: The result of the divide is as follows: Ayes, 21, Noes, 14 absent 27. Motion carried.

(*Sotto voce* comments)

Mr. PAULWELL: Mr. Speaker, I move for the recommittal of items, Notice of Motions brought Orally and Bills brought from the Honourable Senate at the end of this debate.

The SPEAKER: The question is for recommittal of item, Notices of Motions given Orally.

Motion put to the House and agreed to.

NOTICES OF MOTIONS GIVEN ORALLY
(Recommitted)

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

> Be it Resolved that the Report of the Committee of the Joint Select Committee of Parliament, which was set up to consider and to report 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 'Kentucky Kid' 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 1st day of December, be approved.

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 SENATE

The Deputy 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 3rd day of December 2015, the following Bills were passed in the Senate:
>
> Bill entitled:
>
> "AN ACT to Amend and Rename the Judicature (Resident Magistrates) Act", passed with sixteen (16) amendments.
>
> Bill entitled:
>
> "AN ACT to Amend the Judicature (Supreme Court) Act" passed with seven (7) amendments.
>
> Bill entitled:
>
> "AN ACT to Amend the Transport Authority Act", passed without amendment.
>
> Signed: Mr. Floyd Morris
> President of the Senate"

The SPEAKER: Mr. Atkinson.

Mr. ATKINSON: May it please you, Mr. Speaker.

The Bills from the Senate, the Judicature (Supreme Court) (Amendment) Act, 2015, and the Judicature Resident Magistrates (Amendment and Change of Name) Act, 2015, I beg to signify my intention to take charge of those mentioned Bills.

The SPEAKER: Okay.

Bill shortly entitled:

"The Judicature (Resident Magistrates) (Amendment and Change of Name) Act, 2015",

read a first time; and

Bill entitled:

"The Judicature (Supreme Court) (Amendment) Act, 2015",

read a first time.

Mr. ATKINSON: Mr. Speaker, I beg to give notice of second reading of the Bills.

Mr. PAULWELL: Mr. Speaker, I now move for the suspension of Standing Orders to enable me to take the Motion, notice of which I gave earlier.

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

Motion put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, I now move that the Motion be approved.

The SPEAKER: Those in favour of the Motion?

Motion put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, the Minister of National Security will now do the Firearms Bill.

The SPEAKER: Mr. Bunting.

THE FIREARMS ACT

Mr. BUNTING: Thank you.

Mr. Speaker, I place before this Honourable House for consideration and approval, the Bill entitled: "AN ACT to (Amend) the Firearms Act".

Before I start, Mr. Speaker, I hope you will indulge me to congratulate the Opposition spokesman on his winning with "Seeking My Dreams", the biggest purse in horseracing history, over the weekend.

(Applause) (Cross talks)

I only note with interest, Mr. Speaker, in the story it spoke about his wife naming the horses over the many years and when the Opposition spokesman was 50 she named the horse Mr. Sensational, but now she has named it Seeking My Dreams.

(Laughter)

I'm not sure if there is anything we should read into that.

(Laughter)

A MEMBER: Sensational dreams.

(Laughter)

Mr. BUNTING: Mr. Speaker, my sincere congratulations to the Opposition spokesman.

Mr. Speaker, the Ministry of National Security is in the process of conducting a major review of the Firearms Act, with a view to addressing gaps encountered by the Firearms Licensing Authority the FLA, the law enforcement agencies, prosecuting authorities, as well as to meet Jamaica's international treaty obligations. Notwithstanding this major review - there is a more urgent need for amendments to be made

to facilitate the operational and financial effectiveness of the FLA.

Mr. Speaker, the FLA, I think, is one of the better run agencies in the public sector. It has been shortlist...

(Applause)

Mr. Daryl VAZ: Absolutely. From where it is coming from, yes.

Mr. SAMUDA: Absolutely.

Mr. BUNTING: It has been shortlisted among the best Government agencies in terms of customer service competitions. This year it won Most Improved Customer Service Entity; it won first place and it was...

Mr. Daryl VAZ: Everything, everything.

Mr. BUNTING: ...you know, it had final positions in many different categories.

They've done a lot over the past few years. They have run a lot of seminars in terms of the sensitization of the safe use and handling; they've continued the destruction of hundreds of firearms each year; they have collected over 5000 civilian firearms from all the JCF divisions, and that process was completed this year. They opened, as you are aware, the Montego Bay Regional Office, and as at September 2015, they have the full range of services at the Montego Bay office, and Cabinet has now approved the opening of a regional office in Mandeville...

Mr. PARCHMENT: Yeah. Progress.

(Applause by Mr. Parchment)

Mr. BUNTING: ...that will service the parishes in the middle of the island. Well you know Mandeville is the capital of central Jamaica.

Mr. PARCHMENT: Progress, you wouldn't know anything.

Mr. WARMINGTON: Shut you mouth!

Mr. PARCHMENT: Progress.

(Cross talk by Mr. Henry)

Mr. BUNTING: Sorry?

(Cross talk by Mr. Henry)

(Laughter by Mr. Bunting)

Mr. Speaker, you know, three years ago we also introduced the high security identification card, and for many years their offices at Worthington Avenue was a bit of a traffic obstacle. Some say the residents were very unhappy, and we have now moved from there to adequate, spacious accommodation on Old Hope Road.

The FLA is a self-financing public entity which has been operating its financial year, September to August since its inception, and among the things we will be doing is adjusting the financial year with this amendment.

So Mr. Speaker, it is a fairly simple set of amendments. The Bill seeks to amend Section 29 of the Firearms Act by deleting subsection (7).

Section 29(7) of the Act provides as follows:

> *Where the application for a licence or a certificate is refused, the applicant may, on the presentation of a certificate to that effect from the Authority, obtain from the Collector of Taxes a refund of the duty paid, in respect of that application.*

Mr. Speaker, as you are aware, one of the mandates of the FLA is to process applications for licences, permits and certificates. This

section, which we are proposing to delete, makes provision for the applicant to claim a refund of the application fee in circumstances where the application is denied.

Now, Mr. Speaker, there are very real cost to processing, doing the investigation, and assurance that the applicant is a fit and proper person. And it is that due diligence costs, whether the application is ultimately approved or not. In fact, I would say that in a sort of perverse way, because it is a self-financing entity, the qualified applicants end up subsidizing the application of the unqualified applicants, notwithstanding that they all go through the pretty much identical due diligence process.

So this amendment, if approved, will assist the FLA to continue to remain viable, and to reduce potential future increases in fees as they will now be able to get that percentage of the fees which are relevant, or received from unsuccessful applicants towards the cost of operation of the entity. So it will essentially, eliminate the cross-subsidy which successful applicants and license holders give to unsuccessful applicants.

Mr. Speaker, Clause 3 of the Bill, seeks to amend the Third Schedule to the principal Act as follows:

> The amendment seeks to delete paragraph 12 of the principal Act, by substituting same with a new provision that allows the empowering of the Board of the Authority, upon written approval from the Permanent Secretary in the Ministry responsible for the regulation of firearms, to appoint a CEO of the Authority at such remuneration, and on such terms as the Board thinks fit.

And it allows the Chief Executive Officer to be responsible for the day-to-day management of the affairs of the Authority, and to have supervision over the direction of the work and staff of the Authority, as well as to appoint and employ at such remuneration, and on such terms and conditions as he thinks fit such officers and employees as may be necessary for the efficient operation of the Authority.

However, Mr. Speaker, except with the prior written approval of the Minister with responsibility for the Public Service, after consultation with the Minister of National Security, no salary in excess of the prescribed rate shall be assigned to any post. And the prescribed rate is here, put at $8 Million, or such other rate as the Minister with responsibility for the Public Service, after consultation with the Minister, in this case, of National Security, may prescribe by Order. And no appointment shall be made to any post to which a salary in excess of the prescribed rate is assigned. So Mr. Speaker, essentially, that brings the FLA more in line with the approach taken in most statutory bodies. And I would add here that the proposed amendment will give the Board of the FLA, the autonomy to appoint the Chief Executive Officer of the FLA, but all of this will be subject to the provisions of the Public Service Regulations, 1961, and the Staff Orders insofar as they apply.

The second amendment with respect to paragraph 12 relates to change of the financial year.

Clause 3 of the Bill seeks to allow for this amendment by deleting sub-paragraph 4 of paragraph 14 of the Third Schedule to the principal Act, and substituting therefore, subparagraph 4 and 4(a) to allow for a change of the financial year of the Authority from the period of 12 months, ending on the 31st day of August in each year, to the period of 12 months ending on the 31st day of March in each year. In addition, the amendment seeks to enable the commencement of the FLA's next financial year on April 1st, 2016.

Mr. Speaker, the previous arrangement where their financial year ended on the 31st day of August had a significant negative impact on the FLA's financial reporting requirements, as well as being out of sync with the Central Government's budgetary cycle. An amendment to this provision will facilitate the FLA's conforming to the Central Government's financial year.

So Mr. Speaker, these are fairly straightforward and not controversial, so I commend this Bill to the Honourable House for consideration.

Mr. VAZ: Everything approved, implement tomorrow.

(*Sotto voce* comments)

Mr. D. SMITH: Mr. Speaker, first of all, I need to thank the Minister for his pleasant comments and the commendation that is quite a change from...

(Heckling)

…I am thanking... I am not being allowed to continue... (Laughter) So, for his comments, Mr. Speaker, it is very pleasing to be getting it all round - getting these sorts of commendations all round for a pastime that I have been involved in for approximately 50 years. So you know, I guess it also proves that if you stick with it...

(Laughter)

Mr. PICKERSGILL: No, that is for horse racing.

Mr. D. SMITH: If you stick with it, Mr. Speaker, something good could happen in the end.

But I would also like to commend the Minister, because we seem both to have had a good week last week. My information is, he had a recent addition to his family. So, I want to say congratulations to him.

(*Sotto voce* comments)

(Applause)

Mr. D. SMITH: Mr. Speaker, the comments made about the quality of management of FLA, we would like to be associated with those comments. (Applause) That Body has consistently showed improvements in its operation. And in fact, the relatively recent extension to western Jamaica is an advantage - is most advantageous for persons who reside in that part of the country.

The amendments are not controversial. The one about the retention of the application fee, the Opposition is, of course, supportive of that, because there is, in fact, a cost to process applications. What I hope the Minister can inform the House of is about what is the average cost of doing investigation per applicant, which could justify that there is indeed enough costs involved to retain the application fee from persons who are applying for licences.

Mr. Speaker, the change of year from 31st August to now, the end of March, to align with the year - the Budget Year, makes some sense. When I enquired as to why it was ever late August, I am told it was to coincide with the bird shooting season. I don't know if that is a fact, but that is what I am told. And that could be, because that is about the time that persons with big guns go into the forest to shoot little birds. But then again, I don't see anything against that pastime; mine is horseracing. Theirs is bird shooting, so I have nothing negative to say.

But Mr. Speaker, we do have a little concern with what the Minister outlined, re the leadership of the FLA getting approval from the Permanent Secretary in the Ministry of National Security in relation to appointment of CEOs of FLA. Now, that doesn't make a lot of sense as far as I am concerned and perhaps the Minister can shed a lot more light on it, because there is a Board. I mean, the FLA is not again getting any funds, to the best of my knowledge, from the Consolidated Fund - from Central Government, and in fact, what we hope to pass this afternoon, will further enhance that position, where they almost would be operating independently.

So, why would there needs to be, and we have well structured - and I would believe, Board with persons who are well capable of assessing, in terms of employing a CEO. So, why would we now need to bring in the Permanent Secretary in the Ministry to have an oversight as to who the FLA Board needs to authorize for the position of CEO? That doesn't make any sense to me. It seems to be overlapping and additional bureaucracy which, seemingly, is totally unnecessary.

But generally speaking, Mr. Speaker, that concerns us and we would want the Minister to give further clarification. In fact, I don't know if he will ever be able to influence us to accept if he is going to hold that position. But, generally speaking, we support the other two areas of the amendments, and we do hope that the FLA will grow from strength to strength, in terms of the management of licensed firearm holders because we have so many unlicensed and illegal firearms out there.

From time to time, we have initiatives. The most recent one is *Get the Guns;* that's the one that I have heard about, and I am being told that, so far, it is very successful. But when I look at the figures, I don't see the level of success, because this year which is coming to a close rapidly, we are getting less guns than we got last year, and the year before, and the year before. So I don't know how you assess the success of this most recent initiative of *Get the Guns* if you are not assessing it *versus* the performance of both previous years.

(*Sotto voce* comments)

Mr. D. SMITH: Unless we do have much less guns coming into Jamaica. Perhaps the Minister can clarify those things in my mind.

Thank you very much, Mr. Speaker.

(*Sotto voce* comments)

Mr. BUNTING: Mr. Speaker, as the Opposition Spokesman is aware, the *Get the Guns* campaign is an initiative of the JCF, not of the FLA. And we can - if he wants me to get out the figures related to that, I can, but I

would just point out to him that that initiative was only introduced a month or - couple months ago. So I don't think it would have an impact on the overall year's figures at this time.

With respect to the continuing role of the PS - and it's really just a role in a certain way, just a confirming role, because they don't do the actual selection, itself. But I think we have seen in many cases where agencies or statutory bodies tend to operate on their own without even the knowledge of what is happening at the Central Ministry. And I think this ensures some sort of harmonization between the decisions of the Board and maintains a monitoring and oversight role for the Permanent Secretary, which I think perhaps doesn't go all the way, but it's certainly a lot less, it goes much further than what was in the original Legislation where the Board had no authority at all, and in fact, all the authority for appointment rested with the Governor-General. So I think it moves us in a direction, and perhaps ideally eventually where we can eliminate. But I think for the time being to ensure some harmonization and some consistency between the policies of the Ministry and the FLA, it's good to keep the Permanent Secretary in the loop.

So, Mr. Speaker, I want to thank the Opposition for the support. And 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 Amend the Firearms 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?

(Inaudible comments)

The CHAIRMAN: In that case we can proceed.

I put Clause 1.

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.

The Title and Enacting Clause put to the Committee and agreed to.

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage 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. BUNTING: 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 Firearms Act",

read a third time and passed.

Mr. PAULWELL: Mr. Speaker, as I move to adjourn the Parliament, and as we approach the Christmas holidays and the brief break that this will provide in relation to our Parliamentary activities...

Mr. VAZ: And shortly thereafter return.

Mr. PAULWELL: ...I must say that it is a well-deserved break. Every single Member of this Honorable House can take pride in the fact that the work of Parliament has progressed steadily during the year.

(*Sotto voce* comments from Mr. Shaw)

Mr. PAULWELL: Mr. Speaker, if the Member will just listen to this for two seconds. The evidence of this assertion is in the forty-three (43) Bills that we have passed in this calendar year in this Parliament... (Government Members Applaud) forty-three (43) Bills; the twenty-eight (28) Orders and Resolutions approved; the thirty-seven (37) Ministerial Statements made; the twenty-seven (27) questions answered; the ten (10) Committee Reports adopted and the various motions approved during the year. Not only did we go about our regular business with diligence, Mr. Speaker, but we also took time to host the Right Honourable David Cameron, MP, Prime Minister of the United Kingdom, at a joint sitting of the Members of the Senate on September 30 this year.

Mr. Speaker, this year this Honourable House made a significant step along the path to complete freedom from colonialism by passing the three (3) Bills required to enable Jamaica to delink from the United Kingdom's Privy Council, and to subscribe to a regional Court as our Final Court of Appeal. The three (3) CCJ Bills passed by this House, as we all know; they are now before the Senate for consideration.

Mr. Speaker, this year we have also passed legislation to expand the options available to consumers of electricity, by modernizing the law relating to this all-encompassing sector.

The long-awaited Local Government Bills, Mr. Speaker, were also passed in this Honourable House in November. The new legislation creates a framework for Local Government Reform, provides guidelines for prudent financial management by Local Authorities, and establishes a single Local Government Services Commission. These measures should strengthen the system of Local Government, thereby bringing government closer to the people and enhancing citizens' participation in governance.

Mr. Speaker, the *Special Economic Zone Act* passed this month will be dealt with. It will help to stimulate trade and contribute to Jamaica's effort to become a key player in the global logistics sector. Those were the legislation that were enacted.

Mr. Speaker, in relation to Ministerial Statements, there was no shortage of information regarding the Government's activities in this Honourable House, as Ministerial Statements were made regularly, with a total of thirty-seven (37) of them.

In relation to Questions and Answers to Questions, the probing questions posed in this Honourable House mainly by Members of the Opposition, served the purpose of bringing to

the attention of the public facts about the operations of Government that are of national importance. By providing answers to twenty-seven (27) such questions this calendar year, the Government again demonstrated its commitment to transparency and accountability. Topics covered included privatization of the Kingston Container Terminal, concerns resulting from the fire at Riverton City Landfill, the use of property taxes, coffee imports, and the financial statements of the PetroCaribé Development Fund. And of course, there were Committee Reports. Various topical issues were addressed in the Committee Reports approved by this Honourable House. This has become an Annual Report and it's a brief Report.

Mr. Speaker, a Report on the Economy and Production Committee included recommendations in relation to the vexed issue of fees charged by financial institutions. There was also a Report from the Private Bills Committee...

(*Sotto voce* comments)

Mr.VAZ: I so move.

Mr. PAULWELL: ...that reaffirmed our commitment to freedom of religion by updating the incorporation arrangements in respect of the Baptist Mid-Missions in Jamaica. Furthermore, Joint Select Committees played an integral role in considering and reporting on important pieces of legislation such as the *Road Traffic Act* and the *Public Procurement Act.*

Finally, Mr. Speaker, in closing, I would like to recognize the participation of all the Members of this Honourable House.

Thank you, all of you.

(Applause)

I am particularly pleased to say in most instances there has been good cooperation between the Opposition and ourselves in relation to the planning and execution of the business of the House. Matters that have generated controversy elsewhere have enjoyed relatively smooth passage through the Lower House, thanks to the spirit of collaboration that exists here. This does not, however, imply that the Opposition has been lax in its duty to hold the Government to account.

Mr. Speaker...

Mr. VAZ: You said finally!

Mr. PAULWELL: Yes, and this is where I am now.

We have to recognize the hard work of the staff of this Parliament... (Applause) ...the Clerk of the House, her entire staff and the supporting staff of the Parliament.

Mr. VAZ: And remember Christmus!

Mr. PAULWELL: And Mr. Speaker, we have to thank you and your Deputy for the tremendous leadership you continue to play as we conduct the business in good order.

(*Sotto voce* comments)

Mr. PAULWELL: Thanks, Mr. Speaker, for the role that you continue to play.

And Mr. Speaker, I would be remiss if I didn't also acknowledge the support that we get from the media who are always present and who continue to highlight the activities of this Parliament.

Finally, Mr. Speaker, let me wish for everyone...

Mr. VAZ: Finally again!

Mr. PAULWELL: ...for everyone a happy Christmas and a prosperous 2016.

(Applause)

The SPEAKER: Mr. Smith.

(Cross talk)

Mr. D. SMITH: Mr. Speaker, the House Leader took quite some time to remind us of certain Bills that were passed during the course of the year. What he failed to highlight was the thirty-four (34) Private Member's Motions which were not considered for discussion during the particular period. Eight (8) of those went back to 2013 and nine (9) to 2014. So I can't agree with the House Leader as to how effective and successful his performance - the Government's performance has been in terms of dealing with the Parliamentary business during the course of the year.

I think all of us need to try to achieve the objective of having the House meet at 2.00 p.m. in the afternoon. Mr. Speaker, you recognize, of course, that more and more we are going nearer to 3.00 o'clock and further away from 2.00 o'clock. So I ask all of us after the New Year to see if we can have the House starting on time.

Mr. Speaker, I want to highlight the fact that nothing seems to have happened so far since the passage of the *Disabilities Legislation.* The House is still in a state that is most unfriendly to disabled individuals, and we need to get a statement from the Government side of the House sometime in the near future, as to what is going to be done about accessibility to the House for disabilities. We need to set the example to the rest of persons in the nation.

Mr. Speaker, in closing let me thank you and your Deputy for a job well done. To the Clerk and her administrative staff, to the auxiliary workers, to our new Marshal who seems to have caught on on the job in a most admirable way, to the security and the new Security system. Because I am so nervous these days, Mr. Speaker, as to where the security cameras are, you know. When I go into the bathroom I wonder if cameras are in there... (Applause) …I am very nervous. (Laughter) So I want to highlight that.

(*Sotto voce* comments)

Mr. D. SMITH: Mr. Speaker, we also would like to say thanks to our drivers, and of course to the media, who is always here and very quick to highlight issues which are not necessarily pertinent to the discussion at the moment. But nonetheless, we appreciate that they are here and we welcome them nonetheless.

Having said all of that, we wish all the Members of the House on all sides, a very merry Christmas and God bless you all.

Thank you. (Applause)

Mr. WARMINGTON: Mr. Speaker...

The SPEAKER: Mr. Warmington.

Mr. WARMINGTON: I notice that the House Leader gave a comprehensive report for the year, but somehow he omitted the show of action or inaction on Private Member's Motions that are accepted in this House.

The SPEAKER: Mr. Smith spoke to that.

Mr. WARMINGTON: No, no, he spoke about not dealing with or bringing Private Member's Motion. I am talking about Private Member's Motions that have being accepted - brought to the House, debated, accepted, and nothing done about it, as is required by the Standing Orders. He omitted that from his Report.

The SPEAKER: Okay.

Mr. WARMINGTON: So I wish that he would have said something on that.

The only Private Member's Motion that came through this House that some action was done on - and he mentioned it the other day - is the one with the Ombudsman, and that's the only one - and in any case, what they did was to go against the recommendation from the House. And as the House Leader said then when I asked the question of the appointment of the Ombudsman, he said then that the Ombudsman was appointed by the Governor-General, as if the Governor-General doesn't appoint without - the Governor-General appoints based on recommendation from the Prime Minister, so he ought to have said that. And I wanted to say to him then that the Governor-General doesn't pay salary, run an office or anything at all, so the Governor-General doesn't go and appoint people. The concern of the expenditure is on the Government so they made recommendation to the Governor-General, he would not have appointed without a recommendation from them, and they went against the House in doing that...

(*Sotto voce* comments)

Mr. WARMINGTON: ...they went against the House in doing that. So I am recommending that the next time, next year, actions are taken on the Private Member's Motion as is listed in the Standing Orders.

The SPEAKER: Thank you.

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker, I move that the House be adjourned for a date to be fixed.

The SPEAKER: Let me wish you all, Honourable Members, a very merry and peaceful Christmas. Spend some good quality time with your families.

To the staff, all the best to the staff who have to persevere a lot of this. And let's hope that we come back rejuvenated after the Christmas.

The question is that the House be adjourned for a date to be fixed.

Put to the House and agreed to.

The SPEAKER: (Gavels) The House stands adjourned.

The Honourable House of Representatives was adjourned at approximately 5:21 p.m. for a date to be fixed.